Highlights of the 86th Texas Legislature
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Acknowledgements

The Senate Research Center publishes *Highlights of the Texas Legislature: A Summary of Enrolled Legislation* after each regular session of the Texas Legislature in order to centralize information relating to enrolled legislation.

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General Appropriations Act—H.B. 1
by Representative Zerwas—Senate Sponsor: Senator Nelson

Overview

The Conference Committee on H.B. 1 (committee) recommended $250.7 billion in All Funds for state government operations for the 2020–2021 state fiscal biennium beginning September 1, 2019. This recommendation represents an increase of $14.9 billion, or 6.3 percent, compared to the estimated costs of the 2018–2019 biennium. The committee recommended $118.9 billion in General Revenue (GR) and GR-Dedicated Funds for the 2020–2021 biennium, an increase of $10.3 billion, or 9.5 percent, from the estimated costs of the 2018–2019 biennium.

The committee recommended $7.4 billion in All Funds, including $4 billion in GR funds, for Article I-General Government; $84.4 billion in All Funds, including $33.7 billion in GR funds, for Article II-Health and Human Services; $94.5 billion in All Funds (separated into $72.7 billion in All Funds for public education and $21.9 billion in All Funds for higher education), including $66 billion in GR funds (separated into $50.2 billion in All Funds for public education and $15.9 billion in All Funds for higher education), for Article III-Agencies of Education; $892.3 million in All Funds, including $527.6 million in GR funds, for Article IV-The Judiciary; $16 billion in All Funds, including $12.1 billion in GR funds, for Article V-Public Safety and Criminal Justice; $9 billion in All Funds, including $1 billion in GR funds, for Article VI-Natural Resources; $37.1 billion in All Funds, including $490.9 million in GR funds, for Article VII-Business and Economic Development; $647.4 million in All Funds, including $363.4 million in GR funds, for Article VIII-Regulatory; $285.3 million in All Funds, including $218.1 million in GR funds, for Article IX-General Provisions; and $392.1 million in All Funds, including $391.9 million in GR funds, for Article X-The Legislature.

Major Highlights

School Finance and Property Tax Reform

Appropriates $11.5 billion in GR funds to increase school funding and provide property tax relief. Appropriates $6.5 billion for increased school funding, including an increase to the Basic Allotment to $6,160, funds for salary increases for classroom teachers and other educators, and funds for full-day prekindergarten for eligible students.

Appropriates $5 billion for property tax relief through the compression of school district tax rates. Recapture payments are projected to decrease by $3.5 billion during the 2020–2021 biennium.

Medicaid

Appropriates $66.5 billion in All Funds, including $24.7 billion in GR and $100 million in GR-Dedicated funds, for the Texas Medicaid program, an increase of $800 million in All Funds and a decrease of $1.9 billion in GR funds from the 2018–2019 biennium.
Appropriates $61.5 billion in All Funds for Medicaid client services, $1.8 billion in All Funds for programs supported by Medicaid funding, and $3.1 billion in All Funds for the administration of the Medicaid program and other programs supported by Medicaid funding. Increases appropriations by $600 million in All Funds for Medicaid client services, $100 million in All Funds for administrative funding, and $100 million in All Funds for other programs supported by Medicaid funding.

Includes funding for Medicaid client services to support caseload growth and maintains fiscal year (FY) 2019 average costs for most services. Provides funding for community-based long-term care, including 1,628 additional waiver slots to reduce interest lists, attendant wage and rate-enhancement program increases, and rate increases for consumer-directed services and certain waivers. Provides rate increases for inpatient services and labor and delivery services provided by rural hospitals, intermediate care facilities for individuals with intellectual disabilities, Texas Health Steps private-duty nursing, and certain therapy services.

Transportation

Appropriates $31.1 billion in All Funds for all functions at the Department of Transportation, including $5 billion in funding from anticipated state sales tax deposits to the State Highway Fund (SHF) and $3.9 billion in funding from oil and natural gas tax-related transfers to the SHF. Estimates all available SHF funding from traditional transportation tax and fee revenue sources to be $9.3 billion for the 2020–2021 biennium.

Provides $27.2 billion in All Funds for highway planning and design, right-of-way acquisition, construction, and maintenance and preservation, including $10.8 billion in Federal Funds, $7.5 billion from traditional SHF revenue sources, $4.4 billion from Proposition 7 (2015) proceeds and $3.9 billion from Proposition 1 (2014) proceeds for constructing, maintaining, and acquiring rights-of-way for non-tolled public roadways, and $500 million from the Texas Mobility Fund and regional toll project revenues.

Provides $2.2 billion in All Funds for debt service payments and other financing costs, including $1.5 billion in Other Funds from the SHF and the Texas Mobility Fund, $600 million in Other Funds from Proposition 7 SHF proceeds for General Obligation bond debt service, and $117 million in Federal Funds from Build America Bond interest payment subsidies.

Behavioral Health

Appropriates $4.4 billion in All Funds for non-Medicaid/Children’s Health Insurance Program (CHIP) behavioral health services, including $3.3 billion in GR funds and GR–Dedicated funds, to support programs at 23 agencies across six articles in the following areas: inpatient client services at state hospitals and community hospitals; deferred maintenance projects at state mental health hospitals; outpatient services provided through local mental health authorities and local behavioral health authorities; substance abuse prevention, intervention, and treatment services for adults and children; mental healthcare and substance abuse treatment for incarcerated offenders; mental healthcare services for veterans; and other services.
Child Protective Services

Appropriates $3.8 billion in All Funds, including $2.2 billion in GR funds for all Child Protective Services (CPS) functions at the Department of Family and Protective Services, an increase of $226.3 million in All Funds and $167.5 million in GR funds from the 2018–2019 biennial base.

Appropriates $1.9 billion in All Funds and $904.2 million in GR funds for client services programs, including foster care, adoption subsidies, permanency care assistance payments, relative caregiver monetary assistance payments, and day care. Includes funding for rate increases for certain foster care providers.

Appropriates $1.6 billion in All Funds and $1.2 billion in GR funds for CPS direct delivery staff, including services provided through community-based care. Increases funding for additional full-time-equivalent (FTE) positions to maintain lower caseloads per worker for most caseworkers and to reduce caseloads per worker for conservatorship caseworkers. Increases funding for community-based care expansion into two new regions, Regions 1 and 8B, and into stage 2 in Regions 3B, 2, and 8A.

School Safety

Appropriates an additional $343.5 million in All Funds, including $132.6 million in GR Funds, $210.9 million in Other Funds from the Economic Stabilization Fund (ESF), and $0.8 million in Federal Funds to the Health and Human Services Commission and public and higher education agencies and institutions. (All amounts include funding provided for school safety in the supplemental appropriations bill, S.B. 500.) All Funds amounts include the following:

- $8.9 million to expand Children’s Community Mental Health and $4.6 million for grants to mental health professionals at local mental health authorities, contingent on enactment of H.B. 19;
- ESF funding of $100 million for school safety infrastructure enhancements, $100 million for the school safety allotment provided in S.B. 11, contingent on its enactment; $10.9 million for school district reimbursement of post-disaster expenditures; and $2 million in GR funds for customized school safety programming; and
- $99 million for the Child Mental Health Consortium, contingent on enactment of S.B. 11; $5 million for Texas Tech University Health Sciences Center’s Telemedicine Wellness Intervention Triage and Referral Program; and $9.1 million for the School Safety Center and $4 million for Advanced Law Enforcement Rapid Response Training at Texas State University.

Higher Education Formula Funding

Appropriates $8.1 billion in GR funds and $1.4 billion in GR-Dedicated funds, including an increase of $915.5 million in GR funds and a decrease of $10.8 million in GR-Dedicated funds from the 2018–19 biennium. Includes $485.9 million in new funding and $429.6 million in reallocated funds from non-formula support item and hold harmless funding to support the new mission-specific formulas for The University of Texas (UT) Southwestern Medical Center at
Dallas, UT Health Science Center at Houston, UT Health Science Center at San Antonio, and the UT Medical Branch at Galveston.

Increases 2020–2021 biennial rates for all of the higher education formulas from the 2018–2019 biennial rates, except for the core operations portion of the public community and junior colleges formula, which is maintained at 2018–2019 biennial funding levels.

Teacher Retirement and Health Benefits

Appropriates $4.1 billion in All Funds for the current statutory state contribution to retirement benefits in the Teacher Retirement System (TRS), including $4.1 billion in GR funds, $48.8 million in GR-Dedicated funds, and $9.1 million in Other Funds from the Teacher Retirement System Pension Trust Fund.

Appropriates $1.1 billion in All Funds to retiree health insurance funding, including $879.4 million in GR funds to provide a statutorily required state contribution to TRS-Care of 1.25 percent of the public education payroll. Includes $230.8 million more than the required statutory amount in GR funds to maintain plan year 2019 TRS-Care premiums and benefits for the 2020–2021 biennium.

Adult Incarceration

Appropriates $6.9 billion in All Funds, including $6.7 billion in GR funds and GR–Dedicated Funds, for the incarceration, probation, and parole of adult offenders in the Texas Department of Criminal Justice (TDCJ), including housing, security, classification, food and necessities, healthcare, and treatment services. Increases All Funds allocations by $264.6 million for the 2020–2021 biennium and includes the following from GR funds:

- $170.9 million for Correctional Managed Health Care;
- $84.1 million to restructure the correctional and parole officers’ career ladder and provide salary increases;
- $1.6 million to restructure the institutional parole and parole hearing officers’ career ladder and provide salary increases;
- $8.4 million for 200 additional sheltered housing beds at the Stiles Unit;
- $4.8 million to expand services in rural areas for Texas Correctional Office on Offenders with Medical or Mental Impairments; and
- $4.0 million for pretrial diversion grants to local Community Supervision and Corrections Departments.

Human Trafficking Prevention and Law Enforcement

Allocates $58.4 million for the prevention, investigation, and prosecution of human trafficking-related activities, an increase of $39.6 million from the 2018–2019 biennium. Funded initiatives include law enforcement; inspection and prosecution personnel at the Department of Public Safety, Alcoholic Beverage Commission, Department of Licensing and Regulation, Office of the Governor, and the Office of the Attorney General; and prevention services at the Department
of Family and Protective Services, the Department of State Health Services, and the Department of Transportation.

Establishes the Human Trafficking Coordinating Council to coordinate statewide anti-trafficking efforts.

**Border Security**

Allocates $800.6 million in All Funds to finance border security initiatives at nine state agencies across multiple articles of government, including the Department of Public Safety (DPS).

Maintains support for DPS personnel at fiscal year 2019 full deployment levels and eliminates funding for onetime and transitional expenditures. Significant funding items include the following: $671.1 million in 2018–2019 biennial base border security funding for the border security initiative, including a 50-hour work week for all DPS commissioned law enforcement officers, full biennial costs for 22 Texas Rangers, 250 new troopers and associated support staff, and several other border security-related initiatives; $9.3 million for human trafficking and anti-gang activities; $7 million for Operation Drawbridge camera maintenance; $0.8 million for a new Tactical Training Facility in Cameron County; and $0.5 million in GR funds for the Texas Transnational Intelligence Center.

Allocates $53.5 million to trusteed programs within the Office of the Governor for grants to local entities and other support, $29.0 million to the Parks and Wildlife Department for enhanced game warden activity, and funding for investigations, prosecutions, and other border security-related activities across several state agencies.

**Driver License Services**

Allocates $490.6 million in All Funds for the Department of Public Safety’s Driver License Program, an increase of $212.4 million in All Funds from the 2018–19 biennium. Increases funding by $51.3 million to reclassify customer service representatives to license permit specialists and by $141.5 million for an additional 762 FTE positions to fill all available work stations in current driver license offices. Increases funding for new driver license offices.

A rider and $1 million in GR funds were added to the DPS bill pattern to direct the agency to contract with an independent third party to conduct a study examining and making recommendations regarding the management, operating structure, opportunities, and challenges of transferring the driver license program to the Department of Motor Vehicles or creating a standalone agency. Requires that the study be submitted to the legislature, the governor, the Sunset Advisory Commission, the Department of Public Safety, and the Texas Department of Motor Vehicles no later than September 1, 2020.

**Trusteed Programs Within the Office of the Governor**

Allocates $1.4 billion in All Funds for the 2020–2021 biennium, a decrease of $121.9 million, or 8.2 percent, from the 2018–2019 biennium.
Includes funding for economic development and jobs creation in Strategy C.1.1, Create Jobs and Promote Texas, which totals $534.2 million in All Funds for the 2020–2021 biennium and includes the following:

- $30 million in GR funds for the Defense Economic Adjustment Assistance Grant Program funding to provide assistance to military defense impacted communities;
- $74 million in GR funds and $76 million in estimated unexpended balances remaining at the end of fiscal year 2019 in the Texas Enterprise Fund for incentive grants, a decrease of $7.3 million in All Funds;
- $17.1 million in GR funds and $22.9 million in estimated unexpended balances remaining at the end of fiscal year 2019 in the Governor’s University Research Initiative for recruitment grants, a decrease of $13.3 million in All Funds;
- $50 million in GR funds for the Moving Image Industry Incentive Program, a decrease of $17.2 million in GR funds;
- $110.2 million in GR-Dedicated funds from Hotel Occupancy Tax deposits for tourism promotion, which maintains the $34.2 million appropriated for the 2018–19 biennium, plus projected unobligated balances estimated at $76 million; and
- $50 million in General Obligation Bond Proceeds for the Military Value Revolving Loan Program for loans to defense community economic development projects at the Texas Military Preparedness Commission.

State Facilities

Appropriates $1.2 billion for projects to address the repair, renovation, and new construction of state facilities and historic sites, and to address health and safety issues, maintenance, and other state needs, including $475.2 million in Revenue Bond Authority, $273.2 million in GR funds, $208.8 million from the Master Lease Purchase Program, $131.5 million from the State Highway Fund, $91.3 million from the Sporting Goods Sales Tax, $32.8 million from the ESF, $20.5 million in Federal Funds, and $9.8 million in Other Funds.

Judicial Salary Increase

Allocates $34 million for judicial compensation based on a tiered, tenure-based structure for district judges, appellate court judges, the state prosecuting attorney, and professional prosecutors, contingent on the enactment of House Bill 2384 or similar legislation relating to judicial compensation.

State Employee Retirement, Health Benefits, Social Security, and Full-Time Equivalent Positions

Appropriates $1.3 billion in All Funds, including $972.6 million in GR funds and GR-Dedicated Funds, for the state contribution to the Employees Retirement System of Texas (ERS) retirement program. Includes an increase of $54.4 million in All Funds, including $43.5 million in GR funds and GR-Dedicated funds, for state agency employees’ retirement benefits, assuming 0.5 percent annual payroll growth and selected salary and staffing increases. Provides for a 9.5 percent state contribution rate for each fiscal year of the 2020–2021 biennium and continues the additional
retirement contribution from all general state agencies at 0.5 percent of the total base wages and salaries for each eligible employee, for a total combined state contribution of 10 percent.

Allocates $4 billion in All Funds, including $2.9 billion in GR funds and GR-Dedicated funds toward the state contribution to group insurance benefits for general state employees, retirees, and their dependents, an increase of $195.7 million in All Funds, including $135.5 million in GR funds and GR-Dedicated funds.

Allocates $143.1 million in GR funds for health insurance contributions to local community supervision and correction department employees, retirees, and dependents who also participate in the state’s Group Benefits Program, an increase of $4 million.

Allocates $1.8 billion in All Funds, including $1.5 billion in GR funds and GR-Dedicated funds for the state contribution to Social Security payroll taxes for employees of state agencies and institutions of higher education, an increase of $111.3 million. Funding is sufficient to provide the 6.2 percent Social Security employer contribution and the 1.45 percent Medicare employer contribution.

Provides for 218,279.1 and 218,147.2 FTE positions for fiscal years 2020 and 2021, respectively. The number of FTE positions for fiscal year 2021 is an increase of 1,475.3 from fiscal year 2019 budgeted levels.

Debt Service

Allocates $4.2 billion in All Funds for debt service for General Obligation and revenue debt issued, or expected to be issued, by the Texas Public Finance Authority, the Texas Facilities Commission, the Texas Water Development Board, the Texas Department of Transportation, and the Office of the Governor, and provides for reimbursement of debt service payments for tuition revenue bonds issued by various institutions. This amount is a decrease of $56.6 million, or 1.3 percent, from the 2018–2019 biennium.

Economic Stabilization Fund

No new appropriations from the ESF are included for the 2020–2021 biennium in H.B. 1. The supplemental appropriations bill includes appropriations of $5 billion from the ESF for fiscal year 2019 and $1.2 billion for the 2020–2021 biennium.

Repealing Time Limitations on CPRIT Grants—H.B. 39

by Representative Zerwas et al.—Senate Sponsor: Senator Nelson

Texas voters overwhelmingly approved a constitutional amendment in 2007 establishing the Cancer Prevention and Research Institute of Texas (CPRIT) and authorizing the state to issue $3 billion in bonds to fund CPRIT. Concerns have been raised regarding a certain time limitation on the ability of the CPRIT Oversight Committee to award grants under the cancer prevention and research fund. This bill:
Repeals Section 102.254 (Period For Awards), Health and Safety Code, which prohibits the CPRIT Oversight Committee from awarding money from the cancer prevention and research fund after August 31, 2022.

Statutory Definition of Volunteer Fire Department—H.B. 791
by Representative Huberty et al.—Senate Sponsor: Senator Flores

Statute does not define a volunteer fire department in relation to certain motor fuel tax exemptions. All volunteer fire departments face operational costs, but some are better able meet those costs. Some departments are purely run by volunteers and others compensate some firefighters. A tax exemption could help struggling departments pay their expenses. This bill:

Defines the term “volunteer fire department” in Section 162.001 (Definitions), Tax Code, as a fire department operated by its members, including certain part-paid fire departments, that is operated on a not-for-profit basis.

Extended Dedication to Nursing Education—H.B. 1401
by Representative Howard et al.—Senate Sponsor: Senators Hinojosa and West

Nursing education programs receive a dedication of funds from the permanent fund for higher education, allied health, and other health-related programs. That funding is set to expire on August 31, 2019. This bill:

Extends the dedication until August 31, 2023.

Pilot Program for Incremental Reduction of Benefits—H.B. 1483
by Representative Frank et al.—Senate Sponsor: Senator Perry et al.

Current anti-poverty and work support programs often incentivize participants to turn down higher-paying jobs because the increased income would disqualify them from receiving benefits. As a result, recipients may remain in these programs long-term. This bill:

Establishes a pilot program allowing incremental reductions of benefits received under the federal Temporary Assistance for Needy Families (TANF) program or state temporary assistance and support services programs aiding recipients to secure a living-wage job.

Online Sales Tax Codified—H.B. 1525
by Representative Burrows—Senate Sponsor: Senator Nelson and West

In *South Dakota v. Wayfair, Inc.* (2018), the United States Supreme Court (court) overruled two prior cases that found that a state may not require a business to collect state sales taxes from consumers and remit them to the state unless the business has a physical presence in the state. This
rule poses a problem for online sales. Theoretically, an in-state consumer is always liable for any state sales tax on purchases, but when a purchase is made online, it is difficult for a state to enforce tax collection.

In *Wayfair*, South Dakota argued that the physical presence rule did not reflect the realities of the modern economy. The court agreed and articulated a new rule: a state may require out-of-state retailers to collect and remit sales tax if a business has a "substantial nexus" with the taxing state. This nexus is established when the "taxpayer [or collector] avails itself of the substantial privilege of carrying on business in that jurisdiction." Under this rule, providing customer access to a business's website within the state could establish a substantial nexus.

Currently, the Texas Tax Code does not require marketplace providers, like Amazon, to collect and remit state and local sales and use taxes on sales made on their platforms by third party sellers. This bill:

Includes marketplace providers in the definition of “seller” and “retailer” in Subchapter B, Chapter 151 of the Tax Code; requires marketplace providers to collect and remit state and local sales and use taxes on items sold on their platforms; and codifies that a sale made through such a platform is consummated at the location to which the item shipped.

**Franchise Tax Deduction for Defense-Related Aerospace Industry—H.B. 1607**
*by Representative Goldman et al.—Senate Sponsor: Senator Taylor et al.*

The defense-related aerospace industry is a significant contributor to the Texas economy, directly employing more than 135,000 individuals across approximately 1,300 firms. Stakeholders contend that Texas has lost market share in the industry in part due to a misalignment of state franchise tax policy with the Federal Acquisition Regulation, also known as the FAR law. They argue that an amendment to state tax policy will foster a more competitive economic climate. This bill:

Phases out the franchise tax on certain aerospace-related costs and sales under federal contracts.

**TRS Investments in Certain Hedge Funds—H.B. 1612**
*by Representative Murphy—Senate Sponsor: Senator Huffman*

Originally, Teacher Retirement System (TRS) hedge fund investments were limited by the legislature at five percent. However, the State Auditor's Office released a report in 2010 concluding that TRS should be permitted to continue investing as deemed appropriate by the TRS Board. In 2011, the legislature temporarily increased the cap to 10 percent and included a sunset date of September 1, 2019. Interested parties believe maintaining a permanent cap of 10 percent is necessary in order to fund investment strategies, reduce drawdown potential, and focus on capital preservation. This bill:

Raises the cap on the value of the total investment portfolio of TRS that may be invested in hedge funds from five percent to 10 percent. Repeals Section 825.3012(b-1), Government Code, which
caps the value of the total investment portfolio of TRS that may be invested in hedge funds at 10 percent before September 1, 2019.

**Sales and Use Tax Exemption for Certain Theatrical Performances—H.B. 1965**
*by Representative Senfronia Thompson et al.—Senate Sponsor: Senators Bettencourt et al.*

Historically, sales and use tax exemptions have been allowed on the sale of tickets for certain amusement services, such as theatrical productions exclusively provided by certain nonprofit organizations. However, certain performances are not “exclusively provided” by a nonprofit if it contracts with an entity ineligible for the tax exemption. Many nonprofit organizations rely on the significant revenue earned from the exemption, which stakeholders contend has been unduly narrowed in scope. This bill:

Establishes that certain nonprofit theatrical performances remain eligible for the sales and use tax exemption if a nonprofit contracts with an entity to provide the performance that is ineligible for the exemption.

**Repeal of the Driver Responsibility Program—H.B. 2048**
*by Representative Zerwas et al.—Senate Sponsor: Senator Huffman et al.*

The Driver Responsibility Program (DRP) authorizes the Texas Department of Public Safety (DPS) to assess surcharges—in addition to other fines and fees—based on certain traffic offenses. Surcharges are determined by the number of points accrued by drivers or by traffic convictions; revenue raised from surcharges goes to fund trauma centers. Critics of DRP contend that many individuals have difficulty paying the surcharges, often saddling them with lasting debt. In addition, some say that DRP does not provide adequate funding for trauma care. DRP is roundly criticized for these shortcomings throughout the state. This bill:

Repeals DRP and waives surcharges pending on the bill’s effective date; requires DPS to reinstate licenses suspended due to the inability to pay DRP surcharges; expands the conduct that constitutes a moving violation; increases certain traffic fines and adds additional fines for certain offenses; amends the allocation formula for revenue from state traffic fines; and increases the fee paid to the Automobile Burglary and Theft Prevention Authority by motor vehicle insurers.

**Funding the Artificial Reef Program—H.B. 2065**
*by Representatives Lucio III and Dominguez—Senate Sponsor: Senators Lucio and Flores*  

Though there are very few naturally occurring reefs in the Gulf of Mexico, artificial reefs can be installed to sustain marine wildlife where natural reefs cannot form. Marine wildlife then attracts commercial and recreational angling and diving operations, boosting local economies.
In addition, the federal government offers a program that grants fourth grade students admission to national parks at no cost. Interested parties believe that fifth graders would benefit from the same opportunity at state parks. This bill:

Appropriates general revenue funds to the artificial reef program.

Waives state park entrance fees for fifth grade students.

**Reimbursement for Overpayment of Natural Gas Severance Taxes—H.B. 2256**  
*by Representative Sanford—Senate Sponsor: Senator Perry*

Severance taxes are imposed on oil and gas companies to compensate the state for the loss of non-renewable resources. In Texas, the state imposes a 7.5 percent severance tax on the market value of natural gas at the wellhead. Some say that though the wellhead calculation method equalizes the tax burden for all producers, it does not provide the comptroller of public accounts of the State of Texas (comptroller) adequate guidance in the calculation of certain deductions. This bill:

Provides a process to obtain reimbursement for overpayment of natural gas severance taxes and authorizes the comptroller to enter into an agreement with a taxpayer to perform an audit of a natural gas severance tax return.

**Exemptions for Vehicles Used for Religious Purposes—H.B. 2338**  
*by Representative Noble—Senate Sponsor: Senator Hughes*

Certain motor vehicles are exempt from the sales and use tax if the vehicles are used by religious organizations for religious purposes. Some stakeholders contend that the current requirements for the exemption are too complex. This bill:

Simplifies requirements for the sales and use tax exemption for certain motor vehicles used for religious purposes.

**Ability of Sellers to Absorb Sales Tax on Behalf of Customer—H.B. 2358**  
*by Representative Guillen—Senate Sponsor: Senator Paxton*

Currently, sellers that absorb the sales tax on behalf of consumers are prohibited from advertising this fact. It is unclear whether such absorption is itself unlawful, but advertisement of such a practice results in a criminal penalty. Certain stakeholders contend that allowing sellers to advertise this absorption will increase both customer purchasing power and seller revenue. This bill:

Clarifies that sellers may absorb sales tax on behalf of retail customers and authorizes sellers to advertise this practice.
Texas Bullion Depository Cleanup Bill—H.B. 2458

by Representatives Capriglione and Parker—Senate Sponsor: Senator Fallon

The Texas Bullion Depository (TXBD), established within the office of the comptroller of public accounts of the State of Texas (comptroller) in 2015, stores precious metal assets for individuals, businesses, and state agencies. In 2018, it opened its doors to the public. Throughout the implementation process, the comptroller took note of statutory changes that could be made to improve the operation of TXBD. This bill:

Exempts certain TXBD records from disclosure under the Public Information Act; amends requirements to become a depository agent; and allows the comptroller to make certain operational changes without adopting additional rules.

CPRIT Grant Funding—H.B. 2570

by Representative Zerwas—Senate Sponsor: Senator Nelson et al.

In its 12 years of operation, the Cancer Prevention and Research Institute of Texas (CPRIT) has yielded both significant medical breakthroughs and economic benefits. CPRIT provides medical research grants using funding from the Economic Stabilization Fund. Current law requires state agencies to submit a claim for appropriations within two years—or within four years, in some circumstances—of the fiscal year in which the appropriation was made. Some research grants require a longer timeline. This bill:

Allows CPRIT to submit claims for appropriations within seven years of the fiscal year in which the appropriations to CPRIT were made.

Creation and Dedication of General Revenue and Funds and Accounts—H.B. 3317

by Representative Zerwas—Senate Sponsor: Senator Nelson

Every session, the legislature passes a funds consolidation bill, which provides parameters for the creation and re-creation of funds and accounts in the state treasury. Nearing the end of the 2020–2021 biennium, this bill will abolish all accounts, funds, and revenue dedications created or re-created by the 86th Legislature, Regular Session, 2019, unless specifically exempted under separate provisions. Any abolished dedicated accounts or revenue will be deposited in the unobligated portion of the general revenue (GR) fund. This bill:

Provides that all funds, accounts, and revenue dedications created or re-created by the 86th Legislature, Regular Session, 2019, are abolished unless specifically exempted under separate sections of this bill.

Provides that funds, accounts, and dedications established by bills passed by the 86th Legislature become part of the GR fund unless they are otherwise exempted.
Exempts dedications, funds, and accounts enacted prior to the 86th Legislature and increases in existing fees or other revenues previously dedicated.

Exempts federal funds that receive separate accounting; provides that such funds are to be deposited into GR accounts, unless otherwise required by federal law.

Exempts certain trust funds or dedicated revenue deposited into trust funds and certain bond funds and pledged funds created under the 86th Legislature.

Exempts funds or accounts created or re-created by the Texas Constitution or revenue dedicated or rededicated by the Texas Constitution under a constitutional amendment proposed by the 86th Legislature.

Exempts newly authorized uses of dedicated funds or accounts in certain circumstances, as provided by an Act of the 86th Legislature.

Exempts the commercial sexual exploitation victim fund, created as a dedicated account in the general revenue fund by the 86th Legislature.

Amends the abolition date for the Texas B-On-Time student account from September 1, 2020, to September 1, 2024.

Exempts a list of GR accounts, separate funds, and revenue dedications, including the disaster recovery account, the flood infrastructure fund, and the dedication of revenue to the state highway fund.

Reenacts Section 403.0956 (Reallocation of Interest Accrued on Certain Dedicated Revenue), Government Code.

Amends certain dates in Section 403.095 (Use of Dedicated Revenue), Government Code, and Section 504.6012 (Elimination of Dedicated Revenue Accounts; Revenues in Trust), Transportation Code.

Reenacts Section 16.023 (Strategic Mapping Account), Water Code.

Provides that this Act prevails over any other Act of the 86th Legislature that purports to create or re-create a special fund or account or to dedicate or rededicate revenue to a particular purpose.

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**Payment of Claims and Judgments Against the State—H.B. 4071**

by Representative Longoria—Senate Sponsor: Senator Hinojosa

At the end of each biennium, the state has outstanding financial claims and judgments against it, including warrants voided by the statute of limitations, outstanding invoices to private vendors, unpaid charges for Medicaid recipients, or court judgment settlements. These claims require additional appropriations to honor the state's legal obligations to pay the claims. This bill:
Provides an itemized list of payment amounts plus interest for each claim and judgments, if any, against the State of Texas from the following accounts or funds:

- General Revenue Fund No. 0001;
- State Highway Fund No. 0006;
- Texas Commission on Law Enforcement General Revenue Account No. 0116;
- Water Resource Management General Revenue Account No. 0153;
- Federal Civil Defense and Disaster Relief General Revenue Account No. 0221;
- Veterans Financial Assistance Program Fund No. 0374;
- Hazardous and Solid Waste Remediation Fees General Revenue Account No. 0550;
- Unemployment Compensation Clearance Account Fund No. 0936; and
- Lottery General Revenue Account No. 5025.

Requires that the administrator of a special fund or account verify and substantiate each claim or judgment and that the Office of the Attorney General of Texas and the comptroller of public accounts of the State of Texas (comptroller) approve each claim or judgment; prohibits any unverified, unsubstantiated, or unapproved claim from being paid using money appropriated by this bill; authorizes and directs the comptroller to issue warrants on the state treasury in favor of the individuals and entities identified by this bill.

School Land Board and SBOE Liquid Asset Investments—H.B. 4388

by Representative Murphy et al.—Senate Sponsor: Senator Campbell

There have been calls to compel the State Board of Education (SBOE) and the School Land Board (SLB) to make additional long-term portfolio investments using liquid assets. The SLB currently maintains $4.2 billion in cash holdings, with more than 40 percent of its assets in cash. This bill:

Requires that SBOE provide SLB a quarterly financial report on the portion of Permanent School Fund (PSF) assets and funds for which SBOE is responsible. Requires that the report include target and actual asset allocations based on fair market value, investment performance by asset type, benchmark performances, and costs of administering PSF, including costs associated with investment management and advisory and custodial services contracts.

Requires SLB to provide a quarterly report to SBOE on the portion of PSF assets and funds for which SLB is responsible. Requires that the report include target and actual asset allocations based on fair market value, investment performance by asset type, and benchmark performances.

Requires that on January 1 of each even-numbered year, the market value of investments not exceed an amount equal to 15 percent of the market value of the PSF on that date.

Provides that the PSF liquid account is established in the state treasury to be used by SLB and SBOE. Requires that SLB meet quarterly and adopt a resolution to release real estate special funds not required for SLB’s anticipated cash needs, to be deposited to the credit of PSF liquid account in the state treasury.
Requires SBOE to invest funds in the PSF liquid account. Requires that investment income derived from PSF funds be deposited in the state treasury to the credit of SBOE for investment in PSF.

Provides that SBOE may use funds in the PSF liquid account to pay administrative costs, including costs associated with contracts for professional investment management or custodial services.

Requires that each quarter, SLB provide to SBOE its anticipated cash needs for the six-month period following the date of the report.

**Doubling GLO Distribution to Available School Fund: Enabling Legislation—H.B. 4611**
*by Representative Huberty—Senate Sponsor: Senators Taylor and West*

Currently, distributions from the Texas General Land Office (GLO) to the available school fund are subject to a constitutional cap of $300 million per year. H.J.R. 151 seeks to double the authorized annual distribution to $600 million; H.B. 4611 is the enabling legislation for H.J.R. 151. This bill:

Authors GLO to distribute $600 million annually to the available school fund, pending voter approval of a constitutional amendment.

**Increased Oversight for Agency Contract Procurement—S.B. 65**
*by Senator Nelson et al.—House Sponsor: Representative Geren*

Some claim that despite recent contract procurement reforms, state agencies have failed to adhere to procurement procedures. Stakeholders stress the necessity of administering safeguards to and implementing consistent practices within the procurement process. This bill:

Implements a series of recommendations creating additional oversight of the agency contracting process, including establishing review procedures, reporting requirements, and a monitoring assessment by the state auditor.

**Strategic Fiscal Review of Agencies by Legislative Budget Board—S.B. 68**
*by Senator Nelson et al.—House Sponsor: Representative Schaefer*

Certain stakeholders claim that strategic fiscal reviews of certain state agencies by the Legislative Budget Board (LBB) will benefit the legislature in its appropriations deliberations. This bill:

Requires the LBB to analyze individual programs within agencies under Sunset review to determine how the programs should be funded.
Allocation of Severance Tax Revenue to ESF and SHF—S.B. 69  
by Senator Nelson—House Sponsor: Representative Capriglione et al.

Some observers state that certain reforms to the Economic Stabilization Fund (ESF), also known as the “rainy day fund,” will streamline investment processes and maximize returns on investments. This bill:

Abolishes the ESF sufficient balance committee and sets the sufficient balance to seven percent of general revenue.

Removes provisions that use the sufficient balance to determine allocations of severance tax revenue to the ESF and to the state highway fund (SHF).

Allows the comptroller of public accounts of the State of Texas to invest ESF assets under prudent investor standards and to pool ESF assets with other state assets for purposes of investment.

Extends provisions governing the allocation of severance tax revenue to the ESF and SHF to 2034.

Supplemental Appropriations—S.B. 500  
by Senator Nelson et al.—House Sponsor: Representative Zerwas

Overview

The appropriations process requires the legislature to consider estimates of state needs for the next two years. However, the budget for the 2018–2019 biennium requires supplemental appropriations to meet the fiscal demands of the previous two years and to cover the higher-than-budgeted costs of various services. When estimates are incorrect, budget adjustments in the form of supplemental appropriations are necessary to meet state obligations.

Major Highlights

Disaster Recovery, Infrastructure Resiliency, and Flood Infrastructure

Appropriates $3.5 billion from the Economic Stabilization Fund (ESF) to address damage due to Hurricane Harvey, provide state participation and facilitation of the drawdown of federal aid programs for local government recovery efforts, and invest in long-term infrastructure projects to lessen the effects of future disasters. Funding includes:

- $806.5 million to the Texas Education Agency to fund school districts and charter schools affected by Hurricane Harvey; includes funds for additional compensatory education-eligible students, facilities remediation costs, and amounts to hold schools harmless for revenue losses due to the loss of students and local property tax revenue due to a disaster;
- $74.8 million for assistance to repair damaged higher education facilities, including University of Houston campuses, Lone Star College, and The University of Texas at Austin Marine Science Institute; and
$350.5 million to state agencies, including the Department of Public Safety, the General Land Office, the Health and Human Services Commission, and the Texas Forest Service, to reimburse agencies for response costs incurred during the immediate aftermath of Hurricane Harvey or to provide facilities repair funding.

Appropriates $1.68 billion in funding for the Texas Infrastructure Resiliency Fund and the Flood Infrastructure Fund, contingent on the enactment of Senate Bill 7. Funding includes:

- $838 million to assist local entities in drawing down federal disaster recovery funds under the Federal Emergency Management Agency’s Public Assistance and Hazard Mitigation Grant programs and to long-term infrastructure projects by the United States Army Corps of Engineers; and
- $840 million to the Water Development Board to develop and fund projects under the State Flood Plan.

Allocates $150 million to the Texas Soil and Water Conservation Board to fund the repair and improvement of earthen dams.

Teacher Retirement and Health Benefits

Appropriates $1.1 billion in All Funds above current law requirements for retirement benefits at the Teacher Retirement System (TRS), contingent on the enactment of Senate Bill 12. Includes $524 million in Other Funds from the ESF to increase the state 2020–2021 biennium contribution to achieve actuarial soundness and $589 million from the ESF for an additional onetime payment to certain TRS annuitants.

Adult Incarceration

Appropriates $190 million in General Revenue (GR) funds to fund Correctional Managed Health Care fiscal year 2019 expenditures; $30 million in GR funds for correctional officer overtime during the 2018–2019 biennium; $54 million in Other Funds from the ESF for the repair and rehabilitation of buildings and facilities; $38.6 million from the ESF for transfers from the Texas Department of Criminal Justice (TDCJ) to address Hurricane Harvey recovery during the 2018–2019 biennium; $26 million from the ESF for the installation of comprehensive video surveillance systems in TDCJ’s maximum security units; and $24.2 million from the ESF for implementation of the Corrections Information Technology System for offender management.

Trusteed Programs Within the Office of the Governor

Appropriates $100 million from the ESF for disaster grants.

State Facilities

Appropriates $543.9 million to construct new state hospital facilities, address issues at the Battleship Texas State Historical Site, implement state park repairs, and provide maintenance at
institutions of higher education. This amount includes $509.9 million from the ESF and $34 million in GR funds.

**Economic Stabilization Fund**

S.B. 500 includes appropriations of $5 billion from the ESF for fiscal year 2019 and $1.2 billion for the 2020–2021 biennium. The resulting cash balance of the fund plus the total asset value of investments is estimated to be $9.2 billion at the end of fiscal year 2021.

**Annual Constitutional Appropriation to Higher Education Assistance Fund—S.B. 709**

*by Senators West and Seliger—House Sponsor: Representative Frullo et al.*

Constitutional provisions relating to the Higher Education Fund Assistance authorize periodic reallocations of fund distributions. The legislature is required to review the allocation formula for the distribution of funds to eligible institutions in the fifth year of the 10-year allocation cycle, and can reallocate funds based on that review. The fifth year of the current 10-year cycle occurs in 2020. This bill:

- Implements recommendations by the Texas Higher Education Coordinating Board regarding the use of the fund by reallocating distributions, beginning with the 2021 fiscal year.

**Community Development Investments of State Banks—S.B. 726**

*by Senators Zaffirini and Schwertner—House Sponsor: Representative Lambert*

In accordance with the federal Community Reinvestment Act (CRA), banks are assessed regarding their level of integration with their respective communities. Among the criteria for medium-sized and large banks is the "investment test," where banks are assessed on the amount of qualified community development investments they make, the innovativeness and complexity of those investments, and the responsiveness of the investments to community needs. To protect individual banks' integrity, however, the CRA sets an upper limit on the amount of community development investments a bank can make. For national-chartered banks, the limit is set at 15 percent of the bank's capital and surplus. Texas law for state-chartered banks does not conform to the regulations for national-chartered ones, setting a cap of 10 percent. In addition, state law classifies loans as community development investments, further reducing the flexibility of state-chartered banks to invest in communities. The purpose of this bill is to create parity between state and national-chartered banks in order to promote community development. This bill:

- Raises the cap on certain aggregate investments of a predominantly civic, community, or public nature that a state bank may make under the Texas Banking Act from an amount equal to 10 percent of the bank's unimpaired capital and surplus to an amount equal to 15 percent of such capital and surplus.

- Removes the specification that the investments subject to the cap include loans and commitments for loans.
Prohibits a bank's exposure to a single project or entity, including all investments, loans, and commitments for loans, from exceeding 25 percent of the bank's unimpaired capital and surplus without the prior authorization of the banking commissioner.

**Extension of Allocation of Severance Tax Revenue to ESF and SHF—S.B. 962**  
*by Senator Nichols—House Sponsor: Representative Zerwas*

Currently, a portion of severance tax revenue is allocated between the Economic Stabilization Fund (ESF), also known as the “rainy day fund,” and the state highway fund (SHF). The statute authorizing this allocation and the constitutional adjustments to it is set to expire in 2024. This bill:

Extends provisions governing the allocation of severance tax revenue to the ESF and SHF to 2034.

**Limited Waiver of Sovereign Immunity for Certain Trust Company Contracts—S.B. 1138**  
*by Senator Watson—House Sponsor: Representative Wray*

The Texas Treasury Safekeeping Trust Company (trust company) invests, manages, and oversees more than $70 billion in state and local government financial assets. Stakeholders contend that the market for direct, two-party repurchase agreements has diminished, leaving as the only option tri-party agreements offered solely through BNY Mellon. Under federal law, BNY Mellon cannot contract with the trust company without standard indemnification language. Currently, state law establishes a limited waiver of sovereign immunity for trust company contracts with the Federal Reserve and the Depository Trust Company only. This bill:

Extends the limited waiver of sovereign immunity to securities contracts between the trust company and third parties, allowing the trust company to enter into tri-party repurchase agreements.

**Updated Requirements for Recovery Audits on Payments to Vendors—S.B. 1571**  
*by Senator Campbell—House Sponsor: Representative Stucky*

The comptroller of public accounts of the State of Texas (comptroller) must contract with one or more consultants to conduct recovery audits of payments made by state agencies to vendors. The comptroller is required to audit state agencies whose total vendor expenditures exceed $100 million per biennium and report those audits to the governor, the Texas State Auditor's Office, and the Legislative Budget Board. Some contend that these requirements are too stringent for the comptroller. This bill:

Replaces language mandating that the comptroller contract with a consultant with permissive language; replaces language mandating that the comptroller require recovery audits with permissive language; lowers the qualifying vendor expenditure level to $50 million; authorizes the comptroller to determine the frequency of such audits; and updates certain reporting requirements.
Regulation of State-Chartered Banks and Trust Companies—S.B. 1823  
by Senator Campbell—House Sponsor: Representative Murphy

Interested parties report a need to implement regulatory improvements and statutory clarifications regarding state-chartered banks and trust companies, including third-party service providers that work with banks and trust companies. The purpose of this bill is to provide such improvements and clarifications by making technical corrections, eliminating potential ambiguities, enhancing investigatory subpoena confidentiality, clarifying banking commissioner regulatory jurisdiction and authority, and narrowing bank acquisition regulatory review exemptions. This bill:

Adds consumer credit reporting agencies to the list of third-party service providers under the Texas Banking Act and the Texas Trust Company Act.

Strengthens the rules for the issuance of subpoenas to third-party service providers, requires confidentiality when a subpoena is issued, and allows the Department of Banking (DOB) to pursue enforcement actions for failure to comply.

Removes the minimum daily penalty amount DOB must issue against a bank or trust company for violations of the Finance Code.

Funding for Administration of Supplemental Payment Programs—S.B. 2138  
by Senators Hinojosa and Lucio—House Sponsor: Representative Sarah Davis

The Health and Human Services Commission (HHSC) administers numerous supplemental payment programs. These programs represent a significant amount of funding for the state's Medicaid providers. S.B. 2138 creates a funding mechanism to be used for HHSC administrative tasks relating to supplemental payment programs. This bill:

Authorizes HHSC to retain an amount of money equal to the estimated costs necessary to administer the program for which the money is received, but not to exceed $8 million for a state fiscal year.

Requires HHSC to spend money retained under this act to assist in paying the costs necessary to administer the program for which the money is received.

Provides a mechanism for HHSC to potentially retain additional funds, if necessary.

Requires HHSC to submit an annual report to the governor and the Legislative Budget Board.
Government Contracts With Companies That Boycott Israel—H.B. 793
by Representative Phil King et al.—Senate Sponsor: Senator Creighton

S.B. 29, 85th Legislature, Regular Session, 2017, prevents large state-funded contracts from being awarded to businesses that boycott Israel. The purpose of H.B. 793 is to clarify the applicability of that Act. This bill:

Amends the anti-boycott statute to clarify that it only applies to contracts funded with public money and does not apply to sole proprietorships.

Stipulates that the statute only applies to contracts valued at over $100,000 with companies that have 10 employees or more.

"Pay for Success" Contracts for State Agencies—H.B. 982
by Representative Parker—Senate Sponsor: Senator West

Currently, a trust fund, to which the legislature is permitted to appropriate funds and which is managed by the comptroller of public accounts of the State of Texas (comptroller), administers pay for success contracts. Interested parties have suggested that there is a need to review the administration of these contracts for state agencies. The purpose of this bill is to ensure that the success contract payments trust fund is well-funded. This bill:

Amends the Government Code to provide for the gift, grant, or donation of money for deposit to the credit of the success contract payments trust fund.

Replaces the prohibition against the comptroller and a state agency finally executing a proposed success contract, unless certain conditions are satisfied, with a specification that an executed success contract is not enforceable until conditions are satisfied.

State-Funded Public Work Contracts—H.B. 985
by Representatives Parker and Swanson—Senate Sponsor: Senator Hancock

Interested parties have suggested that when allocating state resources for approved state-funded projects, preference should not be based on whether the contract involves unionized labor or non-unionized labor. The purpose of this bill is to provide every qualified company with the opportunity to bid on and win state contracts, while also ensuring that taxpayer dollars are used properly. This bill:

Prohibits certain public entities from prohibiting, requiring, discouraging, or encouraging a bidder on certain state-funded public work contracts from entering into or adhering to an agreement with a collective bargaining organization relating to the project.

Specifies that the bill only applies to an institute of higher education or a governmental entity regarding public works contracts funded with state money.
Government Regulations Regarding Building Construction—H.B. 2439

by Representative Phelan et al.—Senate Sponsor: Senator Buckingham

Concerns have been raised regarding the elimination of consumer and builder choice in construction through restrictive local municipal zoning ordinances, building codes, design guidelines, and architectural standards. Interested parties have suggested that restrictive ordinances, codes, guidelines, and standards create monopolies, increase costs of construction, and ultimately price thousands of Texans out of the housing market. The purpose of this bill is to address these concerns by eliminating the ability of a governmental entity to enact overly restrictive, vendor-driven building regulations. This bill:

Prohibits any governmental entity from using a building code or other local ordinance to mandate the use of vendor-specific or product-driven mandates in construction.

Prohibits local governments from adopting a code or ordinance that prevents the use of building materials meeting or exceeding national building codes and standards.

Sets out certain exceptions to the prohibition.

Authorizes the attorney general or an aggrieved party to file an action in district court to enjoin a violation or threatened violation of the prohibition established under the bill's provisions. Authorizes the court to grant appropriate relief.

Assistance for Public Utility Commission in Regional Proceedings—H.B. 3867

by Representative Springer—Senate Sponsor: Senator Perry

It has been noted that the legislature has granted the Public Utility Commission of Texas (PUC) authority to use outside consultants, auditors, engineers, or attorneys to represent the PUC in certain proceedings before the Federal Energy Regulatory Commission. There have been calls to extend this authority to the PUC with regard to proceedings before a regional transmission organization, since these proceedings can have significant impact on Texas ratepayers. This bill:

Authorizes the PUC to retain any consultant necessary for proceedings before a regional transmission organization or a court reviewing a regional transmission organization.

Directs the PUC to obtain approval from the Office of the Attorney General prior to retaining a consultant.

Requires the electric utility that is the subject of the proceeding to pay reasonable costs of retained services in a timely way, as determined by the PUC, not exceeding $1.5 million in a 12-month period.
Economically Distressed Areas Program—S.B. 2452
by Senator Lucio et al.—House Sponsor: Representative Mary González

The Water Code provides for the Economically Distressed Areas Program (EDAP), administered by the Texas Water Development Board (TWDB). EDAP provides financial assistance for projects to develop water and wastewater services in economically distressed areas where services or facilities are inadequate to meet minimum state standards. An economically distressed area is a political subdivision in which the median household income is no greater than 75 percent of the state's median income.

EDAP is funded through bonds sold by TWDB. TWDB was authorized to issue $250 million in bonds in 1989 and again in 2007 before receiving authority to issue $53.5 million in 2017, TWDB's final existing bond authority. Legislators have noted that there is no remaining unissued bonding authority. This bill:

Authorizes TWDB to use certain general obligation bonds to fund EDAP, revises the administration of financial assistance through EDAP, and requires an annual report on EDAP projects.
Certification of Wet or Dry Status for Alcoholic Beverage Permits—H.B. 1443
by Representative Senfronia Thompson—Senate Sponsor: Senator Hall

Currently, Texas Alcoholic Beverage Commission (TABC) license and permit applications require county or city officials to certify the wet or dry status of an applicant's proposed location for licensure. However, concerns have been raised regarding the lack of guidance relating to the timeframe in which a city or county must provide a certification on the wet or dry status of a location for which an alcohol permit or license application is submitted. In some cases, cities or counties have not certified the wet or dry status of a proposed location in a timely manner, causing the applicant to endure unnecessary delay in opening and resulting in unexpected inventory and labor costs. The purpose of this bill is to address these concerns by setting a deadline for completion of the local certification process. This bill:

Requires city and county officials to complete the local certification process for TABC license and permit applications within 30 days of receipt of an application.

Sampling of Distilled Spirits—H.B. 1997
by Representative Geren—Senate Sponsor: Senators Hancock and Schwertner

Currently, a distillery cannot provide samples or tastings to retailers, including bars, restaurants, and package stores, unless accompanied by a wholesaler. Interested parties have suggested that distilleries should have more flexibility to provide product samples and tastings to retailers of distilled spirits. This bill:

Amends the Alcoholic Beverage Code to authorize the holder of a distiller's and rectifier's permit or the permit holder's agent or employee to provide a sample of distilled spirits to the holder of a retail distilled spirits permit; to provide a distilled spirits product tasting on the retailer's premises, including the opening, touching, or pouring of distilled spirits; and to make a presentation or answer questions at such a distilled spirits tasting.

Authorizes distilled spirits to legally be transported by the distiller's and rectifier's permit holder or the permit holder's agent or employee to a retail premises for the purpose of providing a sample or tasting.

Wine Sales—H.B. 2016
by Representatives Guillen and Raymond.—Senate Sponsor: Senator Alvarado

Currently, restaurants in Texas are permitted to sell wine with less than or equal to 17 percent alcohol by volume, with the exception of sherry and port, which are both limited to 24 percent alcohol by volume. Recently, a new type of blended sake has arisen, with an alcohol by volume of 24 percent. Although blended sake has a similar alcohol content to sherry and port, it is not currently listed as a beverage that can be sold in a restaurant under the same exemption used for sherry and port. The purpose of this bill is to add such beverages to the list of exemptions to account for new blends of dessert and rice wines such as sake. This bill:
Amends the Alcoholic Beverage Code to authorize a wine and beer retailer's permit holder to sell for consumption on premises dessert-flavored wine or rice wine containing alcohol in excess of one-half of one percent by volume and not more than 24 percent by volume.

Raises from 21 percent to 24 percent the maximum percentage of alcohol by volume contained in wine, beer, ale, or malt liquor that a mixed beverage permit holder may purchase in containers of any legal size from any permittee or licensee authorized to sell those beverages.

Sale of Alcoholic Beverages on Texas State Railroad Authority Property—H.B. 2196
by Representative Harris et al.—Senate Sponsor: Senator Nichols

A historic railroad route between the towns of Rusk and Palestine is operated as a scenic tourist line by the Texas State Railroad Authority, and while alcohol is currently sold on the train, it cannot legally be sold on the railroad premises. The property hosts numerous events every year, generating thousands of dollars in revenue for the surrounding area, and interested parties have suggested that allowing the sale of alcoholic beverages on the premises would strengthen the location as a tourist attraction and further expand the economic impact it provides to the surrounding area. This bill:

Amends the Special District Local Laws Code to authorize the Texas State Railroad Authority to contract with a person for the retail sale of alcoholic beverages on authority property that is used as a station for passenger rail services.

Sale of Alcoholic Beverages on School District Property—H.B. 2633
by Representative Morrison—Senate Sponsor: Senator Kolkhorst

Currently the Victoria Symphony Orchestra hosts performances at the Victoria Fine Arts Center. Alcoholic beverages cannot be provided to patrons during the event because the center is located on property owned by the Victoria Independent School District. It has been suggested that permitting the school district to adopt a policy allowing the consumption, possession, and sale of alcoholic beverages at symphony events, which are hosted by a nonprofit organization and are not sponsored or sanctioned by the district, would be beneficial. This bill:

Amends the Education Code to authorize the board of trustees of a public school district to adopt a policy allowing the consumption, possession, and sale of alcohol at an event held at a performing arts facility owned by the district if the facility is leased to a nonprofit organization for an event not sponsored or sanctioned by the district.

Requires such a lease agreement to require that the event be held outside of regular school hours and that alcoholic beverages be sold by those who hold an appropriate retail license or permit under the Alcoholic Beverage Code for the facility.
Establishes as a defense to prosecution of possession of intoxicants on public school grounds that the person possessed the intoxicating beverage at a performing arts facility during an event held outside of regular school hours and not sponsored or sanctioned by a school district.

**Intent to Sell Alcoholic Beverages—H.B. 2790**

*by Representative Goldman—Senate Sponsor: Senator Johnson*

The authorized sale of alcohol in Texas varies from one county to another and even within counties. In certain "dry areas," possession of a minimal amount of alcohol constitutes prima facie evidence of an intention to sell the alcohol, often prohibited. It has been suggested that statutory provisions with regard to evidence of the intent to sell certain alcoholic beverages are outdated and should be revised to reflect modern realities. This bill:

Repeals Section 101.32 (Prima Facie Evidence of Intent to Sell), Alcoholic Beverage Code, which establishes that possession in a dry area of more than one quart of liquor, or more than 24 12-ounce bottles of beer or an equivalent amount, is prima facie evidence of possession with intent to sell.

**Transportation of Alcoholic Beverages—H.B. 2791**

*by Representative Goldman—Senate Sponsor: Senator Watson*

Concerns have been raised regarding the clarity of laws governing the purchase of an alcoholic beverage for personal consumption by a person who transports the beverage from a place where its sale is legal to a place where its possession is legal without holding a license or permit. It has been suggested that the current statute does not adequately address the legality of transporting alcohol from a "wet" county or area to a "dry" county or area. The purpose of this bill is to address this issue by clarifying that a person who purchases an alcoholic beverage for the person's own consumption may transport the beverage. This bill:

Amends the Alcoholic Beverage Code to clarify that the authorization for a person who purchases an alcoholic beverage for the person's own consumption to transport the beverage from a place where its sale is legal to a place where its possession is legal without holding a license or permit is an authorization for the person to personally transport the beverage.

**Filing False Statements With Texas Alcoholic Beverage Commission—H.B. 2792**

*by Representative Goldman—Senate Sponsor: Senator Watson*

Concerns have been raised regarding conduct constituting the offense of making a false statement or false representation in certain applications, reports, and instruments to be filed with the Texas Alcoholic Beverage Commission. It has been suggested that the offense does not account for accidental anomalies in the permit or license application process, potentially criminalizing simple human errors. The purpose of this bill is to address this issue by establishing the requisite state of mind for such an offense. This bill:
Amends the Alcoholic Beverage Code to establish "knowingly" as the requisite state of mind for the commission of the offense of making a false statement or false representation in certain sworn documents filed with the Texas Alcoholic Beverage Commission.

**Presumptions Relating to the Sale of Alcoholic Beverages—H.B. 2793**
*by Representatives Goldman and Shine—Senate Sponsor: Senator Zaffirini*

Interested parties have suggested that it can be difficult to price distilled spirits for wholesale purposes due to the definition of wholesale transactions in the Alcoholic Beverage Code and the ability of consumers to purchase larger volumes of spirits for their personal consumption. The purpose of this bill is to address this issue by eliminating the provision of the Alcoholic Beverage Code requiring an arbitrary three-gallon distinction between wholesale and retail sale of distilled spirits. This bill:

Repeals Section 101.10 (Wholesale or Retail Sale: Prima Facie Evidence), Alcoholic Beverage Code, which sets the sale or delivery of certain amounts of more than three gallons of distilled spirits in a single or continuous transaction as prima facie evidence that the sale was at wholesale.

**Administration of the Mixed Beverage Sales Tax—H.B. 3006**
*by Representative Burrows—Senate Sponsor: Senator West*

Concerns have been raised regarding the different reporting and payment requirements for the mixed beverage gross receipts tax and for the mixed beverage sales tax. The purpose of this bill is to address these concerns by aligning requirements for the administration of the mixed beverage sales tax with the requirements for the gross receipts tax. This bill:

Amends the Tax Code to require an applicable permittee subject to mixed beverage taxes to file a tax return with the comptroller of public accounts of the State of Texas (comptroller) not later than the 20th day of each month. Requires the return to be in a form prescribed by the comptroller and to include a statement of the total sales and total taxable sales during the preceding month and any other information required by the comptroller.

Exempts mixed beverage sales taxes from statutory provisions governing the confidentiality of certain information in or derived from a record, report, or other instrument furnished under the Limited Sales, Excise, and Use Tax Act. Establishes that a provision related to the mixed beverage sales tax prevails over certain provisions of the Limited Sales, Excise, and Use Tax Act, to the extent conflicts exist between the provisions.

**Creation of a Nonresident Brewer's or Manufacturer's Agent's Permit—H.B. 3222**
*by Representative Ken King—Senate Sponsor: Senator Hancock*

It has been noted that innovations in the production of beer and ale have created business relationships in which a nonresident brewer and nonresident manufacturer produce a beer or ale
product, after which there is no further involvement by the brewer or producer, and, in these cases, the beer or ale product may enter a marketplace other than the marketplace in which the brewer and manufacturer operate. There have been calls for Texas law to better accommodate these arrangements. The purpose of this bill is to provide for a nonresident brewer's and nonresident manufacturer's agent's permit so that such brewers and manufacturers can designate an agent in Texas for handling regulatory matters relating to their products. This bill:

Amends the Alcoholic Beverage Code to create a nonresident brewer's or nonresident manufacturer's agent's permit and to authorize the holder of such a permit to represent one or more nonresident brewers or nonresident manufacturers, perform on behalf of the nonresident brewer or nonresident manufacturer whom the permit holder represents any activity the brewer or manufacturer whom the permit holder represents could perform in Texas, and apply on behalf of the nonresident brewer or nonresident manufacturer whom the permit holder represents for a permit, license, or authorization required by the Texas Alcoholic Beverage Commission (TABC).

Sets the annual state fee for a nonresident brewer's or nonresident manufacturer's agent's permit at $2,500 and restricts the issuance of such a permit to a person who holds a nonresident seller's permit.

Local Permit and License Fees Under the Alcoholic Beverage Code—H.B. 3754

by Representative Burrows—Senate Sponsor: Senator West

Concerns have been raised regarding the lack of protections for cities and counties when an establishment licensed to sell alcoholic beverages falls behind on payments of local permit or license fees. While the Texas Alcoholic Beverage Commission is able to cancel the permit or license of such an establishment, it has been noted that cities and counties have little recourse to recoup delinquent fees. The purpose of this bill is to provide a mechanism for the collection of delinquent fees by a city, town, or county. This bill:

Amends the Alcoholic Beverage Code to give the Texas Alcoholic Beverage Commission (TABC) the option to suspend certain permits or licenses under the Alcoholic Beverage Code as an alternative to canceling a permit or license if TABC finds the permittee or licensee has not paid the requisite local permit or license fee, as applicable. Specifies that the time period during which the permittee or licensee must pay the fee is within 180 days after the date the fee was levied.

Authorizes a city, town, or county to enter into a contract with a private attorney or a public or private vendor for the collection of an unpaid local permit or license fee more than 60 days past due. Authorizes a private attorney or a public or private vendor collecting either fee to assess a collection charge to the applicable permit or license holder for late payment or nonpayment of the fee.

Authorizes a city, town, or county to enter into an interlocal agreement with another entity authorized to levy a local permit or license fee for the collection of a permit or license fee, as applicable, that is more than 60 days past due, on behalf of the other entity, and requires the city, town, or county to remit appropriate fees collected to the other entity. Caps the amount collected through such an interlocal agreement at the amount of the fee levied by the city, town, or county.
and any collection charge assessed by a private attorney or a public or private vendor collecting the fee.

**Tastings Conducted by Alcoholic Beverage Manufacturers—H.B. 3768**

*by Representative Burrows et al.—Senate Sponsor: Senator West*

Each year certain products are showcased at the State Fair of Texas under the direction of the "Go Texan" partner program. This event provides an opportunity to market program products, promoting economic growth in Texas. It has been suggested that requiring a person holding a license or permit to manufacture alcoholic beverages to obtain an additional license or permit to conduct product tastings is unduly burdensome. The purpose of this bill is to address this issue by authorizing license or permit holders to conduct product tastings without the issuance of another license or permit, under certain conditions. This bill:

Amends the Alcoholic Beverage Code to authorize a person who holds a license or permit to manufacture alcoholic beverages in Texas to conduct product tastings without the issuance of another license or permit under the Alcoholic Beverage Code, if those tastings are conducted as part of and under the direction of the "Go Texan" partner program and during a festival or civic celebration held near-annually for at least 100 years and at least 21 days long.

**Sale of Alcoholic Beverages in Annexed or Municipally Owned Areas—H.B. 4456**

*by Representative Geren—Senate Sponsor: Senator Hancock*

It has been suggested that conforming alcohol laws in the multicounty jurisdiction of the City of Grapevine would be beneficial. The purpose of this bill is to establish such conformity. This bill:

Amends the Alcoholic Beverage Code to make statutory provisions relating to the change of wet or dry status for a territory annexed or owned by certain municipalities, applicable to a municipality partially located in five counties, one of which has a population of 1.8 million or more and is adjacent to a county with a population of 2.2 million or more; one that may annex an area on request of owners as a tier 2 municipality; is subject to a limited purpose annexation and development agreement; and has within its boundaries all or part of an international airport operated jointly by two municipalities.

**Monthly Alcohol Sales Reports From Brewpubs—H.B. 4542**

*by Representative Guillen—Senate Sponsor: Senator Hinojosa*

Some claim that there is no reliable method to check the sales tax paid on consumer purchases of alcohol at brewpubs. Unlike other alcohol distributors, brewpubs are not required to submit monthly sales reports to the comptroller of public accounts of the State of Texas (comptroller). This bill:
Strengthens confidentiality requirements for information reported under Section 151.462 (Reports by Brewers, Manufacturers, Brewpubs, Wholesalers, and Distributors), Tax Code, and requires brewpubs to file a monthly report of alcohol sales with the comptroller.

**Importation and Use of Malt Beverages—S.B. 928**  
*by Senator Hancock—House Sponsor: Representative Goldman*

Currently, independent bottling and specialty manufacturing facilities located in Texas are prohibited from importing malt-based products from out-of-state entities for the purpose of manufacturing alcoholic beverages. Interested parties have suggested that there is a need for statutory clarification regarding the importation of malt-based products sourced from out-of-state breweries. This bill:

Authorizes the holder of a brewer's permit to import ale and malt liquor for manufacturing purposes from a holder of a nonresident brewer's permit and to mix and blend such imported ale and malt liquor and bottle and sell the resultant product. Provides that the state tax on ale and malt liquor imported for manufacturing purposes does not accrue until the ale or malt liquor has been used for manufacturing purposes and the resultant product has been placed in containers for sale.

Authorizes the holder of a manufacturer's license to import for manufacturing purposes beer from the holder of a nonresident manufacturer's license and ale and malt liquor from a holder of a nonresident brewer's permit and to mix and blend such imported beer, ale, and malt liquor and bottle and sell the resultant product. Provides that the state tax on beer, ale, and malt liquor imported for manufacturing purposes does not accrue until the beer, ale, or malt liquor has been used for manufacturing purposes and the resultant product has been placed in containers for sale.

Authorizes the holder of a manufacturer's license to import beer, ale, and malt liquor, rather than beer, into this state in barrels or other containers in accordance with the provisions of this code. Deletes existing text prohibiting a person from shipping beer into the state in tank cars.

**Alcoholic Beverages Unfit for Consumption Following Natural Disasters—S.B. 1210**  
*by Senator Hancock—House Sponsor: Representative Harless*

During Hurricane Harvey, large quantities of alcoholic beverage products were exposed to the contaminated flood waters in retail establishments but, due to chain of custody requirements under the Alcoholic Beverage Code, retail businesses were left with no recourse to legally remove uninsured contaminated alcoholic beverage products from retail stores without absorbing the full cost of removing and replacing the contaminated products. The purpose of this bill is to provide a lower cost option for retailers to remove destroyed inventory following a natural disaster. This bill:

Authorizes uninsured ale, malt liquor, or beer that becomes unfit for public consumption to be removed from the inventory of a retailer and disposed of if the holder of the brewer's permit or manufacturer's license who manufactured the beverage and the wholesaler or distributor who distributed the beverage jointly determine that the beverage became unfit for public consumption.
as the result of a natural disaster in an area declared to be a disaster area by the governor and that the beverage should be removed from the inventory of the retailer.

Requires a brewer or manufacturer and a wholesaler or distributor who jointly agree to the beverage removal to jointly provide for the delivery and replacement of the removed beverage at no cost to the retailer from whose inventory the beverage is removed.

Establishes that the brewer or manufacturer who manufactured the removed beverage is responsible for the cost of a replacement beverage; that the wholesaler or distributor who distributed the removed beverage is responsible for the cost of delivering a replacement beverage; and that a retailer from whose inventory a beverage is removed is responsible for the costs associated with the removal, destruction, and disposal of the removed beverage.

Requires the Texas Alcoholic Beverage Commission (TABC) to promulgate rules governing the removal, destruction, and disposal by a retailer of uninsured ale, malt liquor, or beer that is determined to be unfit for public consumption and requires such rules to include provisions requiring verification by a retailer from whose inventory a beverage is removed that the beverage has been removed, destroyed, and disposed of in the manner required by TABC.

**Home Delivery of Wine and Beer—S.B. 1232**

*by Senator Creighton—House Sponsor: Representative Goldman*

Currently, holders of a wine and beer retailer permit can deliver alcohol to their customers' homes if the alcoholic beverage contains five percent alcohol by volume or less. However, concerns have been raised that the five percent threshold is arbitrary and makes it impossible for retailers to deliver wine and many popular beers. The purpose of this bill is to enable grocery retailers to more effectively compete in the delivery market by granting the holder of a wine and beer retailer permit eligibility to apply for a local cartage permit, allowing for the delivery of wine and beer to customers' homes. This bill:

Authorizes the Texas Alcoholic Beverage Commission to issue a local cartage permit to a holder of a beer and wine retailer permit and authorizes a holder of both such permits to make deliveries to and collections from ultimate consumers in the same manner as a package store permit holder. Authorizes a package store, wine only package store, or a wine and beer retailer's permittee who also holds a local cartage permit to make deliveries to and collections from customers in accordance with applicable provisions relating to deliveries and collections.

Establishes that statutory provisions relating to authorized activities for a brewpub license holder for a brewpub located in a wet area do not authorize such a license holder who also holds a wine and beer retailer's permit to deliver alcoholic beverages directly to ultimate consumers for off-premise consumption.
Delivery of Alcoholic Beverages—S.B. 1450
by Senator Hancock—House Sponsor: Representative Paddie

In 2018, the Texas Alcoholic Beverage Commission (TABC) authorized the delivery of alcohol by digital delivery service companies. However, there is currently no clear permitting or certificate process in place for the delivery of alcohol by these digital delivery service companies. This bill:

- Creates a consumer delivery permit, allowing a permit holder to contract with or employ a person to deliver alcoholic beverages from a retailer to a consumer.
- Requires TABC to establish an annual state fee for the permit.
- Requires TABC to adopt and administer a seller training program for the purpose of training delivery drivers.
- Requires TABC to develop and implement a program that allows the holder of a retail permit or a consumer delivery permit to verify, in real time, that the delivery driver has completed the seller training program.
- Creates an offense for a person who, with criminal negligence, delivers an alcoholic beverage to an intoxicated person for commercial purposes.
- Sets forth provisions regarding the responsibility of a consumer delivery permit holder for the actions of a delivery driver and provides for suspension of the permit if, after notice and a hearing, the permittee, an agent or employee of the permittee, or a person acting on behalf of the permittee delivered with criminal negligence an alcoholic beverage to a minor or to an intoxicated person.

Public Entertainment Facilities—S.B. 2410
by Senator Menéndez—House Sponsor: Representative Goldman

Under current law, regulatory interpretations of a "public entertainment facility" and its related infrastructure footprint can vary by facility and location across the state. The lack of specificity in the applicable statutes of the Alcoholic Beverage Code makes it challenging for the Texas Alcoholic Beverage Commission to evenly apply the rules. The purpose of this bill is to ensure uniform and consistent application of the statutes. This bill:

- Redefines "public entertainment facility" to include parking areas adjacent to certain facilities.
Right to Vacate Residential Lease After Tenant Death—H.B. 69  
*by Representative Minjarez et al.—Senate Sponsor: Senator Zaffirini*

It has been noted that while some residential leases may have protections in place in the event of a tenant's death, current law does not protect a tenant's surviving family from having to pay future rent or early termination fees. This bill:

Authorizes the representative of a deceased tenant’s estate to terminate the tenant’s lease, vacate the premises, and avoid future liability for rent, provided that the representative provides the landlord written notice of lease termination, removes the deceased tenant’s property from the premises, and signs an inventory of the removed property.

Provides that a lease termination executed in this manner becomes effective either 30 days after notice is given or on the date on which all conditions have been met, whichever is later.

Creating an Offense for Caller ID Spoofing—H.B. 101  
*by Representative Canales et al.—Senate Sponsor: Senator Hughes*

Recently, Texans have seen an increase in spam telephone calls using caller ID spoofing, in which the caller ID displays a telephone number different than the originating call. Current law does not criminalize this practice. This bill:

Provides that a person commits an offense if the person, with the intent to defraud or cause harm, makes a call or engages in any other conduct using any type of technology that results in the display on another person's telecommunications device of data that misrepresents the actor's identity or telephone number. Provides that an offense under this section is a Class A misdemeanor.

Prohibits a conviction for an offense under this section, notwithstanding any other provision of this chapter (Telecommunications Crimes), from being used for enhancement purposes under any other section of provisions relating to telecommunications crimes. Provides that it is a defense to prosecution that the actor blocked caller identification information or was a certain individual engaging in certain specified actions.

Credit Card Skimming as Organized Crime—H.B. 869  
*by Representative Hefner et al.—Senate Sponsor: Senators Hughes and Zaffirini*

Because credit card skimming can sometimes be tied to organized crime, certain stakeholders argue that prosecuting credit card skimming crimes as organized criminal activity would more effectively combat the practice. This bill:

Includes any offense under provisions relating to unlawful interception, use, or disclosure of wire, oral, or electronic communications among the list of offenses for which committing or conspiring to commit qualifies as engaging in organized criminal activity.
Information About an Elderly Individual for a Fraudulent Purpose—H.B. 883
by Representative Thierry—Senate Sponsor: Senator Zaffirini

Perpetrators of Internet-based fraud frequently target persons 65 years of age or older. Such persons are not only particularly vulnerable to illegal schemes, but also tend to lose substantially more money when they are the victims of online scams, according to the Federal Trade Commission. This bill:

Authorizes a court to increase the amount of an award of actual damages in a civil action for injunctive relief or damages to an amount not to exceed three times the actual damages sustained if the court finds that the violation adversely affected an elderly individual.

Collection of Consumer Debt by Debt Buyers—H.B. 996
by Representative Collier et al.—Senate Sponsor: Senator Paxton et al.

Concerns have been raised regarding debt buyers and debt collectors threatening litigation against a consumer for the purpose of collecting a debt for which the statute of limitations has expired. The purpose of this bill is to ensure that Texans with time-barred debts may make good faith attempts to repay them, while ensuring that their actions will not restart a statute of limitations period that has already expired. This bill:

Amends the Finance Code to prohibit an applicable debt buyer from directly or indirectly commencing an action against or initiating arbitration with a consumer to collect a consumer debt after the expiration of the applicable limitations period.

Parking Permits Issued to Residential Tenants—H.B. 1002
by Representative Collier—Senate Sponsor: Senator West

Concerns have been raised that when a residential tenant's lease and associated parking permit have varying durations, the tenant may face obstacles to renewal of the parking permit, such as limited landlord office hours, resulting in confusion for the tenant and the possible towing of the tenant's vehicle. This bill:

Requires a landlord who issues a parking permit to a residential tenant to issue the permit for a term coterminous with the tenant's lease term.

Criminal Penalties for Offenses Committed in a Disaster Area—H.B. 1028
by Representative Guillen et al.—Senate Sponsor: Senator Huffman

It has been suggested that the penalties for certain burglary and arson offenses committed in areas that are in a state of disaster or subject to an emergency evacuation order are too lenient given the vulnerability of residents. This bill:
Includes arson, burglary of coin-operated or coin collection machines, burglary of vehicles, and criminal trespasses among the list of offenses to which the increase in punishment authorized by provisions relating to penalties for offenses committed in a disaster area or evacuated area applies.

Repeals a defense to a charge of theft if the conduct in question meets certain elements of necessity.

**Deceptive Trade Practices During Declared Disaster—H.B. 1152**  
*by Representatives Bernal and Guillen—Senate Sponsor: Senator Campbell*

Although price gouging is listed under the Texas Deceptive Trade Practices-Consumer Protection Act, concerns have been raised that current safeguards may not effectively prevent businesses from selling goods at exorbitant prices during natural disasters. This bill:

Provides remedies for price gouging by defining prohibited times for certain price increases and by including lodging, certain building materials, and construction tools as price-protected necessities.

**Unconscionable Prices Charged by Health Care Facilities—H.B. 1941**  
*by Representative Phelan et al.—Senate Sponsor: Senator Watson et al.*

Currently, the Deceptive Trade Practices Act (DTPA) prohibits price gouging during an emergency because of the inability of consumers to shop around during such an event. Additional concerns have been raised regarding the billing practices of freestanding emergency medical care facilities that have resulted in substantial unexpected costs to consumers, even when those consumers are insured. This bill:

Extends the federal protection of DTPA to those experiencing a medical emergency by prohibiting unconscionable pricing connected to care at a free-standing emergency room.

Makes any free-standing emergency room that charges 200 percent more than the average charge for the same or substantially similar care provided by a hospital or emergency room liable to DTPA strictures.

**Prohibition on Misrepresentation by Telemarketers—H.B. 1992**  
*by Representative Leman et al.—Senate Sponsor: Senators Schwertner and Zaffirini*

Concerns have been raised regarding a growing problem with telemarketers spoofing phone numbers that are similar to that of recipients. The purpose of this bill is to respond to calls for the state to protect Texans from these predatory phone calls by prohibiting them. This bill:

Prohibits a telemarketer from causing misleading information to be transmitted to a recipient's caller identification service or device or to otherwise misrepresent the origin of a telemarketing call.
Standard of Proof in Health Care Liability Claims—H.B. 2362  
_by Representative Moody et al.—Senate Sponsor: Senator Hughes_

It has been suggested that the law relating to the standard of proof for medical malpractice cases is overbroad and has led to unnecessary lawsuits. This bill:

Amends the Civil Practice and Remedies Code to make statutory provisions relating to the standard of proof for health care liability claims involving emergency medical care inapplicable to certain medical care or treatments.

Drug Cost Transparency—H.B. 2536  
_by Representative Oliverson et al.—Senate Sponsor: Senator Hancock et al.

Concerns have been raised about the growing prices of prescription drugs. Interested parties have suggested that certain actors within the drug supply chain are not required to disclose information regarding the reasons for increases in drug prices. The purpose of this bill is to increase transparency related to drug costs by establishing certain reporting requirements for pharmaceutical drug manufacturers, pharmacy benefit managers, and health benefit plan issuers. This bill:

Requires a pharmaceutical drug manufacturer, not later than the 15th day of each calendar year, to submit a report to the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) stating the current wholesale acquisition cost information for the United States Food and Drug Administration-approved (FDA) drugs sold in or into this state by that manufacturer. Requires the executive commissioner to develop an Internet website to provide to the general public drug price information submitted by pharmaceutical drug manufacturers. Requires the Internet website to be made available on HHSC’s Internet website with a dedicated link that is prominently displayed on the home page or by a separate easily identifiable Internet address.

Provides that this subsection applies only to a drug with a wholesale acquisition cost of at least $100 for a 30-day supply before the effective date of an increase described by this subsection. Requires a pharmaceutical drug manufacturer, not later than the 30th day after the effective date of an increase of 40 percent or more over the preceding three calendar years or 15 percent or more in the preceding calendar year in the wholesale acquisition cost of a drug to which this subsection applies, to submit a report to the executive commissioner. Requires the report to include certain information.

Requires the quality and types of information and data that a pharmaceutical drug manufacturer submits to the executive commissioner to be consistent with the quality and types of information and data that the manufacturer includes in the manufacturer's annual consolidated report on a certain form or any other public disclosure.

Requires each pharmacy benefit manager, not later than February 1 of each year, to file a report with the commissioner of insurance (commissioner). Requires the report to state certain pricing
information for the immediately preceding calendar year. Prohibits a report submitted by a pharmacy benefit manager from disclosing the identity of a specific health benefit plan or enrollee, the price charged for a specific prescription drug or class of prescription drugs, or the amount of any rebate or fee provided for a specific prescription drug or class of prescription drugs. Requires the commissioner, not later than May 1 of each year, to publish the aggregated data from all reports for that year required by this section in an appropriate location on the Texas Department of Insurance’s (TDI) Internet website. Requires the combined aggregated data from the reports to be published in a manner that does not disclose or tend to disclose proprietary or confidential information of any pharmacy benefit manager.

Enables the Health and Human Services Commission (HHSC) to collect data from drug manufacturers, pharmacy benefit managers, and health benefit plan issuers on pricing and the complex systems of rebates and discounts within the supply chain.

Requires each health benefit plan issuer, not later than February 1 of each year, to submit to the commissioner a report that states certain information for the immediately preceding calendar year. Prohibits a report submitted by a health benefit plan issuer from disclosing the identity of a specific health benefit plan or the price charged for a specific prescription drug or class of prescription drugs. Requires the commissioner, not later than May 1 of each year, to publish the aggregated data from all reports for that year required by this section in an appropriate location on TDI’s Internet website. Requires the combined aggregated data from the reports to be published in a manner that does not disclose or tend to disclose proprietary or confidential information of any health benefit plan issuer.

Mass Fraudulent Use or Possession of Credit or Debit Card Information—H.B. 2625

by Representative Perez et al.—Senate Sponsor: Senator Zaffirini

To convict an individual of credit card or debit card abuse, prosecutors must show that the individual was not authorized to use the credit card or debit card information in question. This can make it difficult to prosecute individuals who possess multiple stolen cards, as prosecutors must contact the account holder of each stolen card. This bill:

Creates the offense of mass fraudulent use or possession of credit card or debit card information, which does not require establishing the defendant was not authorized by each account holder to use each card.

Exemption of Savings Plans From Creditor Claims—H.B. 2779

by Representative Wray—Senate Sponsor: Senator Rodríguez

It has been suggested that using more precise language will clarify laws regarding savings plan exemptions from attachment, execution, or other seizure for a creditor’s claim. The purpose of this bill is to provide this clarification by revising provisions relating to such exemptions. This bill:
Defines "qualified savings plan" as any stock bonus, pension, annuity, deferred compensation, profit-sharing, health, education, or similar plan or account exempt from federal income tax or deferred federal income tax interest until actual payment of benefits.

Specifies certain plans and accounts eligible for the exemption.

Establishes that a plan or account is exempt from federal income tax for purposes of the additional exemption if the plan or account is subject to federal income tax solely under specified provisions of the federal Internal Revenue Code of 1986, relating to unrelated business income of certain charitable and otherwise tax exempt organizations and to unrelated business income from debt-financed property.

Excludes from the exemption a person's interest in a retirement plan that is solely an unfunded, unsecured promise by an employer to pay deferred compensation, unless otherwise exempt by law. Makes the additional exemption applicable to a child support lien for a plan or account established under the prepaid higher education tuition program, including prepaid tuition contracts, plans or accounts established under the higher education savings plan, including a savings trust account, and qualified tuition programs of any state meeting the requirements of the federal Internal Revenue Code of 1986.

Disaster Remediation Contracts—H.B. 2856 [VETOED]

by Representative Morrison—Senate Sponsor: Senator Kolkhorst et al.

It has been reported that in the aftermath of Hurricane Harvey, some contractors pressured disaster survivors to provide upfront payments for contracting work that was never performed. The purpose of this bill is protect against such scams by providing criminal penalties for certain violations by disaster remediation contractors. This bill:

Amends the Business and Commerce Code to establish an exception to the prohibition against a disaster remediation contractor requiring a person to make a full or partial payment under a contract before the contractor begins work, if the amount of such payment is held in escrow.

Creates an offense for a disaster remediation contractor who unlawfully requires a person to make a full or partial payment under a contract before the contractor begins work or requires that the amount of any partial payment under the contract exceed an amount reasonably proportionate to the work performed, including any materials delivered.

Establishes that an offense is a Class B misdemeanor if the offense was committed without the intent to defraud the person contracting for disaster remediation services or a felony of the third degree if the offense was committed with intent.

Establishes as a defense to prosecution for the offense that the disaster remediation contractor refunded any applicable payment made in violation of the law, not later than the 15th day following the receipt of a written demand alleging the violation, sent by certified mail to the contractor's last known business address or the address of the contractor's registered agent.
Credit Card Skimming—H.B. 2945
by Representative Perez et al.—Senate Sponsor: Senator Zaffirini

Skimming, the use of electronic devices to steal and record credit card information from unsuspecting persons, most frequently at gas pumps, is a prevalent form of organized crime and a persistent issue for Texas consumers, businesses, and financial institutions. It has been noted that 42 percent of all national skimming activity takes place in Texas. Concerns have been raised that it can be difficult to apprehend criminals who engage in skimming because gas stations not directly affected by the activity are disinclined to take action against them. The purpose of this bill is to address these concerns by requiring the attorney general to establish policies and procedures identifying best practices for merchants to actively prevent skimmer installations and providing for the creation of a fusion center, under the supervision of the attorney general, for the sole purpose of combatting card skimmers. This bill:

- Authorizes the Office of the Attorney General (OAG) to promulgate rules establishing reasonable policies and procedures identifying best practices for gas station merchants to prevent skimming, find and remove skimmers, and report such activity to law enforcement.
- Requires a motor fuel dispenser service technician, upon discovery of a skimmer, to disable the motor fuel dispenser immediately, protect the dispenser from being tampered with, and notify both law enforcement and the technician's licensing agency.
- Provides that any information reported regarding skimmers is confidential to protect the merchant's interest.
- Establishes civil penalties for merchants that negligently fail to report discovery of a skimming device to law enforcement within 24 hours.
- Establishes criminal penalties for persons who refuse to allow for inspection of a motor fuel dispenser, negligently or recklessly dispose of a skimmer installed by another person, or knowingly impede an ongoing investigation by disposing of a skimmer installed by another person.
- Establishes a payment fraud fusion center to maximize the ability of federal, state, and local law enforcement to detect, prevent, and respond to criminal activities related to skimming.

Interest Charges on Consumer Loans—H.B. 3855
by Representatives Longoria and Murphy—Senate Sponsor: Senator Creighton

There are concerns that the blended interest rate on certain consumer loans is difficult to explain to consumers and can cause confusion for lenders attempting to comply with rate structure requirements when calculating interest and ensuring accurate refunding for prepayment. This bill:

- Amends the Finance Code to require interest charged by a consumer loan contract not secured by real property to be contracted for, charged, or received using the scheduled installment earnings method or the true daily earnings method under one of the following methods: applying the
applicable daily rate to each part of the unpaid principal balance corresponding to the applicable brackets for the actual or scheduled number of days during a payment period; or applying a single equivalent daily rate to the unpaid principal balance for the actual or scheduled number of days during a payment period, where the single equivalent daily rate is determined at the inception of the loan using the scheduled installment earnings method, earning an authorized amount of interest if the debt were paid to maturity according to payment schedule.

Credit Reporting Information Regarding Balance Bills—S.B. 1037
by Senators Taylor and Rodríguez—House Sponsor: Representative Lucio III

Interested parties have raised concerns regarding the practice of "surprise balance billing," a scenario in which patients receive out-of-network emergency and health care services at in-network hospitals from out-of-network providers and are billed for the balance not covered by their health insurance plan. Surprise balance billing is problematic because the billed amounts often go far beyond the financial obligations consumers and insurers agree to and most individuals who receive out-of-network bills were not aware that the provider was not in their plan's network at the time they received care. There are currently no dollar limits on out-of-network provider bills in Texas; when consumers are unable to pay these unexpected medical costs, unpaid medical bills can reduce credit scores, leading to higher interest rates for consumers and affecting the ability to obtain loans or credit in the future. The purpose of this bill is to protect consumers from the harmful effects of surprise balance billing. This bill:

Prohibits a consumer reporting agency from furnishing a consumer report containing information related to certain items, including a collection account with a medical industry code, if the consumer was covered by a health benefit plan at the time of the event giving rise to the collection and the collection is for an outstanding balance, after copayments, deductibles, and coinsurance, owed to an emergency care provider or a facility-based provider for an out-of-network benefit claim.

Certain Deceptive Advertising of Legal Services—S.B. 1189
by Senator Buckingham et al.—House Sponsor: Representative Capriglione et al.

In recent years there has been a significant increase in the number of legal advertisements focusing on prescription drugs, medical devices, asbestos-caused cancer, and other health matters informing viewers they may be entitled to financial compensation if they call a phone number displayed on the screen. Many vulnerable viewers call these numbers and provide personal health information under the assumption they are speaking with a legal representative. In many instances, the entity paying for the advertisement is not an attorney, but a "client harvester," generating and selling clients in bulk to attorneys. Interested parties also have raised concerns that attorney advertisements relating to prescription drugs can pose a significant public health risk. Research has found that a number of individuals have stopped taking needed prescription drugs and suffered negative health consequences as a direct result of information contained in misleading advertisements. This bill:
Protects vulnerable consumers who may fall victim to deceptive advertisements by increasing disclosure requirements, prohibiting the use of intentionally misleading or manipulative information, and creating legal penalties to hold those who violate the bill's provisions accountable.

**Consumer Protections Against Balance Billing—S.B. 1264**  
by Senator Hancock et al.—House Sponsor: Representative Oliverson et al.

Concerns have been raised that consumers who receive surprise medical bills face unnecessary hurdles in addressing those bills under the existing mediation system. The purpose of this bill is to eliminate the consumer from the burdensome process of mediating balance bills by prohibiting surprise balance bills from being sent to consumers in situations currently addressed by mediation through the Texas Department of Insurance (TDI), and enabling providers and insurers to seek mediation without requiring a patient to initiate the process. This bill:

Requires health benefit plans providing coverage for health care or medical services performed by an out-of-network provider that is facility-based or is a diagnostic imaging or laboratory service to provide coverage at the usual and customary rate.

Exempts nonemergency health care or medical services from the "usual and customary rate" requirements that an enrollee elects to receive in writing in advance of the service with respect to each out-of-network provider providing the service and for which an out-of-network provider, before providing the service, provides a complete written disclosure to the enrollee that explains that the provider does not have a contract with the enrollee's health benefit plan, the projected amounts for which the enrollee may be responsible, and the circumstances under which the enrollee would be responsible for those amounts.

Requires a health benefit plan that provides coverage for emergency care to an enrollee by an out-of-network provider to provide that coverage at the usual and customary rate.

Requires a health maintenance organization (HMO) to provide written notice, explaining out-of-network provider benefits to enrollees and sets out the required contents of the notice.

Prohibits an out-of-network provider for a health care service or supply that must be covered under this bill's provisions from billing an enrollee an amount greater than an applicable copayment, coinsurance, or deductible under the enrollee's health benefit plans based on the amount initially determined payable by the HMO or, if applicable, a modified amount as determined under the HMO's internal appeal process. Provides that any additional amount owed to the physician or provider is determined under provisions relating to out-of-network claim dispute resolution. Provides that an enrollee is expressly held harmless for financial responsibility of any such amounts.

Applies provisions relating to out-of-network claim dispute resolution to health benefit plans offered by HMOs and exclusive provider benefit plans offered by insurers.
Requires the commissioner of insurance to select an organization to maintain a benchmarking database containing information necessary to calculate, with respect to a health care or medical service or supply, for each geographical area in Texas the 80th percentile of billed charges of all non-facility physicians or health care providers and the 50th percentile of rates paid to non-facility participating providers. Prohibits the commissioner from selecting an organization financially affiliated with a health benefit plan issuer.

Sets out provisions relating to mandatory mediation with respect to health benefit claims submitted by these out-of-network providers: licensed ambulatory surgical centers, licensed birthing centers, licensed hospitals, or certain freestanding emergency medical care facilities.

Authorizes an out-of-network provider, health benefit plan issuer, or administrator to request mediation of a settlement of an out-of-network health benefit claim through the TDI website portal if there is an amount billed by the provider and unpaid by the issuer or administrator after copayments, deductibles, and coinsurance for which an enrollee may not be billed, if the claim is for emergency care, out-of-network laboratory service, or out-of-network diagnostic imaging.

Establishes that an out-of-network provider has a right to a reasonable payment from an enrollee's health benefit plan for covered services and supplies provided to the enrollee and for which the provider has not been fully reimbursed. Authorizes either party to a contested mediation, not later than the 45th day after the date the mediator's report is provided to TDI, to file a civil action to determine the amount due to an out-of-network provider, but prohibits a party from bringing civil action before the conclusion of the mediation process.

Sets out provisions relating to mandatory binding arbitration with respect to a health benefit claim submitted by an out-of-network provider that is not a licensed ambulatory surgical center, a licensed birthing center, a licensed hospital, or a certain freestanding emergency medical care facility. Requires the commissioner to establish and administer an arbitration program to resolve disputes over such out-of-network provider charges. Authorizes such an out-of-network provider or the health benefit plan issuer or administrator, not later than the 90th day after the date the out-of-network provider receives the initial payment for a health care or medical service or supply, to request arbitration of a settlement of an out-of-network health benefit claim through a portal on the TDI website if there is a charge billed by the provider unpaid by the issuer or administrator after copayments, deductibles, and coinsurance for which an enrollee may not be billed.

Prepaid Funeral Benefits—S.B. 1822
by Senator Campbell—House Sponsor: Representative Flynn

It has been suggested that amendments to the law regarding prepaid funeral contract sellers are needed to ensure consistency regarding reporting and escheating abandoned funds and to allow the banking commissioner to recover certain agency costs from entities that have violated laws. The purpose of this bill is to implement these changes. This bill:

Amends the Finance Code to revise provisions relating to the annual acknowledged written notice of abandoned money a seller of prepaid funeral benefits is required to furnish to the banking commissioner of Texas.
Changes the deadline by which the seller is required to deliver abandoned money to the comptroller of public accounts and to file a report with the comptroller under applicable Property Code provisions from not later than the first November 1 after the date the commissioner receives the required notice to not later than the first July 1 after the date a seller is required to furnish the notice.

Authorizes the commissioner to recover reasonable costs incurred in connection with an investigation conducted under reasonable suspicion of a misallocation or defalcation of prepaid funeral funds or an unauthorized sale of prepaid funeral benefits.

Provides that costs can be recovered from the person who is the subject of the investigation if, after a hearing conducted as provided by the Administrative Procedure Act, the trier of fact determines that the person violated statutory provisions relating to prepaid funeral services.

**Civil Penalties Under the DPTA—S.B. 2140**

*by Senator Hughes—House Sponsor: Representative Burrows*

Under the Deceptive Trade Practices-Consumer Protection Act (DTPA), the Texas attorney general may bring an action in the name of the state against someone violating the act to get a temporary restraining order or injunction against further action by the offending party. In addition to these remedies, the attorney general may seek and recover a civil penalty of up to $20,000 per violation. A wide range of actions constitute a violation of DTPA. In some cases, there may only be one violation, but in other contexts a series of repeated violations may be part of one scheme or action. Where there are many individual violations as part of a single action, $20,000 per violation can add up to millions of dollars. This bill:

Decreases from $20,000 to $10,000 per violation the maximum civil penalty to be paid to the state that the consumer protection division of the Office of the Attorney General may request, and the trier of fact may award, in a proceeding under the Deceptive Trade Practices-Consumer Protection Act.

**Deceptive Ticket-Selling Practices—S.B. 2409**

*by Senator Menéndez—House Sponsor: Representative Moody et al.*

Certain marketing programs enable third-party websites to partner with the ticket resale marketplace to manipulate search engine results. These third-party websites use misleading domain names that suggest an affiliation with a venue, artist, or box office when none actually exists. Furthermore, the websites typically inflate ticket prices and charge a higher service fee. Several other states, including Maryland, Nevada, New Jersey, New York, and Tennessee, have passed legislation to prohibit the use of deceptive Internet domain names by third parties selling event tickets. The purpose of this bill is to protect consumers from deceptive ticket-selling practices. This bill:
Prohibits a website operator from intentionally using the name of an event, venue, or performance artist in its URL, unless specifically authorized by the venue, performing artist, or event organizer.
Creating a Spaceport Development Corporation—H.B. 303
by Representative Paul—Senate Sponsor: Senators Taylor and Miles

It has been noted that while certain municipalities possess the necessary resources and infrastructure to independently pursue a spaceport development corporation, they must partner with a county to do so. This bill:

Provides that a municipality with a population of two million or more is eligible to authorize the creation of a spaceport development corporation under provisions relating to additional planning and developmental provisions applying to more than one type of local government. Requires the governing body of the municipality, if such a single municipality authorizes the creation of a spaceport development corporation, to appoint the directors of the corporation.

Provides that provisions relating to eminent domain exercised by a spaceport development corporation do not apply to a spaceport development corporation whose authorizing entity is a single municipality with a population of two million or more.

Exempting Certain Private Family Cemeteries From Location Restrictions—H.B. 515
by Representative Bailes—Senate Sponsor: Senator Schwertner

Section 711.008 (Location of Cemetery), Health and Safety Code, prohibits the establishment or operation of a cemetery in certain areas. Cemeteries authorized by a political subdivision or operated by an individual or institution meeting certain criteria are exempt from such prohibition. This bill:

Includes a private family cemetery that is established and operating on land outside the boundaries of a municipality that has been owned or occupied by members of the same family for at least three generations and that is within a certain distance of the largest prison cemetery in this state among the cemeteries to which Section 711.008 does not apply.

Skills Development Fund—H.B. 700
by Representatives Guillen and Lambert—Senate Sponsor: Senators Powell and Zaffirini

Established by the legislature and administered by the Texas Workforce Commission (TWC), the Skills Development Fund is Texas’ premier job-training program. Upon completion of training, participating workers obtain advancement opportunities that allow for increased wages that meet or exceed the prevailing wage in their local communities. Interested parties hold that allowing local workforce development boards and public libraries to use training opportunities provided by the fund would expand the beneficial impacts of this successful program. This bill:

Includes local workforce development boards and public libraries among the entities authorized to use the skills development fund as start-up, to employ emergency funds to develop customized training programs for businesses and trade unions, and to sponsor small and medium-sized business networks and consortiums.
Vehicle Storage Facility Fees—H.B. 1140
*by Representative Tracy O. King—Senate Sponsor: Senator Zaffirini*

It has been suggested that fees related to vehicle storage should be adjusted in accordance with the Consumer Price Index for All Urban Consumers published by the United States Department of Labor's Bureau of Labor Statistics. This bill:

Makes certain fees the operator of a vehicle storage facility or governmental vehicle storage facility may charge the owner of a vehicle stored or parked at the facility subject to a biennial adjustment indexed to the rate of inflation. Deletes existing text authorizing a fee for the remediation, recovery, or capture of an environmental or biological hazard.

Authorizes the Texas Commission of Licensing and Regulation by rule to adjust certain vehicle impoundment and daily storage fees by certain amounts each odd-numbered year, indexed to the rate of inflation.

Acknowledgment of a Written Instrument—H.B. 1159
*by Representative Price et al.—Senate Sponsor: Senator Watson*

It has been noted that limited liability companies cannot utilize short forms for certificates of acknowledgment. This bill:

Defines "acknowledged," as, for purposes of an acknowledgement form, in the case of a partnership by a partner, partners, authorized officer, or agent acting for the partnership, that the partner, partners, authorized officer, or agent personally appeared before the officer taking the acknowledgment and acknowledged executing the instrument in the capacity stated, as the act of the partnership, for the purposes and consideration expressed in it, and, in the case of a limited liability company by a member, manager, authorized officer, or agent acting for the limited liability company, that the member, manager, authorized officer, or agent personally appeared before the officer taking the acknowledgment and acknowledged executing the instrument in the capacity stated, as the act of the limited liability company, for the purposes and consideration expressed in it.

Sets forth modifications to the required statements in short forms for certificates of acknowledgment relating to a partnership or a limited liability company.

Audits of Pharmacists and Pharmacies—H.B. 1455
*by Representative Hunter et al.—Senators Buckingham and Schwertner*

It has been reported that pharmacy benefit managers (PBM) are increasingly auditing pharmacy invoices for purchases from drug wholesalers. It has been suggested that these audits can be abusive, seeking to financially penalize audited pharmacies for technical discrepancies arising from legitimate differences between quantities or drug codes stated on a wholesale invoice and those stated on the dispensed prescription or the submitted claim for that prescription. The purpose
of this bill is to protect independent pharmacies from overreaching auditing practices by PBMs while still allowing them to take action against bad actors. This bill:

Requires health benefit plans (HPB) and PBMs to accept certain documentation as evidence supporting the validity of a pharmacy claim and requires PBMs to reverse certain audit findings for legitimate discrepancies.

Prohibits an HPB or PBM that audits wholesale invoices from auditing the pharmacy claims of another HPB or PBM during its review.

**Purchasing Agreements for Funeral Services or Merchandise—H.B. 1731**

*by Representative Yvonne Davis—Senate Sponsor: Senator Hancock*

It has been reported that in situations where multiple funeral providers provide services relating to the same death, a provider from which a body is transferred to another provider may have difficulty collecting payments due for services that were provided before the transfer. The purpose of this bill is to provide a means for collecting balances owed for services performed by transferring funeral establishments. This bill:

Requires a funeral establishment that receives a dead human body transferred from another funeral establishment to include in the purchase agreement any amount owed by the customer to the transferring funeral establishment. Requires that the recipient funeral establishment remit to the transferring funeral establishment funds collected on the behalf of the transferring funeral establishment.

**Transfer of Real Property by a Business Entity—H.B. 1833**

*by Representative Wray—Senate Sponsor: Senator Hughes*

When business entities are created through online legal services, confusion can arise regarding whether a particular individual has authority to transfer real property owned by the business entity if appropriate forms are not properly completed. The purpose of this bill is to create a mechanism for business entities to certify which individuals have authority to convey real property. This bill:

Authorizes an applicable domestic entity or foreign entity that is active or in good standing under the laws of the entity's jurisdiction of formation to execute and record an affidavit identifying one or more individuals with the authority to transfer, on behalf of the entity, an estate or interest in real property in the name of the entity.

Authorizes the affidavit to be recorded in the county clerk's office in the county in which the real property is located and authorizes the county clerk to collect a fee for recording the affidavit in the amount authorized for recording a transfer of real property.
Makes the bill's provisions inapplicable to a domestic nonprofit entity or foreign charitable entity exempt from federal income tax under the federal Internal Revenue Code of 1986 or described by certain provisions of that code.

**Texas Racing Commission Funding Structure—H.B. 1995**
*by Representative Tracy O. King—Senate Sponsor: Senator Hinojosa*

The Texas Racing Commission (TxRC) regulates the pari-mutuel racing industry, including wagering and live and simulcast racing operations. The Texas Racing Act sets forth provisions requiring race tracks to set aside certain percentages of betting pools into a dedicated account in the general revenue fund. The dedicated account helps fund the administration of TxRC. Stakeholders have contended that the current funding structure is burdensome to the industry and TxRC’s ability to regulate horse and greyhound racing. This bill:

Requires a racetrack association to distribute from the total amount deducted from horse pari-mutuel pools from each simulcast pari-mutuel pool and each simulcast cross-species pari-mutuel pool shares in an amount equal to one percent of each simulcast pari-mutuel pool to TxRC for the administration of the Texas Racing Act, rather than an amount equal to one percent of each simulcast pari-mutuel pool as the amount set aside for this state, and in an amount equal to 1.25 percent of each simulcast cross-species pari-mutuel pool to TxRC for the administration of the Texas Racing Act, rather than as the amount set aside for this state.

**Certain Construction Liability Claims—H.B. 1999**
*by Representative Leach et al.—Senate Sponsor: Senator Creighton*

Reports indicate that certain local governmental entities, such as school districts, have been solicited to sue architects, engineers, and contractors for alleged construction defects in buildings before notifying architects, engineers, and contractors of alleged defects or offering a chance correct them. This bill:

Requires an applicable governmental entity to notify each party with whom the entity contracted for the design or construction of a building with an alleged defect and to provide a chance to correct any defect before bringing claims for damages.

**Boiler Inspections—H.B. 2228**
*by Representatives Geren and Cain—Senate Sponsor: Senator Huffman*

Current statute provides for an extension of the interval between inspections of large industrial boilers if certain conditions are met and extensions are approved by the executive director of the Texas Department of Licensing and Regulation (executive director; TDLR), as well as by the agency's chief boiler inspector.
It has been suggested that there is a need for more flexibility with regard to extending intervals between internal inspections of certain steam collection or liberation drums of process steam generators. This bill:

Provides that the 120-month maximum inspection interval extension for unfired steam boilers or steam collection or liberation drums of process steam generators is for unfired steam boilers or steam collection or liberation drums of process steam generators manufactured before January 1, 1970.

Prohibits the inspection interval extension for unfired steam boilers or steam collection or liberation drums of process steam generators from exceeding a total of 120 months for steam collection or liberation drums of process steam generators manufactured before January 1, 1970.

Authorizes the executive director and the inspection agency on request to grant an extension for a period not to exceed 24 months in addition to a certain other authorized extension. Requires the extension request for steam collection or liberation drums of process steam generators manufactured before January 1, 1970, to include a report by a licensed engineer certifying that an engineering assessment meeting industry standards has been completed and that the steam collection or liberation drums of the process steam generator, based on the assessment, are safe to operate.

**Eligibility of Funding Through Major Events Reimbursement Program—H.B. 2402**

*by Representative Geren et al.—Senate Sponsor: Senator Fallon*

It has been noted that certain events could positively impact state and local economies. H.B. 2402 seeks to encourage such economic benefits by making certain events eligible for funding under the major events reimbursement program. This bill:

Amends state law redefine "event" to include a Big 12 Football Conference Championship game, a World Wrestling Entertainment WrestleMania event, and a championship event in the National Reined Cow Horse Association (NRCHA) Championship Series, among other events. Includes the Big 12 Conference, NRCHA, and World Wrestling Entertainment among the applicable site selection organizations.

**Horse Industry Escrow Account—H.B. 2463**

*by Representative Tracey O. King—Senate Sponsor: Senator Kolkhorst*

The Occupations Code requires racetrack associations to allocate a certain amount of each pari-mutuel betting pool to be placed in escrow with the Texas Racing Commission (TxRC). Statute allows associations to apply to TxRC for receipt of the escrowed purse account for use as purses. TxRC must determine the percentage to be allocated to each association. Stakeholders have suggested that using this money to increase purse prizes would stimulate the horse racing industry. This bill:
Allocates proceeds from taxes on the sale of certain horse industry goods to the horse industry escrow account and expands the possible uses of money in the account.

**Rules and Appeals to a Municipal Board of Adjustment—H.B. 2497**

by Representative Cyrier et al.—Senate Sponsor: Senator Hughes

Concerns have been raised regarding which individuals are eligible to appeal certain municipal administrative decisions related to land development issues. It has been suggested that third-party appeals by aggrieved parties are being used to unnecessarily delay projects, triggering work stoppages and increasing project costs. The purpose of this bill is to address this issue by specifying the individuals who may appeal certain decisions. This bill:

Amends the Local Government Code to restrict decisions made by administrative officials regarding which persons may appeal to a municipal board of adjustment to a decision not related to a specific application, address, or project.

Authorizes to appeal to the board of adjustment a decision made by an administrative official that is related to a specific application, address, or project, a person who filed the application that is the subject of the decision; a person who is the owner or representative of the property that is the subject of the decision; a person who is aggrieved by the decision and is the owner of real property within 200 feet the property that is the subject of the decision; or any officer, department, board, or bureau of the municipality affected by the decision.

**Interior Design Services—H.B. 2868**

by Representative Phelan—Senate Sponsor: Senator West

There have been calls to provide governmental entities greater flexibility in procuring interior design services given the high order of learning, skill, and intelligence the best designers possess. This bill:

Amends the Government Code to include the following among the services classified as professional services for purposes of the Professional Services Procurement Act:

the services that are within the scope of the practice of interior design; and
the services that are provided in connection with the professional employment or practice of a person who is licensed or registered as an interior designer.

**Texas-Bred Horses and Dogs—H.B. 3366**

by Representative Kacal et al.—Senate Sponsor: Senator Kolkhorst

The Occupations Code requires horse racetracks to set aside one percent of certain betting pools from live and simulcast races for a Texas-bred program, some of which is sent to the Texas Racing
Commission (TxRC) and then to the horse breed registries for awards; one percent of certain simulcast betting pools are set aside for a Texas-bred program for greyhound races. These funds must be distributed and used according to TxRC rules to promote greyhound breeding in Texas. This bill:

Establishes the Texas Bred Incentive fund in the state treasury and requires TxRC to deposit set asides into the fund. Provides that money currently set aside from betting pools that goes to TxRC for the Texas-bred program be deposited in the new fund instead of the dedicated TxRC account in the general revenue fund.

Presumed Abandonment of Unclaimed Property—H.B. 3598
by Representative Martinez Fischer—Senate Sponsor: Senator Zaffirini

The comptroller of public accounts of the State of Texas (comptroller) administers the state's unclaimed property program, which seeks to reunite owners with abandoned property. It has been suggested that current law relating to the program does not adequately take into consideration certain business entities, such as affiliated groups, or consider administrative realities, such as the ability to advertise the program and sell certain items delivered to the comptroller as unclaimed property. Additionally, concerns have been raised that ambiguities in statute regarding the authority of the comptroller and the Office of the Attorney General to compel holders of unclaimed property to submit to audits interfere with the comptroller's ability to successfully complete authorized examinations of books and records. The purpose of this bill is to address these and other issues relating to the program to provide clarity to property owners and ensure that the comptroller can fulfill its statutory responsibility to return unclaimed property to rightful owners. This bill:

Codifies practices for combined reporting of a property holder’s part of an affiliated group.

Authorizes the comptroller to advertise the unclaimed property program.

Provides the comptroller discretion as to what items are sold and where they may be sold to the public.

Allows the comptroller to request assistance from the attorney general to enforce the provisions of the unclaimed property program.

Derivative Proceedings of Certain Business Organizations—H.B. 3603
by Representative Martinez Fischer—Senate Sponsor: Senator Hancock

It has been noted that the Business Organizations Code provisions governing derivative proceedings for limited partnerships, limited liability companies, and for-profit corporations were developed from diverse sources of law, causing inconsistencies in the current statute. In particular, provisions governing proceedings for limited partnerships differ significantly from the other two applicable types. The purpose of this bill is to remedy such inconsistencies by revising the applicable statutes. This bill:
Amends the Business Organizations Code to revise and harmonize provisions relating to derivative proceedings involving for-profit corporations, limited liability companies, and limited partnerships.

**Filing of Assumed Name Certificates—H.B. 3609**  
*by Representative Martinez Fischer—Senate Sponsor: Senator Hancock*

It has been noted that Texas is one of the few states with a dual filing requirement, at the state and local level, for assumed name business certificate filings. Because assumed name certificates filed at the state level with the secretary of state's office are available to the public online, it has been suggested that local level filing requirements are unnecessary. This bill:

Repeals Business and Commerce Code provisions requiring a corporation, limited partnership, limited liability partnership, limited liability company, or foreign filing entity to file a required assumed name certificate in the office of the relevant county clerk.

**Security Deposits for Certain Service Contracts—H.B. 4120**  
*by Representative Lucio III—Senate Sponsor: Senator Menéndez*

Interested parties say that the security deposit that providers of certain service contracts must make is too high, negatively affecting both providers and customers. This bill:

Reduces the amount of the required financial security deposit for providers of service contracts under the Service Contract Regulatory Act from not less than $250,000 to not less than $25,000 if the provider is a licensed motor vehicle dealer and offers to sell service contracts only on motor vehicles sold by the provider.

**Nonsubstantive Revision of Event Reimbursement Programs—H.B. 4174**  
*by Representative Leach—Senate Sponsor: Senator Kolkhorst*

The Texas Legislative Council is required by law to carry out a nonsubstantive revision of Texas statutes in an effort to make them more accessible, understandable, and usable without altering the sense, meaning, or effect of the law. This bill:

Amends the Government Code to codify Article 5190.14, Vernon's Texas Civil Statutes, relating to the event reimbursement programs, including the Pan American Games trust fund, the Olympic Games trust fund, the major events reimbursement program fund, the motor sports racing trust fund, and the events trust fund as new Subtitle E-1 (Event Reimbursement Programs), Title 4, Government Code.
Sale of Returnable Containers—H.B. 4584
by Representative Hefner—Senate Sponsor: Senator Hughes

It has been noted that theft of returnable containers is a significant and growing problem for industries that rely on such containers for product delivery; the costs associated with such theft are ultimately passed along to end consumers. Concerns have been raised that protections in state law are limited to certain plastic bulk merchandise containers, and it has been suggested that such protections be expanded to encompass other returnable containers. The purpose of this bill is to address these concerns by setting out provisions relating to the sale of returnable containers. This bill:

Amends the Business and Commerce Code to make statutory provisions relating to the sale of plastic bulk merchandise containers applicable instead to the sale of returnable containers, defined by the bill as devices made of any material used to hold, contain, or convert goods into a package and suitable for repeated use.

Specifies that a returnable container includes baskets, trays, or other containers used by a producer, distributor, or retailer for the transportation or storage of goods.

Creates a Class C misdemeanor offense for a person in the business of recycling, shredding, or destroying returnable containers who violates provisions relating to the sale of returnable containers, as amended by the bill.

Ownership of Automobile Dealerships—S.B. 1415
by Senator Hancock—House Sponsor: Representative Geren

Automobile franchise laws are intended to prohibit a motor vehicle manufacturer from owning an interest in a motor vehicle dealer. However, concerns have been raised that the laws are too broadly written and have unintended consequences for complex modern-day ownership structures. This bill:

Limits the application of the prohibition against a manufacturer or distributor of motor vehicles directly or indirectly owning an interest in, operating or controlling, or acting in the capacity of a franchised dealer or dealership to activities involving the same type of motor vehicle that the manufacturer manufactures or the distributor distributes.

Redefines "manufacturer" to include a representative or a person who is affiliated with a manufacturer or representative or who directly or indirectly through an intermediary, is controlled by, or is under common control with, a manufacturer. Defines "type of motor vehicle" as the classification of a motor vehicle as one of certain types.
Wear and Use Waivers for Leased Motor Vehicles—S.B. 1778  
_by Senator Paxton—House Sponsor: Representative Holland_

Concerns have been raised that consumers who lease motor vehicles can be exposed to excessive out-of-pocket charges at the end of a lease agreement. Loss damage waivers alleviate excessive charges of this nature by providing that a business will not hold a consumer liable for the damage of all or part of the item leased or rented. Consumers pay additional consideration for these waivers and are not required to purchase them. While the Business and Commerce Code contains provisions for loss damage waivers for rental cars, heavy equipment, and other goods available for rent, it does not have a provision for excess loss damage waivers for leased motor vehicles. The purpose of this bill is to address these concerns by authorizing motor vehicle lessors to offer an excess wear and use waiver in connection with a lease agreement. This bill:

Amends the Business and Commerce Code to authorize a lessee under a personal, family, or household motor vehicle lease agreement to contract with a lessor for an excess wear and use waiver in connection with the lease agreement.

Sets forth restrictions on the sale of such a waiver and prohibits a waiver from being imposed or its purchase required as a condition of entering into an agreement.

Regulation of Perpetual Care Cemeteries—S.B. 1821  
_by Senator Campbell—House Sponsor: Representative Flynn_

It has been suggested that amendments to the law regarding perpetual care cemeteries are needed to provide authority for the recovery of certain agency costs; to authorize the banking commissioner to require a certificate holder to take corrective action under the terms of a cease and desist order; and to provide for revocation of a certificate of authority in case of a violation after due process has been followed. The purpose of this bill is to implement these changes. This bill:

Authorizes the commissioner of the Texas Department of Banking (banking commissioner) to recover from an applicant for a certificate of authority reasonable costs incurred in the investigation of the applicant.

Authorizes the banking commissioner to conduct an investigation to administer and enforce provisions relating to perpetual care cemeteries and to recover reasonable costs incurred if the banking commissioner determines a violation occurred.

Authorizes the banking commissioner by order to revoke or suspend a certificate of authority issued under this chapter if the banking commissioner determines through an investigation or other credible evidence that the certificate holder violated this chapter, a rule adopted or order issued under this chapter, or another law of this state relating to cemeteries; misrepresented or concealed a material fact in the certificate application; or obtained or attempted to obtain the certificate by misrepresentation, concealment, or fraud. Requires such an order to state, with reasonable certainty, the grounds for the order and the effective date of the order, which may not be earlier than the 16th day after the date the order is mailed. Requires the banking commissioner to provide
such an order not later than the 15th day after the date the order is mailed. Requires the banking commissioner to provide such an order to the person named in the order by certified mail, return receipt requested, at the person's last known address.

Authorizes a person to request a hearing on such an order not later than the 15th day after the date the order is mailed. Provides that, if the person requests a hearing, the order is stayed until the hearing is resolved. Provides that a hearing is a contested case under the Administrative Procedure Act.

**Updates Related to Business Entities—S.B. 1859**

*by Senator Hancock—House Sponsor: Representative Martinez Fischer*

The Business Organizations Code requires periodic updates as technology and business operations evolve. The purpose of this bill is to provide for the necessary changes. This bill:

- Authorizes the books, records, minutes, and ownership or membership records of any filing entity to be maintained by or on behalf of the filing entity on, or by means of, an information storage device or method or one or more electronic data systems, provided that books, records, minutes, and ownership of membership records so maintained can be converted into written paper form within a reasonable time, rather than another form capable of being converted into written paper form within a reasonable time.

- Requires the owner of the ownership interest, in accordance with provisions relating to indemnification and insurance, after an issuance or transfer of an uncertificated ownership interest in a domestic entity, to be notified in writing or by electronic transmission of any information required under this statute relating to certificates representing ownership interest to be stated on a certificate representing the ownership interest. Provides that the owner of an uncertificated ownership interest in a domestic entity is not required to be notified, rather than providing that a domestic entity is not required to send a notice, if certain criteria are met.

- Requires a filing instrument, if the effectiveness of the filing instrument is to be delayed as permitted by provisions relating to delayed effectiveness of certain filings, to take effect at a specified date or after the occurrence of a future event or fact, including the act of any person, at a specified date, at a specified date and time, or after the passage of a specified period of time.

- Provides that the date or the date and time, rather than the date and time, at which a filing instrument takes effect is delayed if the instrument clearly and expressly states certain information.

- Provides that, if the effectiveness of a filing instrument is to be delayed, rather than if a filing instrument is to take effect on a specific date and time other than that provided by this code, the effective date may not be later than the 90th day after the date the instrument is signed and the specified time at which the instrument is to take effect may not be specified as 12:00 a.m." or "12:00 p.m."
Provides that a filing instrument that is to take effect on or after the occurrence of a future event or fact in accordance with the bill's provisions, rather than on the occurrence of a future event or fact other than the passage of time, and for which the required statement of event or fact is filed within the prescribed time takes effect on the date, or the date and time, at which the event or fact occurs or is waived, or on the specified date, the specified date and time, or the passage of the specified period of time after the occurrence or waiver of the event or fact.

Requires an entity that files a filing instrument that takes effect on or after the occurrence of a future event or fact in accordance with the bill's provisions, rather than a filing instrument that takes effect on the occurrence of a future event or fact, other than the passage of time, to sign and file as provided by certain statutory provisions, not later than the 90th day after the date the filing instrument is filed, a statement that states the date, or the date and time, rather than the date and time, on which the condition was satisfied or waived, and, if the filing instrument was to take effect after the occurrence of a specified future event or fact, states the date, or the date and time, at which the filing instrument took effect.

Provides that the filing instrument does not take effect if the required statement is not filed before the expiration of the prescribed time. Requires the parties of the filing instrument, if the filing instrument is to take effect on or after the occurrence of a future event or fact, and the specified event does not occur and is not waived, to sign and file a certificate of abandonment.

Prohibits the filing officer, if in the interim before a certification of abandonment is filed the name of the entity that is a party to the action or transaction becomes indistinguishable from, rather than the same as or deceptively similar to, the name of another entity already on file or reserved or registered under this code, from filing the certification of abandonment unless the entity by or for whom the certificate is filed changes its name in the manner provided by this code for that entity.

Requires an acknowledgement of filing issued or action taken by the secretary of state (SOS) affirming the filing of a filing instrument that has a specific delayed effective date, or a specific delayed effective date and time, to state the date, or the date and time, at which the instrument takes effect. Requires an acknowledgement of filing issued or other action taken by SOS affirming the filing of a filing instrument the effectiveness, rather than effect, of which is delayed until on or after the occurrence of any future event or fact to indicate that the effective date, or the effective date and time, of the instrument is conditioned on the occurrence of a future event or fact. Deletes existing text stating that the effective date and time of the filing instrument is conditioned on a future event or fact.

Provides that, except as otherwise provided by an entity's governing documents, an electronic transmission of a consent by an owner, member, or governing person to the taking of an action by the entity is considered a signed writing if the transmission contains or is accompanied by information from which it can be determined that the electronic transmission was transmitted by or on behalf of, rather than by, the owner, member, or governing person and that the date on which the electronic transmission was transmitted by or on behalf of the owner, member, or governing person, rather than the date on which the author, member, or governing person transmitted the electronic transmission.
Deletes an exception providing that a decrease in the number of managers of a limited liability company may not shorten the term of an incumbent manager.

Authorizes all books and records required to be maintained by a limited liability company under provisions relating to supplemental records required for limited liability companies to be maintained in any form and manner permitted under provisions relating to the form of books and records for all filing entities.

Provides that a limited liability company that refuses to allow a member or an assignee of a membership interest, rather than a member, to examine and copy, on written request that complies with certain statutory provisions, records or information described by those provisions is liable to the member or assignee, rather than the member, for any cost or expense, including attorney's fees, incurred in enforcing the member's or assignee's rights under those provisions. Provides that such liability imposed on a limited liability company is in addition to any other damages or remedy afforded to the member or assignee, rather than the member, by law.

Provides that a district court in a county in which the registered office or principal place of business in this state of a domestic limited liability company is located, on application by or for a member associated with the series, has jurisdiction over the winding up and termination of a series if the court determines that the economic purpose of the series is likely to be unreasonably frustrated or that another member associated with the series has engaged in conduct relating to the series' business that makes it not reasonably practicable to carry on the business with that member.

Authorizes a creditor to proceed against the property of one or more partners, rather than against one or more partners or the property of the partners, to satisfy a judgment based on a claim against the partnership only if a judgment is obtained, rather than also obtained, against the partner.

Provides that a certain statutory provision does not prohibit a creditor from proceeding directly against the property of one or more partners if, rather than proceeding directly against one or more partners or the property of the partners without first seeking satisfaction for a partnership property if the creditor and the partner or partners whose property is the subject of the proceeding brought by the creditor agreed that the creditor is not required to comply with that provision; a court orders otherwise, based on a finding that partnership property subject to execution in the state is clearly insufficient to satisfy the judgment or that compliance with that provision is excessively burdensome; or liability is imposed on the partner by law or contract independently of the person's status as a partner.

Requires a partnership to indemnify a withdrawn partner whose interest is redeemed against all partnership obligations, whether incurred before or after the date of withdrawal, except for an obligation incurred by an act of the withdrawn partner rather than requiring a partnership to indemnify a withdrawn partner against a partnership liability incurred before the date of withdrawal, except for a liability that is unknown to the partnership at the time or incurred by an act of the withdrawn partner. Deletes existing text providing that, for purposes of the bill's provisions relating to indemnification of a withdrawn partner, a liability is unknown to the partnership if it not known to a partner other than the withdrawn partner.
Authorizes all books and records required to be maintained by a limited partnership under provisions relating to records to be maintained in any form and manner permitted under provisions relating to the form of books and records for all filing entities, rather than requiring a limited partnership to maintain its records in written form or in another form capable of being converted to written form in a reasonable time.

Requires a limited partnership to keep in its registered office in this state and make available to a partner on reasonable request the street address of its principal office in the United States in which the records required by provisions relating to records are maintained or made available, rather than maintained.

Grape Storage in Public Warehouses—S.B. 1939
by Senator Hancock et al.—House Sponsor: Representative Burrows

Current Texas law requires grape growers to cede title to their grapes after they are harvested to a third party that contractually stores and processes them into bulk wine, often forcing growers to sell goods below market cost. Interested parties have suggested that a system for fluid transfers between growers, custom crush facilities, and wineries in the sale of bulk wine is needed if the wine industry is to expand in Texas. This bill:

Requires a public warehouse operator to issue a warehouse receipt to any person who deposits grapes in the warehouse operator's warehouse and requests a receipt. Requires the receipt to contain certain specified information, including the date on which the grapes were received and a statement that the grapes represented by the receipt are deliverable on return of the receipt properly endorsed and payment of charges for storage and insurance stated on the face of the receipt.

Provides that a natural byproduct of grapes stored in a public warehouse operator's warehouse is an agricultural commodity and not subject to regulation under other law, regardless of the byproduct's alcohol content, until the byproduct is removed from the warehouse or mixed with another ingredient.

Provides that this chapter (Other Public Warehouse Operators) does not apply to a producer of grapes who stores in the producer's own warehouse grapes produced and owned by the producer.

by Senator Hancock—House Sponsor: Representative Martinez Fischer

Business entities can make procedural and technical mistakes in their operations, some of which can have serious effects on continuing business operations. Currently, statutory procedures allow for the ratification of certain defective acts or mistakes made by for-profit corporations. Interested parties have suggested that domestic nonprofit corporations would also benefit from the ability to ratify defective corporate acts. The purpose of this bill is to establish procedures for the ratification of defective acts by nonprofit corporations, creating parity with their for-profit counterparts. This bill:

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Amends the Business Organizations Code to set forth provisions providing for the ratification of a defective corporate act taken by a domestic nonprofit corporation.

Establishes that a defective corporate act is not void or is voidable solely as a result of a failure of authorization if the act is ratified in accordance with the bill's provisions or validated by the district court in a proceeding brought under the bill's provisions.

Requires the board of directors (board) of the corporation, to ratify one or more defective corporate acts, to adopt resolutions stating certain information.

Provides that the quorum and voting requirements applicable to the adoption of the resolutions to ratify a defective corporate act under the bill's provisions are the same as the quorum and voting requirements applicable at the time of the adoption of the resolutions for the type of defective corporate act proposed to be ratified.

Requires each defective corporate act ratified under the bill's provisions, if the corporation has members with voting rights, to be submitted to such members of the corporation for approval, unless no other provision of the corporate statute, no provision of the corporation's governing documents, and no provision of any plan or agreement to which the corporation is a party would have required approval by such members of the defective corporate act to be ratified at the time of that defective corporate act or the type of defective corporate act to be ratified at the time the board adopts the resolutions ratifying that defective corporate act.

Requires the notice of the time, place, if any, and purpose of the meeting, if a corporation has members with voting rights and if the ratification of a defective corporate act is required to be submitted to such members for approval under the bill's provisions, to be given at least 20 days before the date of the meeting to certain members with voting rights. Sets forth the required contents of the notice.

Provides that, if the corporation has members with voting rights, at the meeting of such members, the quorum and voting requirements applicable to the approval of the ratification of a defective corporate act under the bill's provisions are the same as the quorum and voting requirements applicable at the time of the approval by the members of the ratification for the type of ratified defective corporate act proposed to be approved. Requires the presence or approval of the larger number of members or of the class of members, if the presence or approval of a larger number of members or of any class of members would have been required for a quorum to be present or to approve the defective corporate act, as applicable, by the corporation's governing documents, any plan or agreement to which the corporation was a party, or any provision of the corporate statute, each as in effect at the time of the defective corporate act, to be required for a quorum to be present or to approve the ratification of the defective corporate act, as applicable, except that the presence or approval of any class that is no longer in existence or has no members, or of any person that is no longer a member with voting rights, is not required. Provides that the approval by the members with voting rights of the ratification of the election of a director requires the affirmative vote of the majority of members present at the meeting and entitled to vote on the election of the director at the time of the approval, unless the governing documents of the corporation then in effect or in
Effect at the time of the defective election require or required a larger number of members with voting rights or of any class of members with voting rights to elect the director, in which case the affirmative vote of the larger number of members or of the class of members is required to ratify the election of the director, except that the presence or approval of any class that is no longer in existence or has no members, or of any person that is no longer a member with voting rights, is not required.

Requires the corporation, if a defective corporate act ratified under this subchapter would have required under any other provision of the corporate statute the filing of a filing instrument or other document with the filing officer, to file a certificate of validation with respect to the defective corporate act in accordance with statutory provisions relating to filings, regardless of whether a filing instrument or other document was previously filed with respect to the defective corporate act. Provides that the filing of another filing instrument or document is not required. Provides that a separate certificate of validation is required for each defective corporate act for which a certificate of validation is required, except that two or more defective corporate acts may be included in a single certificate of validation if the corporation filed, or to comply with the applicable provisions of this code could have filed, a single filing instrument or other document under another provision of this code to effect the acts. Requires the certificate of validation to include certain information.

Prohibits each defective corporate act ratified in accordance with this subchapter, on or after the validation effective time, unless determined otherwise in an action brought under the bill's provisions, from being considered void or voidable as a result of the failure of authorization described by the resolutions adopted under the bill's provisions, and requires the effect to be retroactive to the time of the defective corporate act.

Requires notice of the ratification, if the management of the affairs of a corporation is vested in its members or if a corporation has members with voting rights, for each defective corporate act ratified by the governing authority under the bill's provisions, to be given promptly to certain members with voting rights. Sets forth requirements for the contents and delivery of the notice.

Provides that ratification of an act or transaction under this subchapter or validation of an act or transaction as provided by the bill's provisions is not the exclusive means of ratifying or validating any act or transaction taken by or on behalf of the corporation, including any defective corporate act, or of adopting or endorsing any act or transaction taken by or in the name of the corporation before the corporation exists.

Authorizes certain entities to bring an action under this section, including the corporation, any successor entity to the corporation, any member of the corporation's board of directors or other person having fiduciary responsibility in relating to the actions of the corporation, any member with voting rights, or any record member with voting rights as of the time a defective corporate act was ratified in accordance with provisions relating to the ratification of defective corporate acts. Authorizes the district court, on application by such a person to make certain determinations and to modify or waive any of the procedures described by the bill's provisions to ratify a defective corporate act. Authorizes the district court, in connection with an action brought regarding the validity of defective corporate acts, to take certain actions and make certain considerations.
Provides that the district court has exclusive jurisdiction to hear and determine any action brought under provisions relating to proceedings regarding the validity of defective corporate acts.

Provides that service of such an application filed on the registered agent of a corporation or in any other manner permitted by applicable law is considered to be service on the corporation, and that no other party need be joined in order for the district court to adjudicate the matter.

Provides that the bill's provisions relating to the statute of limitations do not apply to an action asserting that a ratification was not accomplished in accordance with provisions relating to the ratification of defective corporate acts or to any person to whom notice of the ratification was not given as required by the bill's provisions.

Provides that an action brought under provisions relating to a proceeding regarding the validity of defective corporate acts that involves a charitable entity is considered a "proceeding involving a charitable trust" to which statutory provisions relating to Texas attorney general participation in proceedings involving charitable trusts apply.

Requires the secretary of state, for a filing by or for a nonprofit corporation, to impose a fee of $5 for filing a certificate of validation, plus the filing fee imposed for filing each new filing instrument that is attached as an exhibit to the certificate of validation under the bill's provisions.

**Domestic Business Entities—S.B. 1971**

*by Senator Hancock—House Sponsor: Representative Martinez Fischer*

Numerous technical and substantive amendments to the Business Organizations Code have been enacted in every regular legislative session since the code was adopted by the 78th Texas Legislature. The purpose of this bill is to amend certain provisions of the Business Organizations Code relating to corporations. This bill:

Amends current law to make minor technical and substantive changes relating to domestic corporations and other domestic entities.
Adoption of the Uniform Electronic Legal Material Act—H.B. 402  
by Representative Senfronia Thompson—Senate Sponsor: Senator Zaffirini

Many people access legal materials primarily online due to the cost of official printed materials; however, some online materials are outdated. The Uniform Electronic Legal Material Act (UELMA), adopted in 19 jurisdictions, addresses this issue by allowing a state to designate official publishers of electronic versions of legal materials so that persons viewing the law online can presume its accuracy. The purpose of this bill is to adopt UELMA in Texas in order to increase access to legal materials while lowering costs for attorneys and pro se litigants. This bill:

Designates the Texas Legislative Council and the secretary of state as the official online publishers of authenticated versions of the Texas Constitution, state laws, and state agency administrative rules.

Cybersecurity Training for Government Employees—H.B. 3834  
by Representative Capriglione—Senate Sponsor: Senator Paxton

It has been suggested that the integration of information technology services into the daily duties of many state and local government employees and contractors has created points of vulnerability for government data systems housing sensitive information. The purpose of this bill is to ensure that state and local governments are better safeguarded against cybersecurity risks by requiring certain government employees and contractors to undergo cybersecurity training. This bill:

Requires the Department of Information Resources to certify at least 20 cybersecurity training programs for state and local government employees.

Requires state employees, local government employees, and contractors with access to a state computer system that use a computer to complete at least 25 percent of the employee's required duties to complete a certified cybersecurity training program annually.

Cloud Compatibility of State Agency Information Technology—H.B. 3875  
by Representative Capriglione—Senate Sponsor: Senator Zaffirini

It has been suggested that as the Department of Information Resources (DIR) continues to invest in cloud computing, it is important for state agencies to prepare for integration. The purpose of this bill is to ensure that new automated information systems and major information resources projects be capable of being deployed and run on cloud computing services. This bill:

Amends the Government Code to replace the requirement for an applicable state agency to consider cloud computing service options when making purchases for a major information resources project with a requirement for such an agency to ensure that, when making purchases for an automated information system or a major information resources project, the system or project can be deployed and run on cloud computing services.
Requires an agency that determines it is unable to purchase a cloud-ready system or project to notify the Legislative Budget Board 14 days before soliciting bids.

Directs DIR to periodically review what state agency information may be stored on the cloud, determine what cloud computing or other storage services are currently available to state agencies, and outline any other standards to ensure that state agencies select the most affordable, secure, and efficient cloud option.

Cloud Compatibility of State Agency Information Technology—H.B. 3911
by Representative Vo—Senate Sponsor: Senator Campbell

It has been noted that the quality and adequacy of a network used by a preferred provider benefit plan should be evaluated periodically and that the network of an exclusive provider benefit plan should be evaluated more frequently. The purpose of this bill is to ensure that insurers do not fall short of obligations to provide adequate networks. This bill:

Requires the commissioner of insurance (commissioner) to examine an insurer to determine the quality and adequacy of a network used by a preferred provider benefit plan or an exclusive provider benefit plan offered by the insurer.

Establishes that an insurer is subject to a qualifying examination of the insurer's preferred provider benefit plans and exclusive provider benefit plans and requires subsequent quality of care and network adequacy examinations by the commissioner at least once every three years or whenever a commissioner considers an examination necessary.

Changes the account to which the Texas Department of Insurance (TDI) is required to deposit an assessment collected with regard to such an examination from the TDI operating account to a Texas Treasury Safekeeping Trust Company account.

Privacy of Personal Identifying Information—H.B. 4390
by Representative Capriglione et al.—Senate Sponsor: Senator Nelson

It has been suggested that regulating the protection by a business of computerized data that includes sensitive personal information may help protect individuals and communities from potential harm resulting from the misuse of such data. This bill:

Amends the Business and Commerce Code to change the time by which a person who conducts business in Texas and who owns or licenses computerized data that includes sensitive personal information is required to disclose any breach of system security after discovering or receiving notification of the breach to any individual whose sensitive personal information was or is reasonably believed to have been acquired by an unauthorized person from "as quickly as possible" to "without unreasonable delay" and in each case not later than the 60th day after the date on which the person determines that the breach occurred, subject to certain exceptions.
Requires a person required to disclose or provide notification of a breach of system security under certain provisions of the Identity Theft Enforcement and Protection Act to notify the attorney general of such a breach involving at least 250 Texas residents, setting out the required contents of that notification.

Creates the Texas Privacy Protection Advisory Council (council) and provides for the council's composition, designation of co-chairs, and manner of convening. Requires the council to study and evaluate the laws in Texas, other states, and relevant foreign jurisdictions governing the privacy and protection of information that alone or in conjunction with other information identifies or is linked or is reasonably linkable to a specific individual, technological device, or household. Requires the council to make recommendations to the legislature on specific statutory changes regarding the privacy and protection of information.

**Cybersecurity for Information Resources—S.B. 64**

*by Senator Nelson—House Sponsor: Representative Phelan*

State computer systems are subject to billions of attacks every month. These systems possess highly sensitive and sought-after information that must be protected. An interim study conducted by the Senate Select Committee on Cybersecurity identified several areas where the state could benefit from updates to state law in order to better protect state agency data and ensure key services are delivered adequately. The recommended improvements include strengthening state oversight of cybersecurity practices, bolstering the cybersecurity workforce, assisting local governments in recovering from cybersecurity events, and improving oversight of the state's electric grid. The aim of the bill is to implement those improvements. This bill:

Requires the Texas Higher Education Coordinating Board to collaborate with the Department of Information Resources (DIR) to develop strategies to incentivize public institutions of higher education to develop cybersecurity degree programs.

Requires the Employees Retirement System of Texas and the Teacher Retirement System of Texas to comply with cybersecurity and information security standards established by DIR under the Information Resources Management Act.

Requires DIR to establish an information sharing and analysis organization to provide a forum for state agencies, local governments, public and private institutions of higher education, and the private sector to share information regarding cybersecurity threats, best practices, and remediation strategies.

Requires DIR to submit a biennial report to the Legislative Budget Board that prioritizes, for funding purposes, state agency cybersecurity projects and projects to modernize or replace legacy systems.

Requires an agency, not later than the 10th business day after the date of the eradication, closure, and recovery from a breach, suspected breach, or unauthorized exposure, to notify DIR of the details of the event, including an analysis of the cause of the event in the notification.
Requires the Public Utility Commission of Texas (PUC) to establish a program to monitor cybersecurity efforts among electric cooperatives, electric utilities, municipally owned electric utilities, retail electric providers, and transmission and distribution utilities in Texas.

Requires an independent organization certified by the PUC to perform certain functions related to the market structure of the electric industry under the Public Utility Regulatory Act to conduct internal cybersecurity risk assessments, vulnerability testing, and employee training and to submit an annual report to PUC on the organization's compliance with state and federal cybersecurity and information security laws.

**Texas Electric Grid Security Council—S.B. 475**

*by Senator Hancock—House Sponsor: Representatives Hernandez and Flynn*

The Texas electric grid is a natural target for cybersecurity attacks; the risk of widespread outage as the result of an attack necessitates effective policies for addressing potential safety and security risks. Currently, those working toward security of the grid within the Public Utility Commission (PUC) and the Office of the Governor do not have proper security clearance to effectively communicate with federal agencies on important issues. The purpose of this bill is to promote collaboration among utilities, generators, regulators, and federal agencies to ensure industry practices are shared with members of the Texas Electric Grid Security Council and that participants in the electric grid of all sizes and structures are able to effectively defend against attacks. This bill:

Establishes the Texas Electric Grid Security Council (council) as an advisory body to facilitate the creation, aggregation, coordination, and dissemination of best security practices for the electric industry.

Authorizes a council member to apply for federal secret security clearance and prohibits a member from accessing classified information or participating in a briefing or meeting involving classified information unless the member has a secret security clearance.

Requires an independent organization certified by the PUC to perform certain functions relating to the market structure of the electric utility industry to provide information and resources requested by the council; to maintain non-classified information obtained or created by the council; to provide members of the council with access to the non-classified information; and to retain the non-classified information for five years after the date that the council obtains or creates the information.

Sets forth certain entities with which the council may consult and coordinate in carrying out its functions and requires the council, at the request of the governor, the lieutenant governor, or the chair of the committee of the House of Representatives or Senate having jurisdiction over energy utility regulation, to issue recommendations regarding specified topics relating to grid security.

Authorizes the council to prepare a report outlining grid security response efforts that do not involve classified or highly sensitive, company-specific information and requires the council to
deliver any such prepared report to the governor, lieutenant governor, and legislature on or before the December 1 immediately preceding a regular session of the legislature.

Exempts the council's meetings and information obtained or created by the council from state open meetings law and state public information law requirements.

**Electronic Information and Processes of State Agencies—S.B. 819**  
*by Senator Nelson—House Sponsor: Representative Phelan*

Interested parties have called for the state to continue improving the effectiveness of statewide information technology and cybersecurity by implementing recent recommendations by the Department of Information Resources (DIR). The purpose of this bill is to provide for such improvement. This bill:

Establishes a statewide chief data officer and an agency information resources manager.

Requires DIR to establish a digital transformation guide to assist agencies with digital initiatives and digitalization efforts.

Requires DIR to establish a central repository of publicly accessible electronic data as the official open data website for the state and to designate the repository as the Texas Open Data Portal. Requires DIR to ensure that state agencies and political subdivisions of the state are granted shared access to the repository that allows agencies and political subdivisions to readily post publicly accessible information there.

Changes the person who serves as a state agency's information resources manager from the presiding officer of the agency's governing body or the agency's executive director, as applicable, or the designated representative of the presiding officer or the executive director to an agency employee named by the agency.

Requires state agencies to consider adopting new software applications compatible with cloud technology.
Regulation of Salvage Vehicle Dealers—H.B. 1667
by Representative Goldman—Senate Sponsor: Senator Hancock

Currently, a licensed independent auto dealer can act as a salvage dealer but must obtain an additional salvage dealer license to do so. Concerns have been raised that this licensing structure is a burden on persons who hold an independent motor vehicle dealer's license and who purchase a certain number of salvage vehicles per year. The purpose of this bill is to streamline the salvage dealer license by allowing licensed independent auto dealers to act as salvage dealers. This bill:

Amends the Occupations Code to make statutory provisions relating to salvage vehicle dealers applicable to the holder of an independent motor vehicle dealer's general distinguishing number issued under the Transportation Code in the same manner as those provisions apply to a salvage vehicle dealer if the holder of the general distinguishing number acts as a salvage vehicle dealer or rebuilder or stores or displays a motor vehicle as an agent or escrow agent of an insurance company.

Authorizes a person who holds such an independent motor vehicle dealer's general distinguishing number to act as a salvage vehicle dealer or rebuilder and to store or display a motor vehicle as such an agent.

Licensing of Interior Designers—H.B. 1894
by Representative Goldman—Senate Sponsor: Senator Hancock

Concerns have been raised that interior designers who choose not to voluntarily register with the Texas Board of Architectural Examiners may still be subject to penalties related to their practice of interior design, including a criminal penalty if they misrepresent themselves as a registered interior designer. This bill:

Repeals a criminal penalty for certain interior design violations.

Prohibits the board from imposing an administrative penalty on an unregistered interior designer.

Revocation or Denial of Certain Health Care Professional Licenses—H.B. 1899
by Representative Greg Bonnen—Senate Sponsor: Senator Kolkhorst

Concerns have been raised regarding the prevalence of licensed health care professionals using their privilege and authority to commit crimes against vulnerable patients. It has been suggested that one way to prevent these horrific crimes is to make individuals who have committed certain crimes, including registered sex offenders, ineligible for health care professional licenses and to implement a standard procedure for notification of appropriate agencies. This bill:

Requires automatic denial of a pending license application or revocation of an existing license if the applicant or professional has a reported conviction or placement on deferred adjudication for an offense involving force or requiring registration as a sex offender.
Licensure and Regulation of Natural Gas Systems Operation—H.B. 2127
by Representative Harris et al.—Senate Sponsor: Senator Birdwell

It has been noted that certain state licensing regulations regarding the manufacture of compressed natural gas (CNG) cylinders or liquefied natural gas (LNG) duplicate other industry standards and requirements. Some have suggested these state regulations could be streamlined in order to lessen regulatory burdens on industry while still preserving public health and safety. This bill:

Removes the requirement that a person obtain a license from the Railroad Commission of Texas to engage in work that includes the manufacture of CNG cylinders or LNG containers for use in Texas or to engage in systems work including the sale of CNG or LNG systems for use in Texas.

Barbering and Cosmetology License Examinations—H.B. 2698
by Representatives Goldman and Hernandez—Senate Sponsor: Senator Zaffirini

It has been suggested that the requirement that barber and cosmetology students travel to a third-party location to take a required practical examination adds an extra expense for students and an unnecessary delay in receiving licenses. The purpose of this bill is to address this issue by authorizing more entities to administer the examination. This bill:

Amends the Occupations Code to authorize the Texas Department of Licensing and Regulation (TDLR) to approve examinations required under statutory provisions regulating barbering and cosmetology, including administration of examinations.

Authorizes a barber school, private beauty culture school, or public secondary or postsecondary beauty culture school approved by TDLR to administer a licensing examination to administer a practical examination required under statutory provisions.

Licensing and Regulation of Massage Therapy—H.B. 2747
by Representative Ortega et al.—Senate Sponsor: Senators Rodríguez and Menéndez

It has been reported that certain establishments located throughout Texas claiming to offer massage therapy or massage therapy services are operating as fronts for prostitution-related activity closely connected with human trafficking. These reports indicate that many of the women who work at these businesses are in debt bondage, experience barriers in language and culture, and do not hold state licenses to offer massage services. There have been calls to provide the Texas Department of Licensing and Regulation with the necessary tools to properly identify establishments coercing victims of human trafficking to provide illicit services. This bill:

Amends the Occupations Code to require the Texas Department of Licensing and Regulation (TDLR) to require an applicant for a license related to massage therapy to submit a complete and legible set of fingerprints, on a prescribed form, to TDLR or to the Texas Department of Public Safety (DPS) for the purpose of obtaining criminal history record information from DPS and the FBI. Provides that if the applicant is an entity, the applicant must submit fingerprints for each
individual holding a specified ownership or investment interest in the entity or who is a member of the board of directors or other governing body of the entity or serves as an elected officer or general manager of the entity.

Prohibits a massage establishment from allowing any individual, including a student, license holder, or employee, to reside on the premises of the massage establishment, unless the place of business is exempted from the requirement to hold a license as a massage establishment or unless the individual is a licensed massage therapist practicing as a solo practitioner and is exempt from holding a license as a massage establishment.

Requires the posted license of a massage therapist to have a photograph of the massage therapist attached to the front of the license.

Requires each massage establishment and massage school to display in the form and manner prescribed by the Texas Commission of Licensing and Regulation (TCLR) a sign detailing services and assistance available to victims of human trafficking.

Occupational Licensing and Regulation—H.B. 2847
by Representatives Goldman and Wilson—Senate Sponsor: Senators Hancock and Schwertner

Concerns have been raised that outdated statutes relating to certain occupations regulated by the Texas Department of Licensing and Regulation (TDLR) are in need of updates and that certain occupations are no longer in need of state regulation. The purpose of this bill is to address these concerns by amending or repealing provisions relating to the licensing and regulation of certain occupations and activities. This bill:

Removes the requirement that all driver education schools have a physical facility in order to have an online driver education school.

Amends the Education Code to provide TDLR with the authority to develop pathways to become a driver education instructor.

Repeals the requirement that a certificate of operation for a boiler be posted under glass in a conspicuous place on or near the boiler.

Repeals the statewide licensing requirement for mold remediators and mold assessors and gives the Texas Department of Insurance (TDI) authority to prescribe guidelines for assessors, adjusters, and other persons or entities involved in the mold business.

Removes the requirement that audiologists register an intention with TDLR to fit and dispense hearing instruments.

Repeals TDLR's authorization to issue voluntary orthotic technician, prosthetic technician, and prosthetic orthotic technician certificates.
Removes the requirement that dietitians obtain and use a seal on certain documentation.

Amends the Occupations Code to repeal the risk-based inspection requirement in the Used Automotive Parts Recyclers program.

**Refusal of Occupational Licenses Due to Student Loan Default—S.B. 37**

by Senator Zaffirini et al.—House Sponsor: Representative Krause et al.

Texas currently restricts the granting or renewal of certain occupational licenses for professionals in default on student loans. At the time of the law's creation, its proponents believed it to be in the taxpayers' interests because many student loans are guaranteed by the state or federal government and the burden of repayment falls on taxpayers if borrowers default. However, the law has been counterproductive because interference with a person's ability to work also inhibits the ability to repay student loan debt. In addition, the policy is unnecessary because traditional tactics for debt collection such as lawsuits, garnishment of wages, and tax refund seizure are already available to lenders. This bill:

Deletes existing text authorizing a licensing authority, on receipt of information from an administering entity that a person has defaulted on a student loan or has breached a student loan repayment contract or scholarship contract by failing to perform the person's service obligation under the contract, to take certain actions. Prohibits a licensing authority from taking disciplinary action against a person based on the person's default on a student loan or breach of a student loan repayment contract or scholarship contract, including by taking certain enumerated actions.

Authorizes the savings and mortgage lending commissioner (commissioner) to deny the renewal application for a residential mortgage loan originator license for the same reasons and grounds on which the commissioner could have denied an original application for a license, other than on the basis of the person's default on a student loan.

Deletes existing text authorizing the commissioner to deny the renewal application for a residential mortgage loan originator license if the person seeking the renewal of the residential mortgage loan originator license is in default on a student loan administered by the Texas Guaranteed Student Loan Corporation.

Prohibits a determination that an individual has not shown financial responsibility from being based on the individual's default on a student loan but provides that the determination may include certain components, including a pattern of seriously delinquent accounts, other than student loan accounts, during the three-year period preceding the date of the application.

Repealed provisions relating to the nonrenewal of the license of a lawyer who is in default on a loan, relating to the nonrenewal of the certification of a court reporter who is in default on a loan, and relating to provisions prohibiting disciplinary action against recipients of student financial assistance.
Occupational Licensing for Military Spouses—S.B. 1200
by Senator Campbell et al.—House Sponsor: Representative Miller et al.

Military spouses often face difficulty and delay in reentering the workforce when their family is transferred to Texas due to state occupational licensing requirements. The purpose of this bill is to ease the burden on military families who relocate to Texas. This bill:

Amends the Occupations Code to authorize a military spouse to engage in a business or occupation for which a license is required without obtaining the applicable license if the spouse is currently licensed in good standing by another jurisdiction that has licensing requirements substantially equivalent to the requirements for the license in Texas.

The bill requires the military spouse, before engaging in the practice of the business or occupation, to notify the applicable state agency of the spouse's intent to practice in Texas; submit to the agency proof of the spouse's residency in Texas and a copy of the spouse's military identification card; and receive confirmation from the agency that it has verified the spouse's license in the other jurisdiction and that the spouse is authorized to engage in the business or occupation in accordance with the bill's provisions.

Authorizes the military spouse to engage in the business or occupation only for the period during which the military service member to whom the military spouse is married is stationed at a military installation in Texas but not to exceed three years from the date the spouse receives the requisite confirmation from the agency.

Requires a state agency that issues an occupational license to adopt rules to implement the bill's provisions and requires the rules to establish a process for the agency to identify, with respect to each type of license issued by the agency, the jurisdictions that have licensing requirements that are substantially equivalent to the requirements for the license in Texas and to verify that a military spouse is licensed in good standing in such a jurisdiction.

Restrictions on Occupational Licenses for Convicted Felons—S.B. 1531
by Senator Hancock—House Sponsor: Representative White

It has been reported that Texas leads the nation in the number of restrictions on individuals with felony convictions who work in licensed occupations. To address this issue, the 85th Legislature directed each licensing authority to review requirements related to an applicant's criminal history and make a recommendation regarding whether the requirement should be retained, modified, or repealed. The purpose of this bill is to implement various recommendations contained in the Texas Department of Licensing and Regulation's Guidelines for License Applicants With Criminal Convictions. This bill:

Amends the Occupations Code to remove felony convictions and convictions involving moral turpitude from the grounds on which the Texas Commission of Licensing and Regulation (TCLR) or the Texas Department of Licensing and Regulation (TDLR) may refuse to admit candidates to examinations for a license to practice podiatry.
Removes misdemeanor or felony convictions involving moral turpitude from the grounds on which TCLR or the executive director of TDLR may discipline a licensed midwife, refuse to renew a midwife's license, or refuse to issue a license to an applicant.

Removes the requirement that an applicant for an electrician license demonstrate honesty, trustworthiness, and integrity.

Removes from the eligibility requirements for an auctioneer's license that an individual has not been convicted of a felony during the five years preceding the date of application.

Revises the manner in which the license of a licensed breeder is revoked by establishing that such a license is revoked if, after the license is issued, the licensed breeder or a controlling person of the licensed breeder pleads guilty or no contest to, is convicted of, or receives deferred adjudication for animal cruelty or neglect in Texas or any other jurisdiction.

Provides that before a license is revoked, TDLR must issue a notice of revocation to the licensed breeder, stating that the licensed breeder or the licensed breeder's representative may, not later than the 20th day after the date the licensed breeder receives the notice, submit to TDLR proof that the licensed breeder or controlling person of the licensed breeder did not plead guilty or no contest to, was not convicted of, or did not receive deferred adjudication for, animal cruelty or neglect in Texas or any other jurisdiction.

**Continuing Education for Insurance Adjusters—S.B. 1584**
by Senator Hughes—House Sponsor: Representative Paul

Currently, 34 states, including Texas, require licensure of independent insurance adjusters. Each of the 34 states has its own licensing standards and many insurance adjusters who travel for work must maintain licenses in multiple states, requiring completing continuing education requirements in each state they are licensed. Five other states have enacted legislation that allows insurance adjusters licensed in their home state to satisfy continuing education requirements by completing a certification program that includes courses meeting standards of their home state. The purpose of this bill is to provide the same opportunity for insurance adjusters in Texas. This bill:

Amends the Insurance Code to require the Texas Department of Insurance to accept a claims certification that the adjuster receives during a license period for which continuing education is required if the certification meets Texas continuing education standards.

**Licensing of Residential Mortgage Loan Originators—S.B. 2330**
by Senator Creighton—House Sponsor: Representative Parker

In 2008, Congress amended the federal Secure and Fair Enforcement for Mortgage Licensing (SAFE) Act to authorize a registered residential mortgage loan originator or an out-of-state licensed originator seeking to be licensed in another state temporary authority to originate loans
for a period of up to 120 days while the person completes the licensing process. The purpose of this bill is to conform the Texas SAFE Act to changes in federal law. This bill:

Allows persons who have been employed by a bank or other depository institution and registered under the federal system for at least a year and persons who are licensed out-of-state but become employed by a licensed or registered Texas mortgage lender to be granted temporary authority to originate mortgage loans for a period of not more than 120 days while the person completes the Texas licensing process.
Work Status Reports for Workers' Compensation Benefits—H.B. 387

by Representative Cortez—Senate Sponsor: Senator Creighton

Current law allows advanced practice registered nurses (APRN) to assess and treat injured workers in the workers' compensation system but does not allow them to sign a work status report, which communicates injured workers' restrictions and physical abilities to employers and insurance carriers. Interested parties have suggested that the restriction causes unnecessary delays for patients and creates additional paperwork burdens for delegating physicians, negatively impacting employers, workers, and the families of workers. The purpose of the bill is to increase efficiency within the workers' compensation system by authorizing a licensed APRN already authorized to provide treatment to complete and sign the work status report. This bill:

Amends the Labor Code to authorize a treating doctor to delegate to a licensed APRN the authority to complete and sign a work status report regarding an injured employee's ability to return to work for purposes of workers' compensation benefits.

Makes the delegating treating doctor responsible for the acts of the APRN regarding the exercise of that authority.

Financial Assistance Paid to Survivors of Certain Public Employees—H.B. 872

by Representative Hefner et al.—Senate Sponsor: Senators Flores and Lucio

Currently the state provides line of duty death (LODD) benefits to the survivors of deceased peace officers, fire fighters, and other public servants who died as a result of a personal injury sustained in the line of duty. The Government Code mandates that an employing entity furnish to the Employees Retirement System of Texas (ERS) proof of death and additional information required by ERS as soon as practicable after the death of an eligible individual. Despite these provisions, interested parties have asserted that some employing entities have taken it upon themselves, not ERS, to make benefits determinations and have sometimes denied LODD benefits that should have been granted. This bill:

Mandates that employing agencies file claims with ERS for any covered individual who dies in the performance of duty, to be enforced by the Office of the Attorney General. Adds jailers and guards to state employees eligible for death benefits.

Age Discrimination in Employment Training Programs—H.B. 1074

by Representative Price et al.—Senate Sponsor: Senator Zaffirini

A 2008 report by the United States Department of Labor's Taskforce on the Aging of the American Workforce found that workers between the ages of 25 and 34 received an average of 37 training hours per year, compared with nine hours for employees over 55. Older, mature workers unquestionably bring valuable work experiences vital to enhancing cross-generational competencies in the workforce. Although federal law protects workers and job applicants age 40 and over from age-based discrimination, age discrimination persists, including in hiring practices,
promotions, and denial of workplace training. As Texans remain employed longer and the rate of technological change continues to increase dramatically, this provision has become increasingly outdated. This bill:

Repeals Section 21.054(b), Labor Code, which limits the applicability of the prohibition against discrimination based on age by an employer, labor organization, or joint labor-management committee in an apprenticeship, on-the-job training, or other training or retraining program to discrimination against an individual at least 40 but younger than 56 years of age.

9-1-1 Operators and Response Dispatchers—H.B. 1090
*by Representative Cecil Bell et al.—Senate Sponsor: Senator Kolkhorst*

Currently, statute does not classify emergency response operators, emergency services dispatchers, and other emergency response personnel as "first responders." As a result, such personnel are not eligible for the benefits and protections that police and firefighters enjoy. Stakeholders have expressed concern that response operators and dispatchers should be eligible for the same services because they experience similar high stress and trauma events. This bill:

Classifies an emergency response operator or emergency services dispatcher as a "first responder."

Eligibility for Occupational Licenses—H.B. 1342
*by Representative Leach et al.—Senate Sponsor: Senator Hinojosa*

It has been noted that obtaining employment after release from prison is crucial for rehabilitation but that many professions require licensure, a credential difficult to obtain for those with a criminal record. Specifically, concerns have been raised regarding barriers to occupational license eligibility faced by Texans who have been convicted of an offense within five years of license application, whether the offense is related to the occupation or not. The purpose of this bill is to offer a second chance to those who have made mistakes in the past by expanding occupational licensing opportunities for individuals with criminal records. This bill:

Prohibits licensing authorities from revoking, suspending, or denying a license when the individual's offense history does not directly relate to the occupation at hand and requires the authorities instead to consider whether the crime correlates to the duties and responsibilities of the license sought.

Workers' Compensation Benefits for Post-Traumatic Stress Disorder—H.B. 2143
*by Representative John Turner et al.—Senate Sponsor: Senators Whitmire and Hinojosa*

Current law relating to workers' compensation benefits for post-traumatic stress disorder in first responders requires a diagnosis that the condition originates from a single event. However, it has been noted that the cause of post-traumatic stress disorder is often a result of multiple events. The
purpose of this bill is to revise the applicable diagnosis requirements to provide for that possibility. This bill:

Amends the Labor Code to specify that the circumstances under which a first responder employed by a political subdivision is eligible for workers' compensation benefits for post-traumatic stress disorder include a diagnosis that the disorder is caused by one or more events occurring in the course and scope of the first responder's employment and that the preponderance of evidence indicates that the event or events were a substantial contributing factor of the disorder.

**Payment Through Payroll Card Accounts—H.B. 2240**

*by Representatives Murphy and Cain—Senate Sponsor: Senator Hinojosa*

According to the Federal Reserve, about 11 percent of American workers do not have a bank account, making direct deposit payment impossible. A payroll card is a reloadable prepaid card offered by an employer as a way for employees who lack access to traditional bank accounts to receive wages electronically. Current law allows employers to pay wages by cash, check, direct deposit, or in another form if the employee consents in writing. Thus, payroll cards are allowed by law, but the opt-in provision results in low employer adoption. Allowing employers to select the payroll card account, coupled with employee freedom to opt out, would dramatically increase adoption and retention rates, giving employees more timely access to their earnings. This bill:

Authorizes an employer to elect to pay wages to an employee through a payroll card account plan that is linked to a federally insured financial institution and uses electronic funds transfer to deposit wages in the employee's payroll card account. Requires an employer who elects to pay wages through such an account to do the following:

Not later than the 60th day before the date of the first electronic funds transfer to the payroll card account of an affected employee or, for an employee hired after the date the employer adopts the plan, not later than the employee's first day of work:

- notify the employee in writing regarding the employer's adoption of such a plan;
- provide to the employee a complete list of all fees associated with the employee's account; and
- provide to the employee a form the employee may use to request an alternate form of payment if the employee elects to opt out of the plan;

Obtain from the employee any information required by the account issuer necessary to implement the electronic funds transfer.

Clarifies that an employer who pays wages to an employee by the electronic transfer of funds must transfer the funds to a financial institution designated by the employee or to a payroll card account.
**Discrimination Against Voluntary Emergency Responders—H.B. 2348 [VETOED]**

by Representatives Tracy O. King and Flynn—Senate Sponsor: Senators Perry and Zaffirini

There are concerns that volunteer emergency responders currently lack assurances that their employers will not penalize them for responding to an emergency. This bill:

Prohibits an employer from terminating or suspending, or in any other manner discriminating against, an employee who is a volunteer emergency responder and is absent from or late to work because the employee is responding as a volunteer emergency responder to a declared disaster. Sets the maximum number of absences in a calendar year for such an employee at 14 days, unless the absence is approved by the employer.

Requires such employees to make reasonable efforts to notify employers that they may be absent or late and to submit written verification of participation in a declared disaster if the employee is unable to notify the employer due to the extreme circumstances of the disaster or an inability to contact the employer. Authorizes an employer to reduce wages otherwise owed to the employee due to the employee's time off for an authorized absence or to require the employee to use existing vacation leave time, personal leave time, or compensatory leave time for the absence.

Entitles employees whose employment is suspended or terminated in violation of the bill's provisions to reinstatement to their former position or a comparable position, compensation for wages lost during the period of suspension or termination, and reinstatement of any fringe benefits and seniority rights lost because of the suspension or termination. Authorizes an employee whose employer violates the bill's provisions to bring a civil action against the employer to enforce rights protected by the bill's provisions.

**Workers' Compensation Death Benefit Eligibility—H.B. 2503**

by Representative Kacal et al.—Senate Sponsor: Senator Menéndez

Current statute allows for the surviving spouse of a first responder or volunteer who died in the performance of duty to be eligible to receive death benefits, paid through the Texas workers' compensation system for life, regardless of whether the spouse chooses to remarry. The purpose of this bill is to ensure that the same benefits are provided to surviving spouses of law enforcement offices employed by the state or by a private institution of higher education in Texas. This bill:

Amends the Labor Code to make a remarried eligible spouse of a peace officer employed by the state or a political subdivision of the state or employed by a private institution of higher education in Texas, including private junior colleges, who suffered death in the line of duty eligible for death benefits for life under the Texas Workers' Compensation Act.
Texas Industry-Recognized Apprenticeship Programs Grant Program—H.B. 2784
by Representative Phelan et al.—Senate Sponsor: Senator Alvarado et al.

It has been noted that despite positive economic activity, including job growth, investment, and facility expansions across Texas, many employers are struggling to build a workforce, especially in the skilled trades, to build, operate, and maintain this expansion. The purpose of this bill is to close the job skills gap and fill positions by establishing the Texas Industrial Workforce Apprenticeship Grant program. This bill:

Amends the Labor Code to require the Texas Workforce Commission (TWC) to establish and administer the Texas Industrial Workforce Apprenticeship Grant program to encourage the private sector to develop specialized industrial workforce apprenticeship training programs in Texas.

Establishes the Texas Industrial Workforce Apprenticeship Fund as a dedicated account in the general revenue fund, sets out the composition of the fund, and restricts the use of the fund to the apprenticeship program.

Makes eligible to receive a grant from TWC under the grant program a person who has in place an apprenticeship program meeting certain requirements, as prescribed by the bill, owes no delinquent taxes to a taxing unit of the state, and, if the person is an entity, is in good standing under applicable state law, as evidenced by a specific state-issued certificate.

Caps the amount of a grant per apprenticeship program participant at the lesser of $10,000 per apprenticeship program participant or the cost of training, not including wages and benefits. Sets out certain determinations TWC must make before awarding a grant and authorizes TWC by rule to develop criteria for making those determinations.

Requires TWC, not later than December 1 of each year, to submit to the lieutenant governor, the speaker of the house of representatives, and the members of the legislature a report on grants made under the program and sets out the required contents of the report.

Compensation and Leave for Texas Department of Insurance Employees—H.B. 2816
by Representative Lucio III—Senate Sponsor: Senator Watson

It has been suggested that employee recruitment, training, and retention is vital for successful investigations of complex insurance fraud schemes by the Texas Department of Insurance (TDI) and that improving compensation for commissioned law enforcement officers of TDI's insurance fraud unit would help attract and retain qualified personnel. The purpose of this bill is to address this issue by requiring the commissioner of insurance to ensure that such an officer is compensated according to a specific position classification salary schedule. This bill:

Amends the Government Code to include a commissioned law enforcement officer of the insurance fraud unit of TDI among individuals considered state employees for purposes of hazardous duty pay. The bill entitles a peace officer commissioned as such a law enforcement officer to injury leave under certain conditions.
Amends the Insurance Code to require the commissioner of insurance to ensure that such a peace officer is compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act.

Adds a temporary provision, set to expire September 1, 2021, requiring the classification officer in the office of the state auditor to classify the position of commissioned peace officer employed by the insurance fraud unit of TDI as a Schedule C position under the Texas Position Classification Plan.

**Liability for Disclosing Certain Information—H.B. 4345**

*by Representative Sanford et al.—Senate Sponsor: Senator Huffman*

Concerns have been raised over the lack of specific protections for charitable organizations and their employees and volunteers when allegations of sexual misconduct against another employee or volunteer of that charitable organization are disclosed. This bill:

Provides that a charitable organization or an employee or volunteer of an organization who acts in good faith is immune from civil liability for any act disclosing information about sexual misconduct to a current or prospective employer.

**Employment Protections for Jury Service—S.B. 370**

*by Senator Watson—House Sponsor: Representative Smithee*

Texas law protects permanent employees of private companies from termination as a result of jury service. Federal law is more expansive, covering all permanent employees from threats of discharge, intimidation, or coercion as a result of jury service. Judges have noted that jurors have, during voir dire, indicated fear of negative employment consequences if selected to serve on a jury. Concerns have been raised that employment protections for individuals who serve on juries are too limited and may discourage or even prevent individuals from performing an essential civic duty. This bill:

Prohibits an employer, rather than a private employer, from discharging, threatening to discharge, intimidating, or coercing any permanent employee because the employee serves as a juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States.

**Wage Requirements for Purchasing From People With Disabilities Program—S.B. 753**

*by Senator Huffman et al.—House Sponsor: Representative Raney et al.*

The federal Fair Labor Standards Act (FLSA) allows entities to pay persons with disabilities "special minimum wages," wages below the federal minimum wage, if the employer has received a special minimum wage certificate. This exemption was originally passed to help wounded veterans find employment. Today, this loophole solely targets individuals who are blind, deaf, or
have intellectual and developmental disabilities (IDD). This legislation requires businesses that participate in the Purchasing from People with Disabilities Program to either pay individuals with IDD the minimum wage or work with the Texas Workforce Commission (TWC) to find them employment in other businesses, and in some cases, authorize businesses to continue to pay those with IDD less than the minimum wage. This bill:

Requires TWC to assist a community rehabilitation program participating in the Purchasing from People with Disabilities Program that pays workers with disabilities employed by the program wages less than the federal minimum wage, in the following ways:

- Assisting the rehabilitation program in developing a plan to increase wages to the federal minimum standard not later than September 1, 2022, for work relating to any products or services purchased from the rehabilitation program through the People with Disabilities Program;

- Providing information about certified benefits counselors to ensure that rehabilitation program workers are informed about work incentives and the potential impact the increase in wages may have on a worker's eligibility for any federal or state program; and

- Providing a referral to such a counselor to any worker with a disability who requests one.

Requires each community rehabilitation program to ensure that each worker with a disability remains employed after the increase in wages paid to those employees. The bill requires a rehabilitation program that is unable to employ all workers with a disability after implementing the wage increase to work with TWC to seek and obtain job training and employment services suitable for those former employees to find other employment that pays at least the federal minimum wage.

Authorizes TWC to exempt a rehabilitation program from this wage requirement with respect to a worker with a disability if TWC makes the following determinations, based on the worker's circumstances:

- that requiring the rehabilitation program to pay the worker at the federal minimum wage would result in the program not being able to retain the worker;

- that the worker would not have success obtaining work with a different employer; and

- that the worker would not be able to obtain employment at a higher wage than the rehabilitation program would be able to pay the worker, notwithstanding the requirements of this provision.
Insurance Reimbursement of Federal Military Treatment Facilities—S.B. 935
by Senators Hancock and Zaffirini—House Sponsor: Representative Shine et al.

Workers' compensation is a state-regulated system and, thus, state law imposes specific billing requirements on health care providers, setting medical fee schedules and determining how much providers will be reimbursed by insurance carriers for medical care provided to injured employees. Since federal entities do not recognize state workers' compensation laws, federal military treatment facilities require full reimbursement of all charges billed. In certain instances, Texas workers' compensation insurance carriers have tried to avail themselves of state law in order to refuse payment of federal military treatment facility charges, and when insurance carriers refuse to reimburse the military treatment facility the facility then bills the patient for the balance owed. The purpose of this bill is to ensure that injured employees who receive medical care at federal military treatment facilities do not receive balance bills. This bill:

Requires the reimbursement rates for medical services provided to an injured employee by a federal military treatment facility to be the amount charged by the facility as determined under certain federal law. Provides that statutory provisions relating to workers' compensation health care networks and certain sections of the Labor Code relating to reimbursement for health care and pharmaceutical services do not apply to the reimbursement of a federal military treatment facility's charges for medical services provided to an injured employee.

Requires the commissioner of workers' compensation to adopt rules necessary to implement the bill's provisions, including rules establishing requirements for processing medical bills for services provided to an injured employee by a federal military treatment facility and a separate medical dispute resolution process to resolve disputes over charges billed directly to an injured employee by a federal military treatment facility.

Workers' Compensation Classification System and Rate Filings—S.B. 1336
by Senator Zaffirini—House Sponsor: Representatives Beckley and Lucio III

Classification relativities establish the relative risk of job classifications in terms of potential workers' compensation costs. Workers' compensation insurers can use this information to help set rates for an insured business. However, interested parties have suggested that loss costs are a better measure of the portion of an insurance rate needed to cover claims and the cost of adjusting claims. Additionally, the vast majority of workers' compensation premiums in Texas are based on loss costs filed by the National Council on Compensation Insurance (NCCI), and Texas is the only state that includes classification relativities as an alternative rate basis to loss costs. The Texas Department of Insurance (TDI) is required by state law to revise the classification system at least once every five years and, while there have been calls for more frequent updates to keep the relativities aligned with NCCI loss costs, updating the relativities is time-consuming and the relativities are only used to set rates for a small percentage of the market. The purpose of this bill is to save numerous hours of labor at TDI and ensure that state resources are used efficiently by eliminating the obsolete practice of using state-created classification relativities as a rate basis. This bill:
Amends the Insurance Code to remove the requirement for TDI to establish classification relativities.

Changes the frequency at which TDI is required to revise the workers' compensation classification system from at least once every five years to as necessary to carry out the purposes of provisions relating to rates for workers' compensation insurance.

### Consolidating Annual Reporting Requirements of TWC—S.B. 1413

*by Senators Zaffirini and Birdwell—House Sponsor: Representative Vo*

Under current law, the Texas Workforce Commission (TWC) is required to produce seven reports for the governor and the legislature annually. Each of these reports has a different due date, creating a burdensome process for TWC. This bill:

Requires TWC to include in TWC’s supplemental annual report to the governor and the legislature under the bill's provisions a financial report in a certain form relating to TWC's activities under statutory provisions relating to purchasing from people with disabilities. Requires TWC, at the time TWC submits the annual report, to submit to the governor and the legislature a separate supplemental annual report consisting of any information required by other law to be included in the supplemental annual report.

Requires TWC, after consultation with the Texas Higher Education Coordinating Board (THECB), to include certain information in TWC's supplemental annual report to the legislature and the governor under the bill's provisions.

Requires TWC to include the following in TWC's supplemental annual report to the governor and the legislature under the bill's provisions:

- a report on the effectiveness of federal programs designed to provide trade adjustment assistance to persons in this state;
- a report on the status of the skills development fund program; and
- a report regarding the Texas career opportunity grant program.

### Repealing Wage Claim Judicial Review Waiver—S.B. 1500

*by Senator Zaffirini—House Sponsor: Representative Vo*

Under current law, a party in a wage claim required by the Texas Workforce Commission (TWC) to pay wages must pay the amount to TWC, or, if the party files a petition for judicial review contesting the final order, must send wages to TWC for deposit in an escrow account. Section 61.063(b), Labor Code, provides that unless a party files an affidavit of inability to pay with the court clerk within a specific period, failure to send the amount within that period constitutes a
waiver of the right to judicial review. The Fifth Court of Appeals ultimately found this section to be unconstitutional because it improperly restricts access to the courts. This bill: Repeals the waiver of the right to judicial review of a wage claim.

**Disease and Illness Benefits for Peace Officers—S.B. 1582**  
*by Senator Lucio—House Sponsor: Representative Wray et al.*

It has been noted that under state law, firefighters, emergency medical technicians, and certain government employees are entitled to benefits for certain diseases or illnesses to which these individuals were exposed on the job. Some have noted that peace officers face the same risks but are not offered the same benefits. This bill:

Extends the applicability of provisions relating to a determination of whether disability or death from a disease or illness contracted in the course and scope of employment, for purposes of certain benefits to peace officers, satisfies the same conditions as an applicable firefighter or emergency medical technician.

Extends to peace officers the entitlement to preventative immunization for a disease to which the employee may be exposed in performing official duties.

**TWC Report on Skills Training for Those With Intellectual Disabilities—S.B. 2038**  
*by Senator Rodríguez—House Sponsor: Representative Fierro*

The greatest way for individuals with intellectual and developmental disabilities (IDD) to build an independent life is to find a satisfying job that pays a livable wage. However, adults with IDD face many barriers to employment, sometimes lacking training or credentials, sometimes encountering the biases of employers. Often, these individuals, their family members, and their advocates are not certain about potential career options. This bill:

Directs the Texas Workforce Commission (TWC) to prepare a report that identifies potential funding sources for occupational skills training programs for individuals with intellectual and developmental disabilities, and specific occupations in high-demand industries in this state for which a postsecondary certification, occupational license, or other workforce credential is required and that may be appropriate for individuals with intellectual and developmental disabilities.

Requires TWC, not later than November 1, 2020, to submit a copy of the report to each standing legislative committee with jurisdiction over workforce development or vocational rehabilitative services.
Employment Policies for Certain Health Care Providers—S.B. 2270

by Senator Miles—House Sponsor: Representative Sheffield

Currently the Education Code authorizes university medical or dental units to give full-time benefits to nurses who work at least 36 hours but not more than 40 hours. These benefits are not offered to any other position and keep hospitals from retaining full-time employees such as pharmacists and physician assistants. This bill:

Requires the president of a medical and dental unit to determine whether a person, rather than a nurse, employed by the unit is a full-time employee for purposes of certain employee benefits.

Definition of "Common Paymaster"—S.B. 2296

by Senator Powell—House Sponsor: Representatives Vo and Cain

Interested parties assert that common paymaster payrolling brings advantages to a group of related companies, such as multiple small businesses owned by a single family unit. This bill:

Classifies a common paymaster, as defined by federal law, as an employing unit under the Texas Unemployment Compensation Act.

Requires the Texas Workforce Commission to adopt rules as necessary to implement the inclusion of common paymaster and provides that adding common paymaster to the definition of "employing unit" shall not negate certain employer obligations.

Workers' Compensation Claims—S.B. 2551

by Senator Hinojosa et al.—House Sponsor: Representative Burrows et al.

There have been calls to update state law governing employer liability for and payment of death benefits in response to certain workers’ compensation claims, particularly benefits and compensation due to claims arising from disease or illness suffered by a firefighter or emergency medical technician. This bill:

Changes the types of cancer resulting in death or total or partial disability for which a firefighter or technician may qualify for certain compensation from the state.

Establishes that an insurance carrier is not required to comply with certain provisions of the Texas Workers’ Compensation Act providing for the prompt initiation of compensation if the applicable claim results from the disability or death of a firefighter or emergency medical technician from a disease or illness developed during the course and scope of employment is claimed to be applicable and, not later than the 15th day after the date on which the insurance carrier received written notice of the injury, the carrier has provided the employee and the workers’ compensation division of the Texas Workforce Commission (TWC) with a notice that describes all steps taken by the carrier to investigate the injury before the notice was given and the evidence the carrier reasonably believes is necessary to complete its investigation of the compensability of the injury.
Sets forth factors that TWC shall consider in determining whether to assess an administrative penalty to in claims where the insurance carrier provided notice under the bill's provisions.

Makes a political subdivision that self-insures, individually or collectively, for workers' compensation coverage liable, if applicable, for sanctions, administrative penalties, and other remedies authorized under applicable provisions of the Texas Workers' Compensation Act and for certain attorney's fees paid to the claimant's counsel, in addition to attorney's fees for representation of an insurance carrier's interest.

Authorizes a pool or a political subdivision that self-insures for workers' compensation coverage to establish an account for the payment of death benefits to a firefighter or emergency medical technician for a compensable injury caused by an applicable cancer.
Creating a Flood Infrastructure Fund—H.J.R. 4
   by Representative Phelan et al.—Senate Sponsor: Senator Creighton et al.

In response to Hurricane Harvey and other major flood events, the legislature has studied how to improve the state's ability to withstand and recover from disaster flooding. This bill:

Proposes an amendment to the Texas Constitution to create the flood infrastructure fund as a special fund in the state treasury, to be administered by the Texas Water Development Board, to provide financing for flood mitigation and control projects.

Note: S.B. 7 is the enabling legislation for H.J.R. 4.

Doubling CPRIT's Maximum General Obligation Bond Amount—H.J.R. 12
   by Representative Zerwas et al.—Senate Sponsor: Senator Nelson et al.

In its 12 years of operation, the Cancer Prevention and Research Institute of Texas (CPRIT) has yielded both significant medical breakthroughs and economic benefits. H.J.R. 12 proposes a constitutional amendment authorizing the legislature to increase CPRIT’s maximum general obligation bond amount from $3 billion to $6 billion. CPRIT estimates that $3 billion will be committed fully to grant awards by August 2021. This resolution:

Proposes a constitutional amendment authorizing the legislature to increase CPRIT’s maximum general obligation bond amount from $3 billion to $6 billion.

Tax Relief for Properties Damaged by Disasters—H.J.R. 34
   by Representative Shine et al.—Senate Sponsor: Senators Bettencourt and Lucio

The consequences of Hurricane Harvey have led some to suggest that certain taxing jurisdictions be allowed to provide a tax exemption to property damaged or destroyed by such a disaster to provide tax relief to affected property owners. This resolution:

Proposes a constitutional amendment to authorize the legislature to provide that a person who owns property located in a disaster area is entitled to a temporary exemption from ad valorem taxation by a political subdivision of a portion of the appraised value of that property.

Authorizes the legislature to prescribe the method of determining the amount of the exemption and the duration of the exemption.

Requires that this proposed constitutional amendment be submitted to the voters at an election to be held on November 5, 2019.

Note: H.B. 492 is the enabling legislation for H.J.R. 34.
Prohibiting Imposition of Individual Income Tax—H.J.R. 38
by Representative Leach et al.—Senate Sponsors: Senator Fallon et al.

Currently, Section 24, Article 8, of the Texas Constitution provides that a general law enacted by the legislature to impose a personal income tax is ineffective unless approved by voters. Some argue that the Texas Constitution should bar the imposition of income tax altogether. This resolution:

Proposes a constitutional amendment prohibiting the imposition of a state individual income tax.

Constitutional Amendment Concerning Municipal Judges—H.J.R. 72
by Representative White—Senate Sponsor: Senator Huffman

Under current law, an appointed municipal judge may hold a municipal judge office in multiple cities. However, an elected municipal judge may not. This resolution:

Proposes a constitutional amendment to allow all municipal judges to serve as municipal judges in more than one municipality at the same time.

Note: H.B. 1717 is the enabling legislation for H.J.R. 72.

Tax Exemption of Precious Metal Deposits—H.J.R. 95
by Representative Capriglione—Senate Sponsor: Senator Fallon

It has been suggested that the current practice of taxing precious metal deposits places Texas depositories at a competitive disadvantage relative to other states. This resolution:

Proposes a constitutional amendment to authorize the legislature to exempt from ad valorem taxation precious metal held in a precious metal depository located in Texas.

Requires that this proposed constitutional amendment be submitted to the voters at an election to be held on November 5, 2019.

Note: H.B. 2859 is the enabling legislation for H.J.R. 95.

Doubling GLO Distribution to Available School Fund—H.J.R. 151
by Representative Huberty—Senate Sponsor: Senator Taylor and Senator West

Currently, distributions from the Texas General Land Office (GLO) to the available school fund are subject to a constitutional cap of $300 million per year. H.J.R. 151 seeks to double the authorized annual distribution to $600 million. This resolution:
Proposes a constitutional amendment to authorize GLO to distribute $600 million annually to the available school fund.

Note: H.B. 4611 is the enabling legislation for H.J.R. 151.

**Automatic Appropriation of Sporting Goods Sales Tax—S.J.R. 24**  
*by Senator Kolkhorst et al.—House Sponsor: Representative Cyrier et al.*

Recent growth in Texas has put a strain on state park system resources. Currently, the comptroller of public accounts of the State of Texas (comptroller) must estimate the portion of the state's sales tax revenue collected from the sale of goods related to sports and outdoor recreation, and allocate that amount to the Texas Parks and Wildlife Department (TPWD) and the Texas Historical Commission (THC). However, the actual appropriation is often less than the comptroller’s estimate. Certain stakeholders want to provide the state park system with more sustained and predictable funding through S.J.R. 24 and its enabling legislation, S.B. 26. This resolution:

Proposes a constitutional amendment to automatically appropriate revenue from the sporting goods sales tax to TPWD and THC.

Note: S.B. 26 is the enabling legislation for S.J.R. 24.

**Transferring Retired Police Animals to Handlers—S.J.R. 32**  
*by Senator Birdwell et al.—House Sponsor: Representative Tinderhood*

Currently, the Local Government Code classifies retiring law enforcement animals as salvage or surplus property that counties sell at auction. However, law enforcement agencies often have retired service animals adopted by their former handlers. S.B. 2100, which is the enabling legislation for S.J.R. 32, allows law enforcement agencies to transfer retired law enforcement animals to their former handlers for no monetary consideration. This resolution:

Proposes a constitutional amendment to allow a state, county, or municipal agency or subdivision to transfer retired law enforcement animals to their handlers for no monetary consideration.

Note: S.B. 2100 is the enabling legislation for S.J.R. 32.

**Economically Distressed Areas Program, Constitutional Amendment—S.J.R. 79**  
*by Senator Lucio et al.—House Sponsor: Representative González et al.*

The Water Code provides for the Economically Distressed Areas Program (EDAP), administered by the Texas Water Development Board (TWDB). EDAP provides financial assistance for projects to develop water and wastewater services in economically distressed areas where services or facilities are inadequate to meet minimum state standards. An economically distressed area is a
political subdivision in which the median household income is no greater than 75 percent of the state's median income.

EDAP is funded through bonds sold by TWDB. TWBD was authorized to issue $250 million in bonds in 1989 and again in 2007 before receiving authority to issue $53.5 million in 2017, TWDB's final existing bond authority. Legislators have noted that there is no remaining unissued bonding authority. The legislature passed S.B. 2452, which provides for the use of general obligation bonds to fund EDAP; however, the issuance of general obligations bonds requires constitutional authorization upon voter approval. This resolution:

Proposes a constitutional amendment to allow TWDB to issue general obligation bonds in amounts such that the aggregate principal does not exceed $200 million.

Note: S.B. 2452 is the enabling legislation for S.J.R. 79.
Trainees Killed in Line of Duty Eligible for Peace Officers’ Memorial—H.B. 381

by Representative Holland et al.—Senate Sponsor: Senators Paxton and Zaffirini

Currently, peace officer trainees killed in the line of duty are not eligible for inclusion on the Texas Peace Officers’ Memorial Monument at the Texas Capitol. This bill:

Makes peace officer trainees killed in the line of duty eligible for inclusion on the Texas Peace Officers’ Memorial Monument at the Texas Capitol.

Clarifying County Authority Over Mutual Aid Agreements—H.B. 1789

by Representative Tinderholt—Senate Sponsor: Senator Fallon

Certain stakeholders argue that the statute governing mutual aid agreements for counties is ambiguous, leading some counties to decline to sign such agreements. This bill:

Clarifies the statute governing mutual aid agreements for counties to form law enforcement task forces.

Transfer of Property From TDCJ to DeWitt County—H.B. 3636

by Representative Morrison—Senate Sponsor: Senator Kolkhorst

Interested parties say that the state should transfer certain real property from the Texas Department of Criminal Justice (TDCJ) to DeWitt County for the construction of a new airport. This bill:

Transfers certain real property from TDCJ to DeWitt County.

Clarifying TJJD Ombudsman Duties—H.B. 3648 [VETOED]

by Representative Guillen—Senate Sponsor: Senator Whitmire

According to the Legislative Budget Board, the scope of the powers and duties of the office of independent ombudsman for the Texas Juvenile Justice Department (TJJD) is unclear regarding oversight of some post-adjudication facilities. This bill:

Clarifies the scope of the powers and duties of TJJD’s independent ombudsman regarding the inspection and investigation of certain post-adjudication facilities.

Hazardous Pay for OIG Employees—H.B. 3689

by Representative White—Senate Sponsor: Senator Flores

The Office of the Inspector General (OIG) of the Texas Juvenile Justice Department (TJJ) investigates crimes committed by TJJD employees as well as delinquent conduct committed at TJJD facilities. Over the past decade, the OIG has assumed more varied tasks, including some
operations that involve hazardous conditions. However, OIG officers are not entitled to hazardous duty pay. This bill:

Entitles TJJD to provide hazardous duty pay to OIG employees.

Clarifies OIG’s duties within TJJD.

Expanding the Use of Ping Orders—H.B. 4157
by Representative Anchia—Senate Sponsor: Senator West

Reports indicate that police departments are more frequently utilizing “ping orders” to identify the locations of suspects by pinging their cell phones. Stakeholders contend that municipal authority to use ping orders should be expanded. This bill:

Lowers the minimum population threshold from 500,000 to 200,000 in order for a police department in a municipality to be considered a designated law enforcement office or agency for purposes of the installation and use of tracking equipment and access to certain communications.

Disciplinary Hearings for Forensic Science Commission—S.B. 284
by Senator Hinojosa—House Sponsor: Representative Howard

The Forensic Science Commission (FSC) may reprimand, revoke, or suspend licenses for misconduct. Currently, the State Office of Administrative Hearings (OAH) conducts disciplinary proceedings for FSC. Interested parties contend that the Judicial Branch Certification Commission (JBCC) could conduct disciplinary hearings more efficiently. This bill:

Transfers oversight of FSC disciplinary hearings from OAH to JBCC and requires FSC to provide license holders written notice of disciplinary actions against them.

Transferring Retired Police Animals to Handlers: Enabling Legislation—S.B. 2100
by Senators Birdwell and Nelson—House Sponsor: Representative Smithee et al.

Currently, the Local Government Code classifies retiring law enforcement animals as salvage or surplus property that counties sell at auction. However, law enforcement agencies often have retired service animals adopted by their former handlers. S.B. 2100 is the enabling legislation for S.J.R. 32. This bill:

Allows law enforcement agencies to transfer retired law enforcement animals to their former handlers for no monetary consideration.
Unlike the Alabama-Coushatta Tribe, the Kickapoo Traditional Tribe of Texas may not commission peace officers. This bill:

Authorizes the Kickapoo Traditional Tribe of Texas and its tribal council to commission and employ peace officers.
Simplifying Supervision for Occupational Licensees—H.B. 156  
by Representatives Moody and Senfronia Thompson—Senate Sponsor: Senator Rodríguez

A person whose driver’s license is suspended or revoked may petition in civil court for an occupational license based upon an assertion of essential need. Under current law, courts may require an individual with an occupational license to be supervised. The court must select the local community supervision and corrections department to provide supervision of the individual, even if the county personal bond office is already doing so. This bill:

Authorizes the court granting an occupational license to order the supervision of the license recipient to be conducted by the local community supervision and corrections department or a personal bond office.

Authorizes a personal bond office, if the court orders the license recipient's supervision to be conducted by the office, to collect from the person a reasonable administrative fee of between $25 and $60 per month.

Life Circumstances and Probation Officer Meetings—H.B. 374  
by Representative Allen et al.—Senate Sponsor: Senator Miles

While the conditions of community supervision vary from case to case, probationers are usually required to regularly meet with a probation officer. These meetings may interfere with significant life responsibilities, such as a job, school, or childcare. Failure to attend a meeting can lead to probation revocation, sending the probationer back to jail and further delaying completion of other responsibilities. This bill:

Requires a community supervision and corrections department to adopt a policy that takes a probationer’s work, treatment, or community service schedule into consideration when scheduling required meetings. Authorizes the department to permit such meetings to take place by videoconference if the department determines that an in-person meeting or visit is unnecessary.

Defendant Mental Health Examination Procedures—H.B. 601  
by Representative Price et al.—Senate Sponsor: Senator Zaffirini

In 2017, the legislature passed S.B. 1326, which related to procedures regarding criminal defendants who are or may be persons with a mental illness or an intellectual or developmental disability (IDD). During the interim, the Office of Court Administration (OCA) received feedback from court staff and stakeholders that the bill’s procedures and statutory language needed to be amended. This bill:

Requires a magistrate, on determination that there is reasonable cause to believe that a defendant has a mental illness or is a person with an intellectual disability, to order the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability
authority, or another qualified mental health or intellectual and developmental disability expert to interview the defendant and collect certain information and to provide to the magistrate a written report of the interview.

Requires the commissioners court for the county in which the magistrate is located, if a magistrate orders a local mental health authority, a local intellectual and developmental disability authority, or another qualified mental health or intellectual and developmental disability expert to conduct an interview or collect such information, to reimburse the authority or expert for the cost of performing those duties in a specified amount, as applicable. Provides for the method by which authority or expert may request reimbursement if the cost of performing such duties exceeds the specified amount.

Requires the Texas Judicial Council to adopt rules to require reporting of the number of such written defendant interview reports provided to a court. Requires the rules to require submission of the reports to OCA on a monthly basis.

Requires a magistrate to release a defendant on personal bond unless good cause is shown otherwise if the defendant is examined by such an authority or expert. Requires the magistrate, unless good cause is shown for not requiring treatment or services, to require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health treatment or intellectual and developmental disability services as recommended by the authority or expert if the defendant's ability to function independently will continue to deteriorate if the defendant does not receive the recommended treatment or services.

Requires the court to enter an order committing such a defendant for competency restoration services to the Health and Human Services Commission (HHSC), rather than to the Department of State Health Services (DSHS), to an agency of the United States operating a mental hospital, or to a Department of Veterans Affairs hospital.

Transfers the requirement to appoint a review board including mental health experts to determine whether a defendant is manifestly dangerous and requires continued placement in a maximum security unit from the commissioner of state health services to the executive commissioner of HHSC. Authorizes a defendant committed to a maximum security unit by HHSC to be assessed by the review board at any time before the defendant is restored to competency. Requires HHSC to transfer the defendant to a non-maximum security facility designated by HHSC if the review board determines the defendant is not manifestly dangerous.

Transfers duties related to holding in custody an individual who refuses to submit to court-ordered examination from DSHS to HHSC.

Requirements for Care of Female Inmates—H.B. 650
by Representative White et al.—Senate Sponsor: Senator Whitmire

Currently, the Texas Department of Criminal Justice (TDCJ) lacks specifics standards regarding the care of incarcerated women. This bill:
Requires TDCJ to provide officers with training regarding the treatment of pregnant inmates.

Mandates that TDCJ conduct a study of how visitation policies affect the relationships between inmates and their children.

Requires TDCJ to provide pregnancy and parenting education to pregnant inmates;

Directs that female officers perform certain searches of female inmates.

Prohibits the use of ankle, leg, and waist restraints on pregnant inmates in most circumstances.

Prevents an officer from conducting invasive cavity searches on an inmate without a reasonable belief that contraband will be found.

Provides guidelines for nutrition for pregnant inmates and for postpartum care.

Requires TDCJ to provide female inmates with feminine hygiene products.

Requires TDCJ to screen female inmates for trauma history.

Provides certain housing requirements for pregnant inmates.

**Restructuring Inmate Health Care Service Fees—H.B. 812**  
*by Representative White—Senate Sponsor: Senator Whitmire*

Upon requesting medical services, Texas inmates must pay a $100 fee to cover health services for one year. Some argue that this fee requirement should be altered. This bill:

Requires inmates to pay $13.55 per health care visit, capping an inmate’s annual total at $100, rather than requiring inmates to pay $100 per year.

**Employment-Related Documentation for Discharged Inmates—H.B. 918**  
*by Representative White et al.—Senate Sponsor: Senators Johnson and Alvarado*

Nationally, the unemployment rate of formerly incarcerated individuals is 27 percent. Some say that this unemployment rate is driven by the lack of access to documentation required to apply for a job. Stakeholders state that providing formerly incarcerated individuals with this documentation will increase labor force participation. This bill:

Requires the Texas Department of Criminal Justice to provide discharged inmates with certain documentation relevant to finding employment, including a resume, a birth certificate, and a social security card.
TDCJ Report on Inmates Under Care of Child Protective Services—H.B. 1191

by Representative Jarvis Johnson et al.—Senate Sponsor: Senator Whitmire

Currently, the Texas Department of Criminal Justice (TDCJ) must submit to the governor and certain legislators a report summarizing statistics documenting the number of inmates who have been under the care of child protective services. This bill:

Requires TDCJ to provide the report to each member of the legislature, to make the report available online, and to include in the report the number of relevant inmates who have not previously served a term of imprisonment.

Pretrial Diversion Program Grants for Certain Parents—H.B. 1374

by Representative Hernandez et al.—Senate Sponsor: Senators Whitmire and Zaffirini

Stakeholders contend that pretrial diversion programs successfully reduce recidivism, benefitting defendants who are pregnant or are primary caregivers of minors. These programs, stakeholders say, minimize disruptions to households. This bill:

Authorizes the Texas Department of Criminal Justice to award grants to community supervision and corrections departments for the development of pretrial diversion programs to aid defendants who are pregnant or who are primary caregivers of children.

Use of Restraints on Pregnant and Postpartum Women—H.B. 1651

by Representative Mary González et al.—Senate Sponsor: Senator Alvarado

Interested parties note that the use of restraints on pregnant prisoners impedes the ability of medical professionals to work with prisoners, increasing the risk of complications during labor and delivery. Some say that restraints pose other health risks to pregnant prisoners and prisoners who are new mothers, including inhibiting the ability to break a fall. This bill:

Requires the Texas Commission on Jail Standards (TCJS) to adopt rules narrowly restricting the use of restraints on pregnant or postpartum women and requires county jails to submit an annual report to TCJS regarding the use of restraints on prisoners.

Providing Feminine Hygiene Products in County Jails—H.B. 2169

by Representative Allen et al.—Senate Sponsor: Senator Whitmire

Concerns have been raised that women confined in county jails often do not have access to an adequate supply of feminine hygiene products, resulting in unnecessary health risks and in humiliation. Stakeholders contend that better information about the female prisoner population is needed to help determine how much of such products to provide. This bill:
Requires the Texas Commission on Jail Standards (TCJS) to adopt rules and procedures establishing minimum standards for making feminine hygiene products available to female prisoners.

Requires that each county include in its monthly report to TCJS the number of female prisoners in its jails.

**Probationary Period for Deadly Hit-and-Runs—H.B. 2502**  
*by Representatives Moody and Wilson—Senate Sponsor: Senators Watson and Zaffirini*

A deadly hit-and-run offense like intoxicated manslaughter is a second degree felony. But while the penalty for intoxicated manslaughter includes certain mandatory community supervision standards, the penalty for a hit-and-run does not. Advocates believe that the probationary penalties for both offenses should be the same. This bill:

Requires that an individual sentenced to community supervision for a deadly hit-and-run offense be sentenced by a judge to serve the same 120 days in jail that one would serve for intoxicated manslaughter.

**Clemency Applications for Victims of Human Trafficking—H.B. 3078 [VETOED]**  
*by Representative Senfronia Thompson et al.—Senate Sponsor: Senator Zaffirini*

Many persons are prosecuted for crimes they commit as a result of coercion or duress related to human trafficking or family violence. Although this is an affirmative defense under current law, many defendants do not have access to adequate legal representation and do not present this defense. Such persons are not only incarcerated improperly, but also are barred from appeal on these grounds because the issue was not raised at the trial court level. Accordingly, their only available recourse is clemency by the governor. This bill:

Requires the Texas Board of Pardons and Paroles (BPP), in consultation with the governor, to appoint a panel of experts (panel) to review an application for clemency submitted under this article from a person who was convicted of an offense that the person would not have committed but for coercion or duress as a result of being the victim of a human trafficking or family violence offense. Provides for the composition of the panel. Requires BPP, in consultation with the panel, to develop an application process and form for such persons to apply for clemency and to publish the application form on its website.

Requires BPP, on receipt of a such an application for clemency, to immediately submit the application to the panel for review. Requires the panel to review the application and to advise BPP on making a recommendation to the governor regarding whether to grant clemency to the applicant within six months after receipt of the application.
Task Force on Detaining Individuals With IDD—H.B. 3116  
*by Representative White—Senate Sponsor: Senator West*

Interested parties note that while individuals with intellectual or developmental disabilities (IDD) are overrepresented in the criminal justice system, the state criminal justice system lacks standards for caring for individuals with IDD. This bill:

Creates a task force to study and develop best practices for the protocols, treatment, and proper support needed for individuals arrested or detained with IDD.

Expanding Education and Peer Support for Inmates—H.B. 3227  
*by Representative Howard et al.—Senate Sponsor: Senator Huffman*

Advocates note that male prisoners have access to more educational and vocational training programs than female prisoners and argue that this gap should be filled. Some also contend that the Texas Department of Criminal Justice (TDCJ) should improve peer support services for all inmates. This bill:

Requires TDCJ to develop and implement policies to increase and promote female inmates’ access to educational, vocational, and rehabilitation programming and to post a report detailing the policy on its website.

Requires TDCJ to adopt and implement a policy to increase the availability of formal or informal peer support services for inmates.

Improving the Texas Crime Stoppers Council, Tip Reporting—H.B. 3316  
*by Representative White—Senate Sponsor: Senator Schwertner*

Stakeholders state that Governor Abbott’s School and Firearm Safety Action Plan has spurred calls to strengthen campus crime stoppers programs by expanding the types of reportable incidents and involving public school districts and open-enrollment charter schools in the reporting process. This bill:

Expands the types of tips that crime stoppers organizations may report to law enforcement agencies, public school districts, and open-enrollment charter schools.

Requires that at least three members of the Texas Crime Stoppers Council (TCSC) be current or former officials or employees from public school districts or open-enrollment charter schools. Allows TCSC to appoint a non-voting student member.

Encourages crime stoppers organizations to report tips to public school districts and open-enrollment charter schools, in addition to law enforcement agencies.

Strengthens tip confidentiality requirements and restricts the use of tips in expulsion proceedings.
Electronic Data Submission to TCJS—H.B. 3440  
_by Representative Capriglione et al.—Senate Sponsor: Senator Whitmire_

The Texas Commission on Jail Standards (TCJS) has no standardized system for data collection. Counties submit reports in various formats, meaning TCJS staff must enter data into its system by hand. This bill:

Requires TCJS to establish a system for the electronic submission of forms, data, and other documents.

Prosecution of the Criminal Offense of Harassment—H.B. 3490 [VETOED]  
_by Representative Cole—Senate Sponsor: Senator Huffman et al._

It has been noted that state law regarding the offense of harassment has not kept up with technology. The law does not specifically address certain types of harassment committed through the Internet and social media. This bill:

Expands the types of conduct that qualify as harassment to include publishing on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to harass, abuse, or torment another.

Firearms Training for County Jailers—H.B. 3503  
_by Representative Charles “Doc” Anderson—Senate Sponsor: Senator Schwertner_

Currently, county jailers who carry a firearm are not required to complete firearms training or demonstrate weapons proficiency. This bill:

Requires the Texas Commission on Law Enforcement to develop firearms training for county jailers, which county jailers must complete in order to carry a firearm on duty.

Requires county jailers to demonstrate weapons proficiency annually.

Release to Group Homes in Lieu of Arrest for Individuals With IDD—H.B. 3540  
_by Representative Burns et al.—Senate Sponsor: Senator Hughes_

Reports state that individuals with intellectual and developmental disabilities (IDD) are overrepresented in the criminal justice system and are more likely than non-disabled individuals to be arrested, convicted, and incarcerated and to serve lengthy sentences. Advocates claim that certain criminal offenses committed by individuals with IDD in group homes do not warrant arrest. This bill:

Authorizes peace officers, in lieu of arrest, to release persons with IDD at their group homes or care facilities if officers believe confinement is unnecessary to protect the safety of the individual
Deferred Adjudication for First-Time DWI Offenders—H.B. 3582
by Representative Murr et al.—Senate Sponsor: Senators Menéndez and Zaffirini

Some argue that granting deferred adjudication community supervision to certain first-time driving while intoxicated (DWI) offenders would allow them to receive treatment for alcohol abuse, reducing risks of reoffending. This bill:

Requires a magistrate to require on release that a defendant charged with a subsequent offense related to intoxication take certain actions relating to equipping a vehicle with an ignition interlock device.

Authorizes the judge to grant deferred adjudication community supervision unless the defendant is charged with one of certain offenses.

Requires a judge granting deferred adjudication community supervision to a defendant for the offense of driving while intoxicated or boating while intoxicated to require that the defendant as a condition of community supervision have an ignition interlock device installed on the motor vehicle owned by the defendant or on the vehicle most regularly driven by the defendant and that the defendant not operate any motor vehicle that is not equipped with that device.

Authorizes the judge to impose a reasonable payment schedule or waive certain fees upon a determination that the defendant is unable to pay for the ignition interlock device or that the defendant is indigent. Authorizes the judge to waive the ignition interlock requirement for a defendant if, based on a controlled substance and alcohol evaluation of the defendant, the judge determines that restricting the defendant to the use of an ignition interlock is not necessary for the safety of the community.

Provides for the method by which a person may petition the court that placed the person on deferred adjudication community supervision for an order of nondisclosure if the person meets certain requirements.

Extending Authority to Apprehend Escaped Juvenile Offenders—H.B. 3688
by Representative White—Senate Sponsor: Senator Perry

Certain peace officers have limited authority to respond to a directive from the Texas Juvenile Justice Department (TJJD) to apprehend juvenile offenders who have escaped or violated terms of
release. Stakeholders suggest that this authority should be extended to other peace officers. This bill:

Grants special investigators and all peace officers authority upon a directive from TJJD to apprehend certain juvenile offenders.

**Improving Mental Health Services in County Jails—H.B. 4468**  
*by Representative Coleman et al.—Senate Sponsor: Senator Whitmire*

There have been calls to improve mental health services in county jails. This bill:

Requires the Texas Commission on Jail Standards (TCJS) to adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to allow prisoners to access mental health services 24 hours a day or within a reasonable time.

Authorizes TCJS to award grants to county jails to establish mental health programs.

Provides for a preparatory training program for county jailers appointed on a temporary basis and prohibits a county jailer appointed on a temporary basis from being promoted to a supervisor position in a county jail.

**TDCJ Study on Parole Officer Caseloads—H.B. 4754**  
*by Representative Lopez et al.—Senate Sponsor: Senator Menéndez*

Concerns have been raised about parole officers’ high caseloads, which can make it difficult for officers to fulfill important duties. Stakeholders suggest more information is needed to effectively solve this problem. This bill:

Requires the Texas Department of Criminal Justice (TDCJ) to conduct a study on parole officers’ caseloads to determine whether TDCJ receives adequate funding and whether parole officers are overburdened.

**Sobering Centers for Public Intoxication—S.B. 306**  
*by Senator Watson et al.—House Sponsor: Representative Israel*

Law enforcement may deal with publicly intoxicated individuals in one of four ways: release them into the care of a responsible adult, commit them to a treatment facility, arrest them, or send them to the emergency room. Stakeholders argue that because treatment facilities do not always admit patients 24 hours a day, many unnecessary arrests or visits to the emergency room occur. Interested parties contend that allowing officers to release individuals into the care of a facility that provides a place for individuals to get sober—a “sobering center”—would relieve pressure on limited police resources. This bill:
Authorizes peace officers to release publicly intoxicated individuals into the care of a facility that provides a place for individuals to become sober under supervision upon the verbal consent of the individual and admission of the individual for supervision by the facility.

**False Statements to Jailers—S.B. 405**  
_by Senator Birdwell—House Sponsor: Representatives Moody and Burns_

Currently, there is no penalty for knowingly making a false claim to a corrections officer or jailer. This bill:

Expands the offense of knowingly making a false statement that is material to a criminal investigation to a peace officer, federal special investigator, or law enforcement employee to include false statements to a corrections officer or jailer.

**Petition to Seal Criminal Records Under a Set-Aside—S.B. 550 [VETOED]**  
_by Senators West and Johnson—House Sponsor: Representative Senfronia Thompson_

Individuals who receive deferred adjudication may request that their case records be sealed. However, this option is not available to those who receive set-aside judgments. This bill:

Authorizes individuals with set-aside judgments to petition courts to have criminal history records sealed. Requires courts to seal relevant case records upon determination that sealing the records is in the best interests of justice.

**Changes to Competency Determination Process—S.B. 562**  
_by Senator Zaffirini et al.—House Sponsor: Representative Price et al._

Currently, when persons with mental illness are charged with a violent or sexual crime and found incompetent to stand trial or judged not guilty by reason of insanity, state law requires that judges commit them to a maximum security unit. There, the person waits until the Health and Human Services Commission’s (HHSC) Dangerousness Review Board determines whether maximum security is the appropriate setting for competency restoration. However, a lack of available maximum security beds statewide means defendants often wait in county jails without treatment until a bed opens up. Stakeholders contend that this system is inefficient and ineffective. This bill:

Requires a county that transfers a defendant to the Texas Department of Criminal Justice (TDCJ) under this article to deliver to an officer designated by TDCJ a copy of any mental health records, mental health screening reports, or similar information regarding the mental health of the defendant. Authorizes the Health and Human Services Commission (HHSC) to designate for the commitment of a defendant found incompetent to stand trial only a facility operated by HHSC or under a contract with HHSC for that purpose.
Requires the court, if the defendant is charged with certain violent offenses, to enter an order committing the defendant for competency restoration services to a facility designated by HHSC, rather than to the maximum security unit of any facility designated by the Department of State Health Services (DSHS), to an agency of the United States operating a mental hospital, or to a Department of Veterans Affairs Hospital.

Transfers duties related to a review board of mental health experts to determine whether a defendant is manifestly dangerous and whether the defendant requires continued placement in a maximum security unit from DSHS to HHSC.

Authorizes the review board to determine whether a defendant committed to a maximum security unit by HHSC is manifestly dangerous. Requires the review board to transfer the defendant to a non-maximum security facility designated by HHSC if the review board determines the defendant is not manifestly dangerous.

Requires the court, on receiving notice from the head of a facility or outpatient treatment provider of intent to release the defendant from civil commitment, to hold a hearing to determine whether release is appropriate. Authorizes the court, on motion of the attorney representing the state or on its own motion, to hold such a hearing regardless of whether the court receives notice of intent to release.

Entitles a person who has been placed under a custodial or noncustodial arrest for commission of either a felony or misdemeanor to expungement of all records and files relating to the arrest if the person meets certain criteria, including the completion of a mental health court program.

Authorizes a trial court dismissing a case following a person's successful completion of a mental health court program to enter an order of expunction for a person entitled to expunction within 30 days after the date the court dismisses the case or receives the information regarding that dismissal, as applicable. Provides for the waiver of certain fees if the petitioner is entitled to expunction after successful completion of a veterans treatment court program or a mental health court program.

Authorizes the commissioners courts of two or more counties to elect to establish a regional mental health court program under this chapter for the participating counties. Requires the commissioners court of a county with a population of more than 200,000 to establish a mental health court program. Requires such a county to apply for federal and state funds available to pay the costs of the program and authorizes the criminal justice division of the Office of the Governor to assist a county in applying for federal funds.

Includes a person with an intellectual disability who is examined on the issue of fitness to proceed with juvenile court proceedings by an expert or who is a child found unfit to proceed as a result of mental illness or intellectual disability in the definition of "forensic patient." Includes intellectual disability services in the definition of "forensic services."
Capital Murder When Victims Are Under 15—S.B. 719
by Senators Fallon and Nelson—House Sponsor: Representative Frank

Currently, a person may be charged with capital murder if the murder victim is under 10 years of age. Certain stakeholders believe the age cap should be raised. This bill:

Expands the conduct that qualifies as capital murder to include the murder of an individual 10 years of age or older but younger than 15 years of age. Prohibits a defendant who is found guilty of such a capital murder offense from being sentenced to death and prohibits the state from seeking the death penalty in any case based solely on such an offense.

MAT Therapy for DUI Offenders—S.B. 1147
by Senators Buckingham and Alvarado—House Sponsor: Representative White

Defendants convicted of driving under the influence and granted community supervision must undergo a mandatory drug and alcohol assessment. If the assessment so indicates, a judge is required to order appropriate treatment for the defendant. For a number of these individuals, recent research has demonstrated that FDA-approved medication-assisted treatment (MAT therapy), coupled with psychosocial therapy, is an effective substance abuse treatment option for both opioid abuse and alcohol dependency. However, current law does not allow judges to provide defendants with the option to consider MAT therapy as part of a treatment plan. This bill:

Expands the community supervision treatment options to include MAT therapy for certain individuals convicted of driving under the influence of drugs or alcohol.

Comptroller's Access to Criminal History Record Information—S.B. 1151
by Senator Huffman—House Sponsor: Representative Longoria

Under the Tim Cole Act, the comptroller of public accounts of the State of Texas (comptroller) is responsible for the annuity payments made to those wrongfully imprisoned. Statute requires a claimant's compensation payments to be terminated if he or she is subsequently convicted of a felony. Currently, the comptroller relies on another agency to confirm if any claimants have been convicted of a felony. Because the comptroller's office immediately terminates the monthly payments once it receives notification of a felony conviction, it is imperative that this information be accurate and that the agency receives it in a timely manner. This bill:

Entitles the comptroller to obtain from the Texas Department of Criminal Justice (TDCJ) criminal history record information maintained by TDCJ that the comptroller believes is necessary for the enforcement or administration of compensation to wrongfully imprisoned persons, including criminal history record information relating to a person who is receiving, scheduled to receive, or applying to receive such compensation.
Felony Convictions of Certain Corrections Employees—S.B. 1570
by Senators Flores and Zaffirini—House Sponsor: Representative White

Under current law, corrections employees who commit certain felonies can still collect a retirement annuity. This bill:

Provides that a member of a public retirement system is ineligible to receive a service retirement annuity under the retirement system if the member is convicted of a qualifying felony for conduct arising directly from the member's service as a corrections officer and involving an incarcerated member of a criminal street gang.

Requires the retirement system to suspend payments of a service retirement annuity to a person the system determines is ineligible to receive the annuity due to a qualifying felony conviction. Entitles a person whose conviction is overturned or who is found innocent to receive the amount of payments and interest earned during the suspension period.

Release Time From County Jails—S.B. 1700
by Senator Whitmire—House Sponsor: Representative Miller

Stakeholders contend that county jails sometimes release inmates in the middle of the night, which they say creates opportunities for traffickers to prey on a vulnerable population. This bill:

Requires a sheriff or other county jail administrator under most circumstances to release a defendant convicted of a misdemeanor and sentenced to confinement at any time between 6 a.m. and 5 p.m. on the day that the defendant’s sentence is discharged.

TJJD Contract Facility Oversight—S.B. 1702
by Senator Whitmire—House Sponsor: Representative Dutton

The Texas Juvenile Justice Department's (TJJD) independent ombudsman oversees and inspects facilities in which juvenile offenders are housed. However, the statutory provision allowing oversight of post-adjudication and contract facilities expired on January 1, 2019. This bill:

Reinstates expired language allowing the TJJD independent ombudsman oversight authority over post-adjudication and contract juvenile facilities.
Recording Family Violence Misdemeanor Convictions—H.B. 1528
by Representative Rose et al.—Senate Sponsor: Senator West

Currently, law enforcement is not required to enter certain family violence misdemeanor convictions or affirmative findings of family violence into the state’s computerized criminal history system. Some suggest that reporting these convictions and findings will help law enforcement identify habitual offenders and provide greater protection for victims of family violence. This bill:

Requires judges to take the pleas of defendants charged with certain family violence misdemeanors in open court.

Requires information in the computerized criminal history system relating to sentencing to include for each sentence whether the judgment imposing the sentence reflects an affirmative finding of family violence.

Requires the clerk of the court exercising jurisdiction over a case in which an offender is charged with a misdemeanor punishable by fine only that involves family violence, on disposition of the case, to report the applicable information regarding the person's citation or arrest and the disposition of the case to the Department of Public Safety of the State of Texas (DPS) using a uniform incident fingerprint card or an electronic methodology approved by DPS.

Continuous Violence Against the Family in Multiple Counties—H.B. 1661
by Representative Herrero et al.—Senate Sponsor: Senator Hinojosa

Currently, a person may be charged with continuous violence against the family if assaults occur two or more times within a 12-month period. Venue laws typically require an offense to be prosecuted in the county in which it occurred, leading to problems when family violence is spread across counties. This bill:

Authorizes charges of continuous violence against the family to be prosecuted in any county in which an instance of violence occurred.

Fraudulent Use or Possession of Identifying Information—H.B. 2697
by Representative Meyer et al.—Senate Sponsor: Senator Zaffirini

Coerced debt is a form of family violence wherein the abuser, through violence, threat, or fraud, forces the victim to engage in nonconsensual credit-related transactions. It has been noted that the tactics abusers generally employ are legal under current law, leaving victims saddled with large debts in their name with little, if any, legal recourse. The purpose of this bill is to make coerced debt a prosecutable offense and provide victims with legal standing to exercise rights granted to victims of identity theft through the federal Fair Credit Reporting Act. This bill:
Sets forth the language of a sign that a restaurant or bar owner is required to display in a prominent place on the premises of the restaurant or bar to specify that certain conduct is a state jail felony if it occurs without the customer’s effective consent.

Expands conduct constituting fraudulent use or possession of identifying information to include the obtaining, possession, transfer, or use of an item of identifying information of another person without the other person’s effective consent.

**Making Location and Layout of Family Violence Shelters Confidential—H.B. 3091**  
*by Representative Deshotel et al.—Senate Sponsor: Senator Campbell*

Interested parties have noted that there is no penalty for maliciously disclosing the location or physical layout of a family violence shelter or of a trafficking shelter. This bill:

Provides that information relating to the location or layout of a family violence or trafficking shelter is confidential and creates an offense for disclosing or publicizing such information with the intent to threaten the safety of shelter inhabitants.

**Family Violence Pretrial Diversion Pilot Program in Bexar County—H.B. 3529**  
*by Representative Gutierrez—Senate Sponsor: Senator Menéndez*

To reduce family violence recidivism, interested parties suggest establishing a pretrial diversion pilot program in Bexar County. They say that the program would target individuals charged with domestic violence while suffering from substance abuse disorders or chemical dependency. This bill:

Establishes a family violence pretrial diversion pilot program in Bexar County for individuals charged with family violence while suffering from substance abuse disorders or chemical dependency.

**Right to Vacate Following Family Violence—S.B. 234**  
*by Senator Nelson—House Sponsor: Representative Morrison et al.*

Currently victims of family violence may choose to break a lease without penalty if they can show proof of family violence: temporary injunctions, temporary ex parte protective orders, or final protective orders. Advocates assert that due to the unique nature of family violence, especially considering the victim often lives with the offender, a speedier and less cumbersome method must be made available to victims. This bill:

Expands the current list of documentation a tenant may provide to the landlord or the landlord’s agent in order to vacate a lease and avoid liability following family violence to include a copy of an order of emergency protection or a copy of documentation of the family violence against the tenant or an occupant from a licensed health care services provider who examined the victim, a
licensed mental health services provider who examined or evaluated the victim, or a trained advocate who assisted the victim.

**Training Law Enforcement to Recognize Signs of Strangulation—S.B. 971**  
*by Senator Huffman—House Sponsor: Representatives Herrero and Hunter*

Stakeholders contend that first responders are often unable to identify strangulation injuries due to minimal visible signs. They say that law enforcement officers should receive training on how to assess family violence situations to better recognize signs of strangulation. This bill:

Requires law enforcement officers to receive training on how to recognize and record signs of strangulation.

**Relationship and Prior Acts in Family Violence, Exploitation Cases—S.B. 2136**  
*by Senator Powell—House Sponsor: Representative Collier*

The Code of Criminal Procedure generally allows for the introduction of testimony or other relevant evidence to assist a trier of fact to determine whether an offense was committed. Article 38.371 specifically allows prosecutors in family violence cases to introduce evidence regarding relationships between defendants and victims. Interested parties suggest broadening the scope of this provision to apply to any offense in which the victim is a family member or partner of a defendant.

Additionally, stakeholders claim that individuals who exploit vulnerable individuals are often habitual offenders. However, prosecutors are not allowed to introduce evidence of previous similar conduct when prosecuting exploitation. (Note: This provision originated in H.B. 2875, which was reported out of the House Committee on Criminal Jurisprudence but did not make it to the House floor.) This bill:

Authorizes the introduction by each party of testimony or other evidence that would assist the trier of fact in determining whether the actor committed one of certain offenses involving family violence regarding the nature of the relationship between the actor and the alleged victim.

Authorizes the admission of evidence that the defendant has engaged in other conduct that is similar to the alleged criminal conduct, in the prosecution of an offense relating to the exploitation of a child, an elderly person, or a disabled person, to show the defendant's knowledge or intent regarding an element of the offense.
Defense for Persons Carrying Handguns—H.B. 121
*by Representative Swanson et al.—Senate Sponsor: Senators Creighton and Hall*

Individuals can be prosecuted if they mistakenly carry a handgun on premises that prohibit handguns, even if the individual leaves the property once the owner has notified him or her of the prohibition. This bill:

Provides that it is a defense to prosecution under provisions relating to trespass by a license holder with a concealed handgun and provisions relating to trespass by a license holder with an openly carried handgun that the license holder received oral notice that entry with a handgun was forbidden.

Possession of a Firearm on Residential Properties—H.B. 302
*by Representative Paul et al.—Senate Sponsor: Senator Hughes*

Landlords and building owners can currently prohibit the possession or storage of firearms through contractual provisions in apartment leases or condominium rules. Additionally, posting proper notice prohibits firearms from being carried between personal vehicles and residential dwelling units. This bill:

Provides defenses to prosecution for offenses involving trespass by firearm license holders on certain residential property on the basis that entry was forbidden due to the actor carrying a firearm or ammunition, that the actor is a tenant or tenant's guest, and that the actor lawfully possesses and carries or stores the firearm or ammunition in the actor's vehicle located in the residential property parking lot.

Removing Prohibitions on Carrying Knuckles and Clubs—H.B. 446
*by Representative Moody et al.—Senate Sponsor: Senator Perry*

Currently, knuckles—sometimes known as brass knuckles—are unlawful to possess, manufacture, or sell. Additionally, it is unlawful to carry a club outside of one’s home or vehicle. This bill:

Excludes clubs from the list of weapons prohibited from being intentionally, knowingly, or recklessly carried outside of a person's own home en route to that person's motor vehicle.

Removes knuckles from the list of weapons prohibited from being possessed, manufactured, transported, repaired, or sold.
Discharging Firearms in a River—H.B. 489

*by Representative Springer—Senate Sponsor: Senator Seliger*

Currently a person is prohibited from discharging a bow or firearm in or on the bank of a river or stream in Dimmit, Edwards, Frio, Kenedy, Llano, Maverick, Real, Uvalde, and Zavala Counties. Stakeholders in Hall County have requested this prohibition. This bill:

Prohibits the discharge of a bow or firearm in or on the bank of a river or stream in Hall County.

Repeals a provision making it an offense to use a boat to hunt on a certain part of Big Sandy Creek in Wood County.

Transportation or Storage of a Handgun in School Parking Areas—H.B. 1143

*by Representative Hefner et al.—Senate Sponsor: Senators Hughes and Hall*

It has been noted that while public school districts and open-enrollment charter schools are not allowed to prohibit handgun license holders from storing firearms and ammunition in a locked vehicle, some schools are implementing regulations regarding such storage. This bill:

Amends the Education Code to prohibit a public school district or an open-enrollment charter school from regulating the manner in which a handgun or other firearm or ammunition not in plain view is stored by a licensed handgun owner in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district or charter school.

Provides that the bill applies beginning with the 2019–2020 school year.

Possessing Weapons in Secured Areas of Airports—H.B. 1168 [VETOED]

*by Representative Anchia et al.—Senate Sponsor: Senator West*

Dallas/Fort Worth International Airport reports that arrests have been made when airport, airline, or other aviation workers have broken security protocols by carrying firearms inside company vehicles while within secure, airport operations areas. Currently, there are no provisions for these security breaches under Texas law. State and federal laws go to great length to prohibit firearms from airport terminals or from being carried onto aircraft, but Texas law does not identify airport operations areas (AOA), which are areas inside airport fencing where commercial aircraft are located for boarding and loading, as secure locations. This bill:

Expands the definition of "secured area" to include an adjacent aircraft parking area used by common carriers in air transportation but not used by general aviation.

Creates a defense to prosecution for persons authorized by a federal agency or the airport operator to carry a firearm into a secure airport operations area.
Carrying a Handgun During a State of Disaster—H.B. 1177
by Representative Phelan et al.—Senate Sponsor: Senator Creighton et al.

It has been suggested that licensed handgun owners and other Texans not prohibited by law from possessing a firearm should be allowed to carry and transport handguns legally in cases of mandatory emergency evacuation. This bill:

Exempts certain persons from punishment under unlawful carry statutes in certain circumstances surrounding a declared state of disaster or local state of disaster.

Firearms Training—H.B. 1552
by Representative Paul et al.—Senate Sponsor: Senator Schwertner

Portions of current Texas law conflict with the federal Law Enforcement Officers Safety Act (LEOSA). This conflict has caused some retired federal law enforcement officers or former out-of-state officers who have moved to Texas to be denied firearms qualification certificates and identification cards needed to carry a concealed firearm as a peace officer. This bill:

Requires the Texas Commission on Law Enforcement (TCOLE) to develop a basic training program in the use of firearms by county jailers. Requires the program to provide instruction in legal limitations on the use of firearms and on the powers and authority of jailers, range firing and procedure, firearms safety and maintenance, and other topics determined by TCOLE to be necessary for the responsible use of firearms by jailers. Requires TCOLE to administer the training program and to issue a certificate of firearms proficiency to each county jailer TCOLE determines has successfully completed the program. Authorizes a county jailer who is issued a certificate of firearms proficiency and who maintains weapons proficiency in accordance with certain statutory provisions to carry a firearm during the course of performing duties as a county jailer, including while transporting persons confined in the county jail, and while traveling to or from the jailer’s place of assignment.

Requires an agency that employs one or more county jailers who have been issued a certificate of firearms proficiency under Section 1701.2561 to designate a firearms proficiency officer and require the jailers to demonstrate weapons proficiency to the firearms proficiency officer at least annually. Requires the agency to maintain records of the weapons proficiency of the agency’s jailers. Provides that a county jailer’s failure to demonstrate weapons proficiency does not affect the county jailer’s license under certain statutory provisions relating to law enforcement officers. Authorizes TCOLE, on request, to waive the requirement that a peace officer or county jailer, rather than a peace officer, demonstrate weapons proficiency on a determination by TCOLE that the requirement causes a hardship.

Defines "qualified retired law enforcement officer" for purposes of the bill’s provisions relating to weapons proficiency for qualified retired law enforcement officers. Provides that this section applies only to a qualified retired law enforcement officer who is entitled to carry a concealed firearm under certain federal law.
Authorizes the head of a state or local law enforcement agency to allow a qualified retired law enforcement officer who is a retired commissioned peace officer, rather than an honorably retired peace officer, an opportunity to demonstrate weapons proficiency if the officer provides to the agency a sworn affidavit stating that the officer honorably retired after not less than a total of 10 years of cumulative service, rather than 15 years of service, as a commissioned officer with one or more state or local law enforcement agencies.

Authorizes a person who served as a reserve law enforcement officer, not less than a total of 10 years of cumulative service, rather than not less than a total of 15 years, with one or more state or local law enforcement agencies to apply for a license to carry a handgun at any time.

Provides that provisions relating to the unlawful carrying of weapons and relating to the places weapons are prohibited do not apply to an honorably retired peace officer or other qualified retired law enforcement officer, federal criminal investigator, or former reserve law enforcement officer, who holds a certain certificate of weapons proficiency and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that verifies that the officer is an honorably retired peace officer or other or qualified retired law enforcement officer.

Repeals certain provisions relating to former reserve law enforcement officer licensing and identification.

**Carrying Handguns on Government Property—H.B. 1791**

*by Representative Krause et al.—Senate Sponsor: Senator Fallon*

It has been suggested that there remains ambiguity with regard to recent legislation attempting to prevent the exclusion of a handgun license holders from carrying a handgun on government property. Concerns have been raised that this ambiguity has led to numerous lawsuits, and some have suggested that some local governments have enacted regulations circumventing the legislature’s intent. This bill:

Prohibits a state agency from taking any action, including an action consisting of the provision of notice, that states or implies that a license holder who is carrying a handgun may not enter or remain on the state agency’s property unless certain statutes prohibit license holders from carrying a handgun on the property. Clarifies that a complaint filed by a license holder that a state agency has violated this prohibition is filed with the Texas attorney general and specifies the type of written notice required to be included with the complaint. Defines “premises” for purposes of this section.
Waiving Handgun License Fee for Certain Retired Officers—H.B. 2137
by Representative Burns et al.—Senate Sponsor: Senators Flores and Zaffirini

It has been noted that the legislature recently enacted legislation waiving fees related to active peace officers obtaining a handgun license. There have been calls to ensure that, once a peace officer retires, the officer is not then subjected to these fees. This bill:

Requires the Department of Public Safety of the State of Texas to waive any fee required for a handgun license for a qualifying honorably retired peace officer and to exempt such an applicant from classroom instruction and from the range instruction portion of a handgun proficiency course if the applicant meets certain criteria.

Civil Penalty for Prohibiting Certain Individuals From Carrying a Weapon—H.B. 2164
by Representatives Burns and Holland—Senate Sponsor: Senator Hughes

Concerns have been raised regarding the enforcement of state law governing the carrying of a weapon by a peace officer or special investigator on certain premises. There are reports that some establishments have incorrectly prohibited or restricted such individuals from carrying a weapon on the premises of the establishment, despite the authorization to do. This bill:

Imposes a $1,000 civil penalty for each violation of a prohibition against an establishment serving the public prohibiting or otherwise restricting a peace officer or special investigator from carrying on its premises a weapon that the peace officer or special investigator is otherwise authorized to carry.

Allowing Bite Sticks for Code Enforcement Officers—H.B. 2584
by Representative Cortez—Senate Sponsor: Senator Menéndez

Stakeholders report that certified code enforcement officers routinely encounter hostile and dangerous animals while performing their official duties. However, they lack the authority to carry a bite stick or club to fend off attacking animals. This bill:

Provides that certain prohibitions against the possession or carrying of a club do not apply to a code enforcement officer who holds a certificate of registration and possesses or carries an instrument used specifically for deterring an animal bite while the officer is performing official duties or traveling to or from a place of duty. Requires the education requirements for code enforcement officers to include education regarding the principles and procedures to be followed when possessing or carrying such an instrument.
Regulation of Firearms—H.B. 3231
by Representative Clardy et al.—Senate Sponsor: Senators Fallon and Hall

It has been suggested that the state should update and modernize existing firearms preemption statutes to ensure more uniform regulatory treatment of firearms and ammunition across various jurisdictions and provide adequate means of enforcing all protections. This bill:

Prohibits a municipality, notwithstanding certain provisions of the Local Government Code and the Agriculture Code, from adopting regulations relating to the transfer, possession, wearing, carrying, ownership, storage, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories, rather than the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies or the discharge of a firearm or air gun at a sport shooting range; or relating to commerce in firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories.

Provides that an ordinance, resolution, rule, or policy adopted or enforced by a municipality, or an official action, including in any legislative, police power, or proprietary capacity, taken by an employee or agent of a municipality in violation of certain provisions relating to firearms, air guns, knives, and explosives is void.

Provides that the prohibition established by the bill does not affect the authority a municipality has under another law to adopt or enforce certain regulations or prohibitions, unless a certain ordinance or regulation is designed or enforced to effectively restrict the manufacture, sale, purchase, transfer, or display of firearms, firearm accessories, or ammunition that is otherwise lawful in this state.

Provides that a certain exception provided by the bill does not authorize the seizure or confiscation of any firearm, air gun, knife, ammunition, or firearm or air gun supplies or accessories from an individual who is lawfully carrying or possessing the firearm, air gun, knife, ammunition, or firearm or air gun supplies or accessories.

Provides that a certain exception provided by the bill does not authorize a municipality to regulate an employee's carrying or possession of a firearm in violation of certain statutory provisions relating to restrictions on prohibiting employee transportation or storage of certain firearms or ammunition.

Prohibits a county, notwithstanding any other law, from adopting or enforcing, rather than adopting, regulations relating to commerce in firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories. Provides that an ordinance, rule, resolution, or policy adopted or enforced by a county, or an official action, including in any legislative, police power, or proprietary capacity, taken by an employee or agent of a county in violation of certain provisions relating to firearms, air guns, and sport shooting ranges is void. Provides that a county order or regulation designed or enforced to effectively restrict or prohibit the manufacture, sale, purchase, transfer, or display of firearms, firearm accessories, or ammunition that is otherwise lawful in this state is void.
License to Carry a Handgun for Certain Public Employees—H.B. 3706

by Representative Dean—Senate Sponsor: Senator Hughes

Concerns have been raised that the streamlined handgun license application process and application fee waivers and reductions made available for active and retired peace officers have not been made available to active and retired railroad peace officers and special rangers of the Texas and Southwestern Cattle Raisers Association. This bill:

Amends the Government Code to include railroad peace officers and special rangers of the Texas and Southwestern Cattle Raisers Association holding a certificate of authority issued by the public safety director and a peace officer license issued by the Texas Commission on Law Enforcement among peace officers who may apply for a license to carry a handgun while employed as a peace officer and at any time after retirement.

Color Photos Not Required for Handgun Licenses and Pocket Cards—H.B. 4195

by Representative Burns—Senate Sponsor: Senator Fallon

Currently, a color photograph is required for registrants of handgun licenses and pocket cards under the Private Security Act. This bill:

Removes the requirement that the photograph of a handgun license holder or a pocket card registrants under the Private Security Act be a color photograph.

Application For and Expiration of a License to Carry a Handgun—H.B. 4428

by Representative Tinderholt—Senate Sponsor: Senator Fallon

It has been noted that state law relating to the expiration of handgun licenses does not provide for the expiration of a license for a non-U.S. citizen whose lawful presence in the United States expires. This bill:

Aligns the expiration date of original and renewed handgun licenses with the expiration of legal residence in the United States of a non-U.S. citizen license holder.

Makes certain requirements for concealed handgun licenses applicable to handgun licenses.

Carrying Handguns in Places of Worship—S.B. 535

by Senator Campbell et al.—House Sponsor: Representative Flynn et al.

A 2018 attorney general opinion deemed it lawful for citizens with a licensed permit to carry handguns for self-defense in a church, if the church has not posted a sign forbidding it as required by state law. This bill:
Removes a church, synagogue, or other established place of religious worship from the list of premises where a handgun license holder commits an offense by carrying a handgun, regardless of concealment.

**Firearms Prohibitions—S.B. 741**  
*by Senator Hughes—House Sponsor: Representative Landgraf*

Concerns have been raised over enforcement by certain property owners' associations of dedicatory instrument provisions restricting firearm possession, use, and storage. This bill:

Prohibits a property owners' association from including or enforcing a provision in a dedicatory instrument that prohibits, restricts, or has the effect of prohibiting or restricting any person otherwise authorized from lawfully possessing, transporting, or storing a firearm, any part of a firearm or firearm ammunition, or from otherwise lawfully discharging a firearm.

**Evidence in Certain Civil Actions—S.B. 772**  
*by Senators Hughes and Hall—House Sponsor: Representative Springer et al.*

Texans are able to carry a licensed handgun, openly or concealed, into most private businesses, as long as the establishment does not post a notice under Sections 30.06 or 30.07 of the Penal Code. This statute does not provide explicit civil liability protections to such businesses, establishments vulnerable to frivolous lawsuits and encouraging the adoption of more restrictive carrying policies. This bill:

Provides that the fact that a business did not post a card, sign, or other written communication on its property or any other evidence that a person chose not to prohibit the carrying of a handgun by a license holder is not admissible as evidence in a trial against the person who owns, controls, or manages the property and does not support the cause of action against the person.
Creating the Offense of Mail Theft—H.B. 37
by Representative Minjarez et al.—Senate Sponsors: Senator Perry et al.

Currently, Texas law does not explicitly proscribe mail theft. This bill:

Creates the offense of mail theft.

Creating an Offense for Caller ID Spoofing—H.B. 101
by Representative Canales et al.—Senate Sponsor: Senator Hughes

Recently, Texans have seen an increase in spam telephone calls using caller ID spoofing, in which the caller ID displays a telephone number different than the originating call. Current law does not criminalize this practice. This bill:

Creates an offense for caller ID spoofing with the intent to defraud or cause harm. Provides that an offense is a Class A misdemeanor.

Establishing a Penalty Range for Price Tag Destruction—H.B. 427
by Representative Shaheen et al.—Senate Sponsor: Senator Hughes

Certain parties are concerned that the penalty for destruction or removal of writing attached to tangible property, a price tag, for example, differs from the penalty for theft of the same item. This bill:

Establishes a range of penalties for the offense of fraudulent destruction, removal, or concealment of writing attached to tangible property.

Credit Card Skimming as Organized Crime—H.B. 869
by Representative Hefner et al.—Senate Sponsors: Senators Hughes and Zaffirini

Because credit card skimming can sometimes be tied to organized crime, certain stakeholders argue that prosecuting credit card skimming crimes as organized criminal activity would more effectively combat the practice. This bill:

Provides that unlawful interception, use, or disclosure of wire, oral, or electronic communications qualifies as engaging in organized criminal activity.
Extending the Parental Right to View Deceased Child Before Autopsy—H.B. 881
by Representatives Cecil Bell and Larson—Senate Sponsor: Senator Campbell

Currently, the parental right to view a deceased child before an autopsy does not apply when the deceased is 18 years or older. Some believe that this right should be extended to all parents, regardless of the age of the deceased. This bill:

Extends the parental right to view a deceased child before autopsy to parents of adult children.

Sentencing Enhancement for Assault of a Pregnant Woman—H.B. 902
by Representative Landgraf et al.—Senate Sponsor: Senator Huffman

The assault of a pregnant woman is a Class A misdemeanor punishable by up to a year in county jail. Some argue that the Penal Code should provide a sentencing enhancement if the defendant knew the victim was pregnant at the time of the assault. This bill:

Provides a sentencing enhancement from a Class A misdemeanor to a third degree felony for assault of a pregnant woman if the defendant knew the victim was pregnant at the time of the assault.

Required DNA Sample for Misdemeanor Assault and Unlawful Restraint—H.B. 979
by Representatives Hernandez and Smith—Senate Sponsor: Senator Perry

Currently, individuals convicted of misdemeanor assault or unlawful restraint are not required to provide a DNA sample to law enforcement. Stakeholders argue that requiring these individuals to provide a sample would create more robust DNA records, allowing authorities to better link related crimes, prevent repeat offenses, and exonerate innocent suspects. This bill:

Requires a defendant convicted of misdemeanor assault or unlawful restraint to provide one or more specimens to a law enforcement agency for the purpose of creating a DNA record.

Peace Officers for Board of Veterinary Medical Examiners—H.B. 1099 [VETOED]
by Representative Guillen—Senate Sponsor: Senators Hinojosa and Flores

Veterinarians store federally regulated drugs, which are frequently stolen. The Texas State Board of Veterinary Medical Examiners (TSBVME) investigates such thefts without the help of internal peace officers. However, law enforcement agencies are unable to release criminal justice information to non-criminal justice personnel, meaning that TSBVME often cannot obtain critical information in drug theft investigations. Certain stakeholders propose that authorizing TSBVME to commission peace officers will allow the board to better communicate with law enforcement. This bill:

Authorizes TSBVME to employ and commission peace officers.
Creation and Storage of DNA Records—H.B. 1399
by Representative Smith et al.—Senate Sponsor: Senator Creighton et al.

It has been suggested that expanding the number of felony offenses for which a defendant must provide a DNA sample at the time of arrest would increase the likelihood of solving crimes. This bill:

Specifies that a judge granting community supervision to a defendant convicted of a felony shall require as a condition of community supervision that a defendant provide a DNA sample for the purpose of creating a DNA record of the defendant, unless the defendant has already submitted the required sample under provisions relating to DNA records of persons arrested for or convicted of certain offenses, rather than under other state law.

Requires the director of the Department of Public Safety of the State of Texas (DPS) to apply for any available federal grant funds applicable to the creation and storage of DNA records of persons arrested for certain offenses.

Provides that certain provisions relating to DNA records of persons arrested for or convicted of certain offenses apply to a defendant who is arrested for a felony prohibited under certain provisions of the Penal Code, rather than to a defendant who is indicted or waives indictment for a felony prohibited or punishable under those provisions, and sets forth the list of provisions. Deletes existing text providing that this section applies to a defendant who is arrested for a certain felony after having been previously convicted of or placed on deferred adjudication for such an offense or an offense punishable under provisions relating to a certain burglary offense. Removes provisions relating to the offense of promotion of prostitution from a list of offenses determining applicability of this section. Deletes existing text requiring a court to order the collection of DNA from a certain defendant after the defendant is indicted or waives indictment.

Requires that, on acquittal of a certain defendant or dismissal of the case against the defendant, or after an individual has been granted relief in accordance with a writ of habeas corpus that is based on a court finding or determination that the person is actually innocent of a crime for which the person was sentenced, the law enforcement agency taking the specimen immediately destroy the record of the collection of the specimen and requires that DPS destroy the specimen and the record of its receipt. Requires the court, as soon as practicable after the acquittal of the defendant or the dismissal of the case, to provide notice of the acquittal or dismissal to the applicable law enforcement agency and DPS.

Repeals a provision authorizing certain defendants to at any time voluntarily provide a DNA specimen.

Management of Juvenile Records—H.B. 1760
by Representatives White and Wu—Senate Sponsor: Senator Perry

The Juvenile Records Advisory Committee of the Texas Juvenile Justice Department has reported that provisions relating to the confidentiality, sharing, sealing, and destruction of juvenile records,
as well as provisions relating to certain records of at-risk youth, need to be updated and clarified. This bill:

Authorizes juvenile justice records and information to be disclosed only to certain persons, including an individual or entity to whom a child is referred for assistance in transitioning to the community after the child's release or discharge from a juvenile facility, a prosecuting attorney, a parent, guardian, or custodian with whom a child will reside after release or discharge from a juvenile facility, or a governmental agency or court if the record is necessary for an administrative or legal proceeding and any personally identifiable information about the child is redacted.

Prohibits an individual or entity that receives confidential information about a child from disclosing the information unless otherwise authorized by law.

Authorizes juvenile justice records of a juvenile court, a clerk of court, a juvenile probation department, or a prosecuting attorney to be inspected or copied only by certain persons, including an attorney representing the child's parent, an attorney representing the child, a prosecuting attorney, or an individual or entity to whom a child is referred for assistance in transitioning to the community after the child's release or discharge from a juvenile facility.

Requires a juvenile court to order the sealing of all records relating to alleged conduct of a juvenile if the court enters a finding that the allegations are not true.

Authorizes the juvenile court to order the sealing of records related to all matters for which a person was referred to the juvenile probation department if the person is at least 17 years of age or younger, rather than 18 years of age or younger, and at least one year has elapsed, rather than at least two years have elapsed, after the final discharge of each matter.

Provides that the records related to a youth who was provided prevention and intervention services are confidential and may only be inspected or copied by an individual or entity to whom the youth is referred for services. Prohibits an individual or entity receiving such information about a child from disclosing the information, unless otherwise authorized by law.

**Compensation Under the Crime Victims' Compensation Act—H.B. 2079**

*by Representative Coleman et al.—Senate Sponsor: Senator Miles*

The Crime Victims' Compensation Act provides compensation for relocation and rental expenses to victims of certain crimes committed at the victim's residence. It has been suggested that a child who is a victim of a murder attempt at the child's residence is especially vulnerable and should be eligible for compensation. This bill:

Includes a child who is a victim of a murder attempt at the child's place of residence among the victims who may receive a one-time-only assistance payment, not to exceed $2,000, to be used for relocation expenses and a payment not to exceed $1,800 to be used for housing rental expenses under the Crime Victims' Compensation Act.
Clarifying Theft of Service Statute—H.B. 2524
by Representatives Charles “Doc” Anderson and Collier—Senate Sponsor: Senator Miles

Stakeholders report that some companies have difficulty providing notice to customers for failure to pay for services rendered under a service agreement or failure to return property held under a rental agreement. Such a failure can be prosecuted as rent-to-own theft. Prosecutors say that the current statute is over-inclusive and that legislation is needed to reduce the number of people charged with rent-to-own theft. This bill:

Clarifies statutory presumptions regarding an actor’s intent to avoid payment for services rendered under a rental agreement or to fail to return property held under a rental agreement and clarifies notice requirements for a vendor’s demand for return or property.

Authorizes a presumption involving a defendant’s failure to return property held under such a rental agreement to be refuted if the defendant shows that the defendant intended to return the property and was unable to do so.

Name Changes for Felons and Sex Offenders—H.B. 2623
by Representative White—Senate Sponsor: Senator Whitmire

Some argue that Texas’s name-change statute unintentionally penalizes individuals who have used names other than their birth names for much of their lives. Interested parties want to make it easier to change one’s name under these circumstances. This bill:

Permits courts to allow persons convicted of a felony or those required to register as sex offenders to change their names from their birth name to the primary name used in their criminal record.

Mass Fraudulent Use or Possession of Credit or Debit Card Information—H.B. 2625
by Representative Perez et al.—Senate Sponsor: Senator Zaffirini

To convict an individual of credit card or debit card abuse, prosecutors must show that the individual was not authorized to use the credit card or debit card information in question. This can make it difficult to prosecute individuals who possess multiple stolen cards, as prosecutors must contact the account holder of each stolen card. This bill:

Creates the offense of mass fraudulent use or possession of credit card or debit card information, which does not require establishing the defendant was not authorized by each account holder to use each card.

Sets a range of penalties based on the number of items obtained, possessed, transferred or used by the defendant. Authorizes a court, if the court orders the defendant to make restitution to a victim of the offense, to order the defendant to reimburse the victim for lost income or other expenses, other than attorney’s fees, incurred as a result of the offense.
Expanding the Medicaid Fraud Statute—H.B. 2894  
*by Representative Collier—Senate Sponsor: Senator Buckingham*

Interested parties suggest that the state’s Medicaid fraud law is too narrow in scope, failing to adequately address fraudulent conduct committed against other governmental health care programs. This bill:

Allows for the prosecution of fraud against any state or federal government health care program.

Updating Offense of Operating Unmanned Aircraft—H.B. 3082 [VETOED]  
*by Representative Murphy—Senate Sponsor: Senators Birdwell and Powell*

In response to recent drone incidents, there have been calls to update state law regarding the offense of operating an unmanned aircraft over or near correctional facilities, detention facilities, military installations, or critical infrastructure facilities. This bill:

Includes a military installation owned or operated by or for the federal government, the state, or another government entity in the definition of "critical infrastructure facility."

Changes the requisite intent for conduct constituting the offense of operating unmanned aircraft over a correctional facility, detention facility, military installation, or critical infrastructure facility from "intentionally or knowingly" to "with criminal negligence." Requires a peace officer who investigates such an offense to notify the Department of Public Safety of the State of Texas (DPS) of the investigation. Authorizes DPS to require further information from the officer as DPS determines necessary.

Personalized Transition Plans for Some Juvenile Offenders—H.B. 3195 [VETOED]  
*by Representative Wu et al.—Senate Sponsor: Senator Whitmire*

Concerns have been raised that the Texas Juvenile Justice Department (TJJD) lacks the flexibility to reduce periods of confinement for certain juvenile offenders sentenced to residential programs who finish programs early, delaying their reintegration into the community. Additionally, stakeholders contend that current law does not provide adequate individual attention to students returning to standard public schools after disciplinary placements. This bill:

Authorizes TJJD to reduce the period in which it may require a child at sanction level six to participate in a highly structured residential program.

Requires alternative education programs to coordinate with public schools to provide individualized transition plans for students moving from residential programs to schools.
**Nonsubstantive Revisions to Code of Criminal Procedure—H.B. 4173**

*by Representative Leach—Senate Sponsor: Senator Kolkhorst*

The Texas Legislative Council is required by law to carry out a nonsubstantive revision of Texas statutes in an effort to make them more accessible, understandable, and usable, without altering the sense, meaning, or effect of the law. This bill:

Makes nonsubstantive revisions to certain portions of the Code of Criminal Procedure.

**The Right to See Body-Worn Camera Recordings—H.B. 4236**

*by Representative Charles “Doc” Anderson—Senate Sponsor: Senators Birdwell and West*

There have been calls for law enforcement agencies to make body-worn camera recordings available to persons depicted in the recordings or to authorized representatives. This bill:

Authorizes law enforcement agencies to permit persons depicted in body-worn camera recordings to view the recording under prescribed circumstances.

**Strengthening Hazing Protections—S.B. 38**

*by Senator Zaffirini et al.—House Sponsor: Representatives Lozano and Frullo*

Stakeholders argue that Texas's hazing statute fails to provide universities proper guidance on what conduct constitutes hazing, inadequately addresses the dangers of alcohol-related and drug-related hazing, and does not clarify immunity requirements for reporting hazing. They say that the provision governing the appropriate venue could make it difficult to prosecute a hazing case. In addition, interested parties contend that institutional reports on student hazing are often untimely and insufficient. This bill:

Further defines student organizations subject to hazing laws and expands the definition of hazing to include coercion to consume alcohol or drugs.

Limits immunity to individuals who in good faith report hazing to police, without the urging of an educational institution; clarifies that immunity is not available to those who report their own act of hazing; and authorizes hazing offenses to be prosecuted in the county in which the educational institution is located.

Requires educational institutions to provide students a report on hazing that includes a list of organizations with hazing incidents that resulted in disciplinary action or conviction for a hazing offense.
Prosecuting Laundering of Digital Currencies—S.B. 207
by Senator Kolkhorst—House Sponsor: Representatives Parker and Pacheco

Reports indicate that some criminals use digital currency to launder money and conduct illicit transactions. Currently, the Penal Code does not provide an avenue to prosecute laundering of digital currencies. Stakeholders want to include digital currencies in the definition of “funds” in statute, allowing law enforcement to pursue money laundering using digital currency. This bill:

Includes digital currencies in the definition of “funds” in statute.

Grant Program for Opioid Antagonists—S.B. 340
by Senator Huffman—House Sponsor: Representative Phil King et al.

Currently, no state grants are available to law enforcement to specifically purchase opioid antagonists, a treatment option evidence technicians keep on hand in case of accidental exposure to opioids. This bill:

Creates a grant program in the Office of the Governor to provide financial assistance to law enforcement agencies to purchase opioid antagonists.

Improving Family Violence and Sexual Assault Training—S.B. 586
by Senator Watson et al.—House Sponsor: Representative Neave

In the past two sessions, the legislature has required the Texas Commission on Law Enforcement (TCOLE) to develop 13 new peace officer courses. However, TCOLE has not been able to update all of its existing courses. TCOLE’s course on child abuse, family violence, and sexual assault has not been updated since 2010. Stakeholders contend that the course needs to incorporate best practices and trauma-informed techniques to ensure that Texas peace officers are fully prepared to investigate these crimes. This bill:

Requires TCOLE to include best practices and trauma-informed techniques in existing peace officer training on child abuse and neglect, family violence, and sexual assault.

Authorizes TCOLE to certify a peace officer as specializing in family violence and sexual assault cases if the person passes a certain examination administered by TCOLE.

Videoconference Forensic Analyst Testimony—S.B. 1125
by Senator Hinojosa—House Sponsor: Representative Calanni et al.

Texas law does not explicitly permit forensic analysts to testify by videoconference in criminal cases. The Department of Public Safety of the State of Texas has spent considerable resources responding to requests to appear in court. Interested parties argue that these resources could be better utilized elsewhere. This bill:
Authorizes forensic analysts to testify in criminal cases by videoconference, with the consent of both parties.

**Disposing of Counterfeit Items—S.B. 1164**  
*by Senator Rodríguez—House Sponsor: Representative Moody*

Texas law does not expressly provide for the disposition of counterfeit property seized in connection with a criminal case. This bill:

Requires the court entering the judgment of conviction or order of deferred adjudication community supervision, following the final conviction or placement on deferred adjudication community supervision of a person for the offense of trademark counterfeiting, to order that any item bearing or identified by a counterfeit mark seized in connection with the offense be forfeited to the owner of the protected mark if the owner requests the return of the item prior to an order disposing of property under this article or be destroyed.

**Limiting Considerations for Occupational Licensure—S.B. 1217**  
*by Senator Alvarado—House Sponsor: Representative Morales*

State licensing authorities must consider individuals’ past criminal activity when issuing occupational licenses. However, the phrase “criminal activity” is undefined, meaning that licensing authorities could consider false or erroneous arrests when determining an individual’s fitness for licensure. This bill:

Prohibits licensing authorities from considering an arrest that did not result in conviction or placement on deferred adjudication community supervision when determining an individual’s fitness for occupational licensure.

**Prosecution of Limited Liability Business Entities—S.B. 1258**  
*by Senator Buckingham—House Sponsor: Representative Moody*

Currently under the Penal Code, most business organizations may be treated as persons for the purpose of criminal liability. However, such treatment does not apply to a limited liability company, nor does the law anticipate applying such treatment to other business organizations that may be developed in the future. The purpose of this bill is to ensure that all business entities operating in the state can be held accountable under Texas law. This bill:

Includes a limited liability company or other entity or organization governed by the Business Organizations Code in the definition of "person" for purposes of the criminal responsibility of a corporation or association, the criminal responsibility of a person for conduct on behalf of a corporation or association, the defense to such criminal responsibility, and the authorized punishments for corporations and associations.
Removing Limits on Victim Impact Statements—S.B. 1268

by Senator Watson—House Sponsor: Representative Moody

Current law gives victims and their close relatives the right to give a statement in court after sentencing in a criminal case. However, stakeholders express concern that some judges have interpreted this provision narrowly, limiting prosecutors to only one victim impact statement per case. This bill:

Prohibits courts from imposing limits on the number of victim impact statements that may be made, unless the court finds that additional statements will unreasonably delay proceedings.

Exempting Certain Retired Peace Officers From Continuing Ed—S.B. 1397

by Senator Flores—House Sponsor: Representative Sanford

Currently, retired peace officers who seek to retain a commission must complete a minimum of 40 hours of continuing education every 24 months. Special Rangers with the Department of Texas Public Safety are exempt from this requirement. This bill:

Exempts honorably retired special game wardens and special inspectors with the Texas Alcoholic Beverage Commission from certain continuing education requirements.

Removing Intent Requirement From Weapon-Taking Offense—S.B. 1754

by Senator Huffman—House Sponsor: Representatives Keith Bell and Burns

A person may be charged with taking or attempting to take a weapon from certain law enforcement officers or state officials. To successfully prosecute this crime, the state must prove that the person acted with the intention of harming the officer or official. This bill:

Removes the intent requirement from the statute criminalizing taking or attempting to take a weapon from a law enforcement officer or state official.

Clarifying Offense of Impersonating Public Servant—S.B. 1820

by Senator Huffman—House Sponsor: Representative Collier

Current statute makes it an offense to knowingly impersonate a public servant. Some believe that the wording of the statute is unclear. This bill:

Clarifies that knowingly impersonating a public servant without legal authority is a criminal offense under any circumstances.
Confidentiality of Certain Personal Information—S.B. 2390

by Senator Powell—House Sponsor: Representative Guillen

Concerns have been raised that the confidentiality of mailing address information relating to certain protective orders makes it difficult for law enforcement to access details necessary for the enforcement of these orders. This bill:

Allows for the designated address for emergency protective orders to be entered into the statewide law enforcement information system to give law enforcement officials the ability to act in cases where a respondent is in violation of protective orders and ensure protection of victims and residents of a designated address.
**Criminal Justice—Human Trafficking**

** Trafficking of Persons in the Basic Training Curriculum for Peace Officers—H.B. 292**  
*by Representative Senfronia Thompson et al.—Senate Sponsor: Senator Huffman*

Current law requires all peace officers to undergo a basic education program on human trafficking "within a reasonable time after obtaining the license." This means that human trafficking prevention training cannot be conducted in a law enforcement teaching setting before licensing. This bill:

Requires an officer to complete the basic education program on human trafficking not later than the second anniversary of the date the officer is licensed under this chapter.

** Human Trafficking and Sexual Abuse Training for Trustees—H.B. 403**  
*by Representative Senfronia Thompson—Senate Sponsor: Senator Huffman et al.*

Concerns have been raised about the volume of human trafficking in Texas. Illicit businesses are fronts for prostitution, robbery, and human trafficking, and children who attend schools near massage businesses can be targets of recruitment by pimps. This bill:

Requires the State Board of Education to require an independent school district trustee to complete every two years at least one hour of training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children in addition to the three hours of training on evaluating student academic performance already required by statute.

Requires continuing education requirements for a superintendent to include at least 2-1/2 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

** Misrepresenting a Child as a Family Member at a Port of Entry—H.B. 888**  
*by Representative Landgraf et al.—Senate Sponsor: Senators Perry and Nelson*

According to the Texas attorney general, more than 75,000 minors in Texas are currently victims of sex trafficking. This number includes minors only, and does not reflect the more than 200,000 victims of labor trafficking in Texas. Child victims are often tricked by their captors to coerce them to cooperate and not report crimes to law enforcement, being told, for example, that they are going to Disney World. Instead of speaking up to authorities at ports of entry, children remain silent when their captors tell customs officers the child is a son or daughter. This bill:

Creates the offense of knowingly misrepresenting a child as a family member at a port of entry if the actor does so with intent to commit a human trafficking offense.
Prohibition on Prosecuting Certain Persons—H.B. 1771 [VETOED]
by Representative Thierry et al.—Senate Sponsor: Senator Huffman

There are concerns about criminalizing children who are victims of sex trafficking. This bill:

Provides that conduct that violates a prohibition against prostitution is not delinquent conduct or conduct indicating a need for supervision and prohibits a child from being referred to juvenile court for such conduct.

Prohibits a law enforcement officer taking possession of a child who is suspected of engaging in prostitution from arresting the child or referring the child to juvenile court. Requires the officer to use best efforts to deliver the child to the child's parent or to another person entitled to take possession of the child. Requires the officer, if the parent or other person is not available, to arrange for immediate and long-term rehabilitation and treatment or to transfer the possession of the child to the Department of Family of Family and Protective Services if the provider of such treatment services is not available.

Prohibits a person from being prosecuted for a prostitution offense that the person committed when younger than 17 years of age.

Licensing and Regulation of Massage Therapy—H.B. 1865
by Representative Landgraf et al.—Senate Sponsor: Senator Nelson

Currently, Texas has the third most massage parlors of any state and, other than escort services, no other industry experiences more human trafficking crimes than massage therapy. According to the Texas attorney general, labor trafficking and the sex trafficking of minors remains a significant problem in Texas, with the massage therapy industry a major contributor. The purpose of this bill is to codify statutory licensing and regulation recommendations made by the Texas Human Trafficking Prevention Task Force. This bill:

Removes the provision making ineligible a person convicted of a violation of massage therapy statutes for a license as a massage establishment, massage school, massage therapist, or a massage therapy instructor until the fifth anniversary of the date of the conviction.

Replaces the requirement that the Texas Department of Licensing and Regulation (TDLR) conduct a criminal background check on an applicant on receipt of the applicant's massage therapy license application with a requirement that TDLR require an applicant to submit a set of fingerprints to TDLR or to the Department of Public Safety of the State of Texas (DPS) for the purpose of obtaining criminal history record information from DPS and the Federal Bureau of Investigation (FBI). Prohibits TDLR from issuing a license to a person who does not submit a set of fingerprints to TDLR.

Requires TDLR to conduct a criminal history record information check of each applicant for a massage therapy license using information provided by the individual and made available to TDLR by DPS, the FBI, and any other criminal justice agency. Authorizes TDLR to enter into an
agreement with DPS to administer such a check and to authorize DPS to collect from each applicant the costs of conducting the check. Requires an applicant, if the applicant is an entity, to submit fingerprints for each individual who meets certain criteria.

Requires, rather than authorizes, TDLR to conduct a criminal background check on receipt of a request for massage therapy license renewal.

Requires TDLR to require a student enrolled in a massage school in Texas to hold a student permit. Sets forth the requirements and eligibility for obtaining such a permit.

Requires a massage school to maintain a monthly progress report regarding each student attending the school. Requires the report to certify the daily attendance record of each student and the number of credit hours earned by each student during the previous month. Requires the school to notify TDLR, on a student's completion of a prescribed course of instruction, that the student has completed the required number of hours and is eligible to take the appropriate examination.

Repeals an exemption from licensing requirements for a student who provides massage therapy as part of an internship program or without compensation if the student is enrolled in a state-approved course of instruction consisting of at least 500 hours.

**Human Trafficking Prevention Education for Health Care Professionals—H.B. 2059**  
*by Representative Blanco—Senate Sponsor: Senator Taylor et al.*

Advocates contend that a significant number of sex-trafficking survivors report having had contact with a health care provider while being trafficked. H.B. 2059 equips health care practitioners who provide direct patient care with training to help detect victims of human trafficking. This bill:

Requires a health care practitioner, other than a physician or nurse, to successfully complete a training course approved by the executive commissioner of the Health and Human Services Commission on identifying and assisting victims of human trafficking. Requires this training to be a condition for renewal of a license issued to a health care practitioner.

Requires a physician to complete the human trafficking prevention course as a portion of required continuing medical education hours for relicensure purposes.

Requires a nursing license holder who provides direct patient care to complete the human trafficking prevention course as part of a continuing competency program required under statutes regulating nursing licensure.
Offense of Operation of a Stash House—H.B. 2613
by Representative Frullo et al.—Senate Sponsor: Senator Huffman

It has been noted that criminal organizations use stash houses to perpetrate crimes such as human trafficking and smuggling; interested parties say it would be much easier for law enforcement to effectively prosecute this criminal activity if there were an offense for such conduct. This bill:

Creates the offense of operation of a stash house.

Includes property of any nature that is used in the commission of certain felonies, that is the proceeds gained from the commission of such a felony, certain misdemeanors, or a crime of violence, that is acquired with such proceeds, or that is used to facilitate or intended to be used to facilitate the commission of certain offenses in the definition of "contraband."

Requires the funds credited to the special fund of the office of the attorney representing the state or of a law enforcement agency from civil asset forfeiture of contraband related to human smuggling, human trafficking, and certain prostitution offenses to be used by the victim services division of the office or agency to provide direct victim services or to cover the costs of a contract with a local nonprofit organization to provide direct services to crime victims.

Community Supervision and Deferred Adjudication for Sex Traffickers —H.B. 2758
by Representative Hernandez—Senate Sponsor: Senator Huffman

Stakeholders claim that individuals involved in sex trafficking operations can continue to exploit their victims while the individual is in a community supervision program or in deferred adjudication. Some say that those involved in sex trafficking operations should not be eligible for such programs. This bill:

Makes persons convicted of human trafficking or aggravated promotion of prostitution ineligible for community supervision or deferred adjudication.

Authorizes a judge, notwithstanding such ineligibility, to place a defendant on community supervision if the judge makes a finding that a defendant committed an offense of aggravated promotion of prostitution or compelling prostitution solely as a victim of one of certain human trafficking and prostitution offenses.

Law Enforcement Reports on Human Trafficking—H.B. 3800
by Representative Senfronia Thompson et al.—Senate Sponsor: Senator Huffman

The Human Trafficking and Transnational Organized Crime section of the Office of the Attorney General is designed to combat human trafficking through investigations, prosecutions, training, and awareness campaigns. Stakeholders suggest that state actors would benefit from the centralized collection and uniform reporting of information regarding human trafficking cases. This bill:
Requires certain law enforcement entities and attorneys for the state that investigate the alleged commission of a human trafficking offense or a public indecency offense, which may involve human trafficking, to submit a report to the Texas attorney general (attorney general) detailing statistics about human trafficking cases.

Requires the attorney general to contract with a university to collect and analyze the data.

**Protections for Victims of Human Trafficking—S.B. 20**

*by Senator Huffman et al.—House Sponsor: Representative Senfronia Thompson et al.*

Reports indicate that recent legislative efforts to combat human trafficking in Texas have proved useful in curtailing these acts. However, it has been suggested that more progress could be made to help fully protect those susceptible to exploitation, such as improving victim protections. This bill:

Authorizes the sentences, if the accused is found guilty of more than one offense arising out of the same criminal episode, to run concurrently or consecutively if each sentence is for a conviction of an offense relating to continuous trafficking of persons.

Requires the judge, on a defendant's conviction of a Class B misdemeanor prostitution offense, to suspend imposition of the sentence and place the defendant on community supervision.

Requires the judge, on a defendant's conviction of a state jail felony prostitution offense, to suspend the imposition of the sentence and place the defendant on community supervision. Provides that such a suspension does not apply to a defendant who has previously been convicted of any other state jail felony.

Requires a judge who places a defendant on community supervision for such prostitution offenses to require as a condition of community supervision that the defendant participate in a commercially sexually exploited persons court program if a program has been established for the county or municipality where the defendant resides. Authorizes a judge who requires a defendant to participate in such a program to suspend in whole or in part the imposition of the program fee.

Requires the judge, in any case in which the jury assesses punishment, to follow the recommendations of the jury in suspending the imposition of a sentence or ordering a sentence to be executed. Requires the judge to order the sentence to be executed in whole if a jury assessing punishment does not recommend community supervision. Authorizes the judge to suspend in whole or in part the imposition of any fine imposed on conviction.

Authorizes the Texas attorney general to enter into a contract with an institution of higher education or private or independent institution of higher education for the institution's assistance in the collection and analysis of information received by the human trafficking prevention task force.
Provides that the offense of paying for prostitution is a Class A misdemeanor, rather than a Class B misdemeanor, with elevated penalties for those previously convicted of that offense or if the person with whom the actor agrees to engage in sexual conduct is a minor or is believed by the actor to be a minor.

Creates the offense of online promotion of prostitution and the offense of aggravated online promotion of prostitution. Increases the penalty for both offenses if the actor has a previous conviction of a related offense or if the person with whom the actor agrees to engage in sexual conduct is a minor or is believed by the actor to be a minor.

Defines "information content provider," "interactive computer service," and "Internet" for the purposes of prosecuting online promotion of prostitution.

Provides that a defendant is liable to a victim of compelled prostitution for damages arising from the compelled prostitution if the defendant engages in online promotion of prostitution, aggravated promotion of prostitution, or aggravated online promotion of prostitution that results in compelling prostitution with respect to the victim.

Includes the offenses of online promotion of prostitution and aggravated online promotion of prostitution in the definition of "trafficking of persons" under the Crime Victims' Compensation Act.

Includes the offenses of online promotion of prostitution, aggravated online promotion of prostitution, and promotion of prostitution among the offenses about which the bureau of identification and records in the administrative division of the Department of Public Safety of the State of Texas (DPS) is required to collect certain statistical information.

Makes an inmate ineligible to be considered for release to intensive supervision parole if the inmate is awaiting transfer to the institutional division, or serving a sentence, for the offense of aggravated online promotion of prostitution.

Provides that a defendant is eligible to participate in a first offender prostitution prevention program only if the court finds that the defendant has not been previously convicted of online promotion of prostitution or aggravated online promotion of prostitution.

Includes the offenses of online promotion of prostitution and aggravated online promotion of prostitution among the offenses that qualify as human trafficking if the actor traffics another person or child and causes the trafficked person or child to engage in prohibited conduct.

Authorizes a person who provides assistance to law enforcement or a prosecuting attorney in prosecuting acts of human trafficking or compelled prostitution to petition the court that convicted the person or placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information on the grounds that the person committed the offense solely as a victim of such an offense. Authorizes a person who did not provide such assistance to law enforcement or a prosecuting attorney due to the person's age or a physical or
mental disability resulting from being a victim of such a human trafficking or prostitution offense to also make such a petition on the same grounds.

Sets forth certain requirements for such a petition and describes the manner in which a person may file a petition for an order of nondisclosure of criminal history record information for more than one such offense. Establishes the timeline by which a person may make such a petition under certain conditions.

Entitles a victim of a certain offense relating to human trafficking or compelled prostitution to be informed that the victim may petition for such an order of nondisclosure if they meet certain criteria.

Requires a commercially sexually exploited persons court program to provide each program participant with information related to the right to petition for an order of nondisclosure of criminal history record information.

Requires the Health and Human Services Commission (HHSC), in collaboration with a health-related institution of higher education, to establish a program to improve the quality and accessibility of care for victims of child sex trafficking in Texas.

Requires HHSC to establish a matching grant program to award a grant to a municipality for the development of a sex trafficking prevention needs assessment.

Requires the office of the governor (governor's office), in collaboration with the Child Sex Trafficking Prevention Unit within the criminal justice division in the governor's office, to establish and administer a grant program to train local law enforcement officers to recognize signs of sex trafficking.

Prohibits a state agency from accepting a bid or awarding a contract, including a contract for which purchasing authority is delegated to a state agency, that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been convicted of any offense related to the direct support or promotion of human trafficking. Authorizes a state agency to immediately terminate a contract with an individual or business entity who was ineligible to have the bid accepted or contract awarded under this section.

Requires the Texas Facilities Commission to bar a vendor from participating in state contracts subject to statutes relating to state purchasing and general services, including contracts for which purchasing authority is delegated to a state agency, if the vendor has been convicted of any offense related to the direct support or promotion of human trafficking.

Establishment of Human Trafficking Prevention Coordinating Council—S.B. 72
by Senator Nelson et al.—House Sponsor: Representative Guillen

There have been an estimated 313,000 victims of human trafficking in Texas, both forced labor and sex trafficking. The Office of the Attorney General (OAG) currently houses the Human
Trafficking Task Force, which pools state agencies, local law enforcement, and nonprofits to fight this crime. However, the state lacks clear goals and effective leadership in its coordinated efforts. This bill:

Requires OAG to establish a human trafficking prevention coordinating council (council) to develop and implement a five-year strategic plan for preventing human trafficking in this state.

**Posting Information Regarding Human Trafficking—S.B. 1219**
*by Senator Alvarado—House Sponsor: Representative Senfronia Thompson*

Human trafficking is the illegal trade of human beings—it is slavery, usually involving the sexual exploitation of minors and forced labor. According to estimates, a quarter of all people trafficked into the United States enter the country by way of the Texas–Mexico border.

The National Human Trafficking Hotline connects victims and survivors of sex and labor trafficking with valuable help services. The national hotline also receives tips about potential situations of human trafficking and facilitates the reporting of that information to appropriate authorities. Legislators and stakeholders have noted that there is currently no law requiring the National Human Trafficking Hotline number and human trafficking awareness information to be posted at transportation hubs, including rest areas and train stations. This bill:

Provides for the display of signs that contain information regarding assistance available to victims of human trafficking at certain transportation hubs.

**Human Trafficking Awareness for TxDOT Staff—S.B. 1593**
*by Senator Rodríguez—House Sponsor: Representative Ortega*

Legislation passed in 2017 requires applicants for commercial driver's licenses to complete a course on the recognition and prevention of human trafficking. The Department of Transportation (TxDOT) has a significant imprint across the state and stakeholders have contended that making human trafficking information available to employees would increase the awareness and reporting of human trafficking activities. This bill:

Requires TxDOT to develop and make available to TxDOT employees a training course on the recognition and prevention of smuggling and trafficking of persons. Requires TxDOT to collaborate with the Texas attorney general to establish training content.
Orders of Nondisclosure for Certain Victims of Trafficking—S.B. 1801
by Senator Huffman—House Sponsor: Representatives Hunter and Senfronia Thompson

It has been suggested that, to prevent criminalizing victims of human trafficking, eligibility for orders of nondisclosure of criminal history record information should be available to a wider range of human trafficking victims. This bill:

Makes certain victims of the offense of trafficking of persons, continuous trafficking of persons, or the compelling of prostitution eligible to file a petition for a nondisclosure order, clarifying as well the process by which victims of multiple offenses file petitions.

Prosecution of Trafficking and Prostitution Offenses—S.B. 1802
by Senator Huffman—House Sponsor: Representatives Hunter and Miller

While many efforts have been made recently in Texas to combat human trafficking, it has been suggested that more could be done to ensure communities remain safe and that vulnerable individuals remain protected. This bill:

Adds aggravated promotion of prostitution to the set of offenses subject to sex offender registration.

Includes causing a trafficked person, without the person's consent, to become intoxicated to a degree that impairs the person's ability to appraise the nature of the prohibited conduct or to resist engaging in that conduct or withholding alcohol or a controlled substance to a degree that impairs the ability of a trafficked person with a chemical dependency to appraise the nature of the prohibited conduct or to resist engaging in that conduct in the definition of "coercion" for purposes of provisions relating to human trafficking.

Provides that the promotion of prostitution is a third-degree felony, rather than a state jail felony, except that the offense is a second-degree felony if the actor has been previously convicted of an offense under this section or a first-degree felony if the actor engages in prostitution with or solicits prostitution from a person younger than 18 years of age, regardless of whether the actor knows the age of the person at the time of the offense.

Provides that the aggravated promotion of prostitution is a first-degree felony, rather than a second-degree felony, and removes an exception to the penalty.

Makes conforming changes to the definition of "coercion" for purposes of the offense of compelling prostitution.
Addressing the Rape Kit Backlog—H.B. 8
by Representative Neave et al.—Senate Sponsor: Senator Nelson et al.

Reports note a considerable backlog of untested rape kits across the state, raising concerns that evidence from these kits may no longer be admissible in court proceedings. Stakeholders say that this backlog denies justice to victims and compromises public safety.

Most Texas counties are not served by a sexual assault nurse examiner (SANE), making it more difficult to collect evidence following a sexual assault. Currently, there is no statewide telehealth consultation program for survivors of sexual assault. Interested parties say that such a system would provide survivors with compassionate forensic care from SANEs and result in higher rates of evidence collection. (Note: This provision is also found in S.B. 71, which was signed by the governor on June 4, 2019.) This bill:

Pauses the statute of limitations for prosecuting sexual assault until a rape kit is tested. Ensures the preservation of rape kits for 40 years or the expiration of applicable statutes of limitations, whichever is longer.

Requires the Department of Public Safety of the State of Texas (DPS) to develop procedures for preserving biological evidence and for notifying victims before the planned destruction of biological evidence. Lengthens the time rape kits must be preserved in cases in which victims have not reported assaults. Provides victim notification requirements for destroying biological evidence.

Expands the types of sex offenses to which evidence collection laws apply.

Requires biological evidence to be released within a certain time frame if such evidence is requested for release.

Requires crime laboratories to complete testing of rape kits within 90 days of receipt of the kit. Requires DPS or a crime laboratory to compare the analysis of a rape kit to a DNA database within 30 days of completion of the analysis.

Requires law enforcement agencies and crime laboratories to submit quarterly reports identifying the number of rape kits not yet analyzed. Requires law enforcement agencies with untested rape kits to perform an audit regarding unanalyzed rape kits and to submit the untested kits to DPS or to crime laboratories.

Requires DPS to add a provision to its standard information form for sexual assault survivors stating that the state will pay for rape kits and their testing. Requires health care facilities to orally communicate to survivors the state’s responsibility to pay for rape kits.

Requires DPS to develop a standard information form for survivors of sexual assault who have not authorized the release of rape kit evidence. Requires the form to include information about DPS’s policy regarding evidence retention and destruction and a statement that the survivor may request the release of biological evidence at any time.
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Creates a statewide telehealth system to connect survivors of sexual assault to certified SANEs. Requires law enforcement agencies and crime laboratories to submit quarterly reports identifying the number of rape kits not yet analyzed. Requires law enforcement agencies with untested rape kits to perform an audit regarding unanalyzed rape kits and to submit the untested kits to DPS or to crime laboratories.

Requires that DPS add a provision to its standard information form for sexual assault survivors stating that the state will pay for rape kits and their testing. Requires health care facilities to orally communicate to survivors the state’s responsibility to pay for rape kits.

Requires that DPS develop a standard information form for survivors of sexual assault who have not authorized the release of rape kit evidence. Requires that the form include information about DPS’s policy regarding evidence retention and destruction and a statement that the survivor may request the release of biological evidence at any time.

Disclosure of Intimate Visual Material—H.B. 98
by Representatives Mary González and Meyer—Senate Sponsor: Senator Huffman et al.

The 84th Legislature passed a bill aimed at criminalizing what is called "revenge porn." The statute imposes civil and criminal liability for the disclosure of intimate photos of a person without the consent of the person depicted in the photo. Recent lawsuits have challenged the constitutionality of the law, and it was recently struck down by the Texas Twelfth Court of Appeals. The court said the law lacked proper consideration of intent, lack of knowledge, and context for third-party participants who could be found liable under the law. This bill:

Adds a specific intent requirement for both civil and criminal liability under statutes relating to the unlawful disclosure or promotion of intimate visual material depicting another person with the person's intimate parts exposed or engaged in sexual conduct.

Retaining Sexual Assault Kits—H.B. 531
by Representative Miller—Senate Sponsor: Senator Buckingham

Interested parties contend that, due to the state backlog of untested sexual assault kits, the current time period retaining patient medical records is not sufficient. H.B. 531 expands the length of time that sexual assault kits must be retained. This bill:

Prohibits a physician or hospital from destroying a medical record from the forensic medical examination of a sexual assault victim until the 20th anniversary of the date the record was created.
Reimbursement for Sexual Assault Forensic Medical Examinations—H.B. 616

by Representative Neave et al.—Senate Sponsor: Senator Nelson et al.

Many contend that sexual assault survivors face barriers to receiving forensic medical examinations following assaults. Stakeholders say that reimbursing health care facilities for the cost of these examinations would remove some barriers and improve care for survivors. This bill:

- Expands the window after an assault during which a victim is entitled to a sexual assault forensic medical examination from within 96 hours of the assault to within 120 hours of the assault.
- Requires law enforcement agencies to document whether the agency requested a sexual assault forensic medical examination.
- Authorizes a health care facility that provides a forensic medical examination to a sexual assault survivor or the sexual assault examiner or sexual assault examiner who conducts that examination, as applicable, to apply to the Texas attorney general for reimbursement for the cost of sexual assault forensic medical examinations.

Evidence Testing Grant Program—H.B. 653

by Representative Neave et al.—Senate Sponsor: Senator Zaffirini

The 85th Legislature established the Evidence Testing Grant Program to provide financial assistance to crime laboratories testing sexual assault evidence, evidence commonly known as rape kits. Under the program, financial assistance is provided by voluntary contributions made by applicants for driver's licenses, commercial driver's licenses, and identification certificates. This bill:

- Clarifies that a person may make a voluntary contribution of $1 or more to the sex offense evidence testing grant program when the person applies for a corrected or duplicate driver's license, commercial driver's license, or personal identification certificate.

Clarifying Language for Sexual Assault Sentence Enhancements—H.B. 667

by Representative Ken King et al.—Senate Sponsor: Senator Perry

Currently, second degree felony sexual assault is enhanced to a first degree felony if the victim of the assault is family member of the defendant. However, the statute contains unclear language that could imply that the defendant must have attempted to marry the victim. To remove this confusion, certain stakeholders argue that the statute should specifically list both bigamy and incest as reasons for enhancement. This bill:

- Clarifies that bigamy and incest are separate and sufficient reasons to enhance second degree felony sexual assault to first degree sexual assault.
State law prohibits certain sex offenders from contacting victims or a victim’s family. Some want to expand protections for victims of sexual assault to prevent more sex offenders from communicating with their victims. This bill:

Requires the attorney representing the state to file protective order applications for victims of sexual assault or abuse, stalking, or trafficking following the conviction of an offender if the victim is 17 or younger. Prohibits the attorney representing the state from filing such an application for a victim who is at least 18 years of age if the victim requests that the state not file the application.

Requires that the court issue a protective order for the duration of the lives of the victim and the offender when the offender is convicted of sexual assault or abuse, stalking, or trafficking and is required to register as a sex offender for life.

Makes violating a protective order a state jail felony and includes among the conduct that constitutes the offense of improper contact with a victim contacting a victim or a member of the victim's family while incarcerated without the consent of the victim or, if the victim was younger than 17 years of age at the time of the offense, without the consent of the victim’s parent or guardian.

Law enforcement may close a case using “exceptional clearance,” which means that police know the identity and location of a suspect and have probable cause for arrest but decline to pursue charges. An audit by the Texas Department of Public Safety revealed that, in 2017, the Austin Police Department exceptionally cleared one-third of sexual assault cases. This report startled observers, and in response some lawmakers called for a state body to collect and analyze data about how sexual assault cases are cleared. This bill:

Requires the governor to establish the Sexual Assault Survivors' Task Force (task force) within the criminal justice division of the office of the governor. Requires the steering committee of the task force to create within the task force a working group focusing on child survivors and a working group focusing on adult survivors, to ensure that the task force identifies systemic issues and solutions pertaining to survivors of all ages, to ensure that the task force does not unnecessarily duplicate existing standards, information, and protocol in preventing, investigating, prosecuting, and responding to sex offenses, and to review and approve all task force reports, recommendations, resources, protocols, advice, and other information before release.

Requires the task force to develop policy recommendations to allow the state to effectively coordinate funding for services to child and adult survivors and to better prevent, investigate, and prosecute incidents of sex offenses.
Requires the task force to facilitate communication and cooperation between state agencies that have duties relating to the prevention, investigation, or prosecution of sex offenses or services provided to survivors in order to identify and coordinate state resources available for assisting survivors.

Requires the task force to collect, analyze, and make publicly available information, organized by region, regarding the prevention, investigation, and prosecution of sex offenses and services provided to survivors, including a list of SAFE-ready facilities designated under Section 323.0015 (SAFE-Ready Facilities), Health and Safety Code.

Requires the task force to make and periodically update recommendations regarding the collection, preservation, tracking, analysis, and destruction of evidence in cases of sex offenses, including recommendations to the Texas attorney general regarding sexual assault evidence collection and preservation and recommendations to other appropriate individuals or organizations regarding forensic medical examinations of survivors.

Requires the task force to advise and provide resources to the Texas Commission on Law Enforcement (TCOLE) and other law enforcement organizations to improve law enforcement officer training related to the investigation and documentation of cases involving sex offenses with a focus on the interactions between law enforcement officers and survivors.

Requires the task force to provide to law enforcement agencies, prosecutors, and judges with jurisdiction over sex offense cases information and resources to maximize effective and empathetic investigation, prosecution, and hearings, including information and resources regarding trauma-informed practices and best practices in the investigation and prosecution of sex offenses.

Requires the task force to biennially contract for a survey of the resources provided to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities in each region of Texas.

Requires the task force to make recommendations as necessary to improve the collecting and reporting of data on the investigation and prosecution of sex offenses.

Requires the task force to develop a statewide standard for best practices in the funding and provision of services to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities.

Requires the task force to analyze the data from the survey of resources provided to survivors required by the bill, prepare a report, or contract with a private entity for the preparation of a report, and submit to the legislature the report. Sets forth the required contents of the report.

Requires all recommendations, standards, and resource information provided by the task force, to the extent possible, to be evidence-based and consistent with standards of practice and care in this state and throughout the country. Requires the task force to use any available federal or state funding. Provides that the task force expires September 1, 2023.
Requires TCOLE to consult with the task force regarding minimum curriculum requirements for training in the investigation and documentation of cases that involve sex offenses. Provides that this requirement expires September 1, 2023.

**Sexual Assault at Postsecondary Educational Institutions—H.B. 1735**  
*by Representative Howard et al.—Senate Sponsor: Senator Watson*

In 2015, the 84th Texas Legislature required all public institutions of higher education to establish a campus sexual assault policy. The 85th Legislature added private institutions of higher education to this requirement, mandating both types of schools to implement public awareness campaigns and to allow online reporting of sexual assault, sexual harassment, stalking, and dating violence. Despite these reforms, data indicates that sexual violence continues to be a significant and underreported problem on our public and private campuses. For example, one University of Texas at Austin study found that six percent of victims who disclosed sexual assault disclosed it to someone at the institution. The same study found that only 39 percent of victims knew where to go on campus to get help. Texas institutions have a moral and a legal duty to reduce campus sexual violence. They are also required by federal law (by Title IX and the Clery Act, for example) to investigate claims of sexual violence in prompt and fair ways. This bill:

Requires each postsecondary educational institution (institution) to adopt a policy on sexual harassment, sexual assault, dating violence, and stalking applicable to each student enrolled at and each employee of the institution. Sets forth the required contents of the policy.

Requires each institution to make the institution’s sexual harassment, sexual assault, dating violence, and stalking policy available to students, faculty, and staff members by including the policy in the institution’s student handbook and personnel handbook and by creating and maintaining a web page dedicated solely to the policy that is easily accessible through a clearly identifiable link on the institution’s Internet website home page.

Requires each institution to require each entering freshman or undergraduate transfer student to attend an orientation on the institution’s sexual harassment, sexual assault, dating violence, and stalking policy before or during the first semester or term in which the student is enrolled at the institution. Requires the institution to establish the format and content of the orientation. Authorizes the orientation to be provided online and requires the orientation to include certain statements required to be included in the institution's sexual harassment, sexual assault, dating violence, and stalking policy.

Requires each institution to develop and implement a comprehensive prevention and outreach program on sexual harassment, sexual assault, dating violence, and stalking. Sets forth the required contents of the program.

Requires each institution, as part of the protocol for responding to reports of sexual harassment, sexual assault, dating violence, and stalking adopted by the institution, to ensure that, to the greatest extent practicable, each alleged victim or alleged perpetrator of such an incident is offered counseling provided by a counselor who does not provided counseling to any other person.
involved in the incident and to allow an alleged victim or alleged perpetrator of such an incident to drop a course in which both parties are enrolled without any academic penalty.

Requires each institution, each biennium, to review the institution’s sexual harassment, sexual assault, dating violence, and stalking policy and, with approval of the institution’s governing board, revise the policy as necessary.

Authorizes an institution, if an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking reported to an institution requests the institution not to investigate the alleged incident, to investigate the alleged incident in a manner that complies with confidentiality requirements laid out by the bill. Requires the institution, in determining whether to investigate the alleged incident, to consider certain factors.

Requires an institution, if the institution decides not to investigate an alleged incident of sexual harassment, sexual assault, dating violence, or stalking based on the alleged victim’s request not to investigate, to take any steps the institution determines necessary to protect the health and safety of the institution’s community in relation to the alleged incident.

Requires an institution to inform an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking who requests the institution not to investigate the alleged incident of the institution’s decision whether to investigate the alleged incident.

Requires the disciplinary process concerning allegations that a student enrolled at an institution violated the institution’s code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking to meet certain requirements.

Prohibits an institution, if a student withdraws or graduates from a postsecondary educational institution pending a disciplinary charge alleging that the student violated the institution’s code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking, from ending the disciplinary process or issuing a transcript to the student until the institution makes a final determination of responsibility. Requires the institution to expedite the institution’s disciplinary process as necessary to accommodate both the student’s and the alleged victim’s interest in a speedy resolution. Requires an institution, on request by another institution, to provide to the requesting institution information relating to a determination by the institution that a student enrolled at the institution violated the institution’s code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

Requires each peace officer employed by an institution to complete training on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, and stalking.

Requires an institution, to facilitate effective communication and coordination regarding allegations of sexual harassment, sexual assault, dating violence, and stalking at the institution, to enter into a memorandum of understanding with one or more local law enforcement agencies, sexual harassment, sexual assault, dating violence, or stalking advocacy groups, and hospitals or other medical resource providers.
Requires each institution to designate one or more employees to act as responsible employees for purposes of Title IX of the Education Amendments of 1972 and one or more employees as persons to whom students enrolled at the institution may speak confidentially concerning sexual harassment, sexual assault, dating violence, and stalking. Requires each institution to inform each student enrolled at the institution of such designated responsible and confidential employees.

Authorizes an institution to designate one or more students enrolled at the institution as student advocates to whom other students enrolled at the institution may speak confidentially concerning sexual harassment, sexual assault, dating violence, and stalking and requires the institution to notify each student enrolled at the institution of such designated student advocates.

Prohibits a designated confidential employee or student advocate from disclosing any communication made by a student to the employee or advocate unless the student consents to the disclosure or the employee or advocate is required to make the disclosure under state or federal law.

Provides that confidentiality protections created by the bill apply to an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking reported to an institution, to a person who reports to an institution an incident of sexual harassment, sexual assault, dating violence, or stalking, who sought guidance from the institution concerning such an incident, or who participated in the institution’s investigation of such an incident, and to a person who is alleged in a report made to an institution to have committed or assisted in the commission of sexual harassment, sexual assault, dating violence, or stalking if, after completing an investigation, the institution determines the report to be unsubstantiated or without merit. Provides that the identity of such a person, unless waived in writing by the person, is confidential and not subject to disclosure under public information law, and may be disclosed only to the institution to which the report is made as necessary to conduct an investigation, to a law enforcement officer as necessary to conduct a criminal investigation, or to a health care provider in an emergency situation.

Provides that information regarding an incident of sexual harassment, sexual assault, dating violence, or stalking disclosed to a health care provider or other medical provider employed by an institution is confidential and that the information may be shared by the provider only with the victim’s consent. Requires the provider to provide aggregate data or other nonidentifying information regarding those incidents to the institution’s Title IX coordinator.

Authorizes the Texas Higher Education Coordinating Board (THECB), if THECB determines that an institution is not in substantial compliance with the subchapter created by the bill, to assess an administrative penalty against the institution in an amount not to exceed $2 million. Requires THECB, in determining the amount of the penalty, to consider the nature of the violation and the number of students enrolled at the institution. Sets forth requirements relating to administrative penalties to ensure compliance.

Requires a postsecondary educational institution to, in implementing the requirements under this subchapter, to the greatest extent practicable, ensure equal access for students enrolled at or employees of the institution who are persons with disabilities. Requires the institution to make reasonable efforts to consult with a disability services office of the institution, advocacy groups
for people with disabilities, and other relevant stakeholders to assist the institution with complying with the institution’s duties relating to equal access to persons with disabilities.

Requires the commissioner of higher education (commissioner) to establish an advisory committee to make recommendations to THECB regarding rules necessary to implement and enforce statutes relating to sexual harassment, sexual assault, dating violence, and stalking at postsecondary educational institutions. Requires the commissioner to develop recommended training for designated responsible and confidential employees and for Title IX coordinators at postsecondary educational institutions.

Requires a protocol for reporting sexual assault to comply with provisions relating to an electronic reporting option for allegations of sexual harassment, sexual assault, dating violence, or stalking committed against or witnessed by a student or employee.

**Unlawful Electronic Transmission of Sexually Explicit Visual Material—H.B. 2789**

*by Representative Meyer et al.—Senate Sponsor: Senator Huffman et al.*

As communication technology rapidly changes, interested parties say it is important to make sure the law keeps up with advances. Current law addresses the physical act of indecent exposure, but is silent on the increasing occurrence of the transmission of sexually explicit images to an individual without consent. This bill:

Creates the offense of unlawful electronic transmission of sexually explicit visual material. Provides that a person commits an offense if the person knowingly transmits by electronic means visual material that depicts any person engaging in sexual conduct or with the person's intimate parts exposed or depicts covered genitals of a male person that are in a discernibly turgid state and that is not sent at the request of or with the express consent of the recipient. Makes such an offense a Class C misdemeanor.

**Shared Database for Sex Crime Investigations—H.B. 3106**

*by Representative Goldman et al.—Senate Sponsor: Senator Huffman et al.*

Currently, detectives in one jurisdiction have no easy way to share information on pending cases with detectives in other jurisdictions. Stakeholders say that allowing all jurisdictions to access a central database would help law enforcement better identify sexual predators. This bill:

Requires each state law enforcement agency to request access from the Federal Bureau of Investigation to the national Violent Criminal Apprehension Program database and to enter into the database information regarding investigations of sex offenses. Exempts such information entered into the database from required disclosure under public information law.
Limitations Period for Personal Injury Claims for Certain Offenses—H.B. 3809
by Representative Goldman et al.—Senate Sponsor: Senator Watson et al.

Child sex abuse is a horrific and widespread problem. According to national statistics, one in four girls and one in six boys will be sexually abused. Further, research indicates that child molesters abuse at least 150 children on average. Recent high-profile scandals illustrate that serial abusers are often allowed to molest so many children because they are protected by powerful institutions. For example, sports doctor Larry Nassar molested over 300 women and girls over a period of decades, despite repeated reports of abuse to Michigan State University, USA Gymnastics, the United States Olympic Committee, and others, beginning as early as 1997. Much of this abuse occurred at a training facility outside Huntsville, Texas. Similar patterns of child sex abuse have come to light out Penn State (where Jerry Sandusky sexually abused eight boys over a 15-year period), in competitive swimming, and countless other organizations. Criminal statutes address child sex abuse, but the civil justice system is also instrumental in obtaining justice for survivors and deterring future abuse and cover-ups. Texas' existing statute of limitations for personal injury claims that arise from child sex abuse is 15 years, beginning when the victim turns 18. This is problematic because the average age at which a child abuse victim discloses past abuse is 52. This leaves most victims unable to seek justice in Texas' civil courts. This bill:

Extends the statute of limitations from not later than 15 years to not later than 30 years after the day the cause of action accrues for personal injury claims arising from criminal conduct relating to certain offenses involving child sex abuse or child sex trafficking.

Sexual Assault at Youth Camps—H.B. 4372
by Representatives Murphy and Parker—Senate Sponsor: Senator Whitmire

Interested parties contend that there is no clear protocol for reporting cases of abuse that occur at youth summer camps. H.B. 4372 establishes certain procedures and notice requirements relating to youth camp abuse complaints and compliance orders to those camps. This bill:

Requires the Department of State Health Services (DSHS) to monitor instances of youth camp employees convicted of sexual abuse occurring at a camp in making determinations on camp licensing.

Requires the executive commissioner of the Health and Human Services Commission to establish a procedure for DSHS to forward reports of alleged camper abuse to the Department of Family and Protective Services.

Requires youth camp operators, if a law enforcement agency notifies a camp operator of the sexual abuse investigation or conviction of an employee of the camp, to immediately notify DSHS and retain all records related to the investigation or conviction.

Requires youth camp operators to develop and maintain written policies regarding reporting to DSHS any suspected abuse occurring at the camp.
Requires DSHS to post on DSHS's website every youth camp compliance order until at least the third anniversary of the date the compliance order was finally adjudicated. Requires youth camp operators to include a link to DSHS's youth camp program web page on the camp's website.

**Expanding Rights of Vulnerable Adult Sexual Assault Survivors—H.B. 4531**

*by Representative Neave et al.—Senate Sponsor: Senator Zaffirini*

Stakeholders say that vulnerable adults who need appointed guardians are at risk of sexual assault by their caretakers and guardians. Some claim that the investigations of such assaults are complicated due to ambiguities in state law regarding the collection of forensic evidence and the disclosure of certain information. This bill:

- Codifies a presumption that an adult sexual assault survivor requesting forensic medical examinations is competent.
- Provides for a method by which adult sexual assault survivors with guardians may receive a forensic medical examination without the consent of a guardian. Provides adult survivors with further confidentiality protections.
- Entitles wards under guardianship to make decisions related to sexual assault crisis services.

**Insurance Payment for Mental Health Care for Prisoners—H.B. 4559**

*by Representative Fierro—Senate Sponsor: Senator Rodríguez*

Although some prisoners receiving mental health treatments have insurance, the cost of these services is largely borne by taxpayers and local mental health authorities. Stakeholders argue that the burden of these costs is too high. This bill:

- Requires the Texas Commission on Jail Standards to adopt procedures by which a local mental health authority or other mental health services provider providing services to a prisoner in a county jail may collect health insurance information from a prisoner who is covered by health insurance or other health benefits coverage. Authorizes a local mental health authority or other mental health services provider who provides such services to bill health insurance companies for mental health services.

**Establishment of a Statewide Telehealth Center—S.B. 71**

*by Senator Nelson et al.—House Sponsor: Representative Senfronia Thompson*

Most Texas communities are not currently served by a sexual assault nurse examiner (SANE), or do not have ready access to one. Although there are currently 357 SANEs working in Texas, 84 percent of Texas counties have no SANE. In communities with no or a limited number of SANEs, sexual assault survivors have a choice to receive care from emergency room staff, drive themselves to a SANE, or decide not to have evidence of crimes collected. In many areas of the state it does
not make sense to mandate a designated SANE due to the small number of cases to investigate, but quality evidence collection and support from SANEs translates to more reports to law enforcement and more reliable evidence collection for prosecutors. This bill:

Requires the Texas attorney general (attorney general) to establish the statewide telehealth center for sexual assault forensic medical examination (center) to expand access to sexual assault nurse examiners for underserved populations.

Authorizes the center, in accordance with other law, to facilitate in person or through telecommunications or information technology the provision by a sexual assault nurse examiner of training or technical assistance to a sexual assault examiner on topics relating to sexual assault health services. Authorizes the center, with permission from the facility or entity where a forensic medical examination on a survivor is conducted and to the extent authorized by other law, to facilitate the use of telehealth services during a forensic medical examination on a survivor. Authorizes the center to deliver other services as requested by the attorney general to carry out the purposes of this subchapter.

Requires the center and the attorney general to develop operation protocols to address compliance with applicable laws and rules governing telehealth services, standards of professional conduct for licensure and practice, standards of care, maintenance of records, technology requirements, data privacy and security of patient information, and the operation of a telehealth center. Requires the center to make every effort to ensure the system through which the center operates for the provision of telehealth services meets national standards for interoperability to connect to telehealth systems outside of the center.

Authorizes the attorney general to enter into any contract the attorney general considers necessary to implement this subchapter.

Authorizes the legislature to appropriate money to the attorney general to establish the center. Authorizes the attorney general to provide funds to the center for certain purposes.

Requires the attorney general, in implementing the subchapter, to consult with persons with expertise in medicine and forensic medical examinations, a statewide sexual assault coalition, a statewide organization with expertise in the operation of children's advocacy programs, and attorneys with expertise in prosecuting sexual assault offenses.

Making Groping a Class A Misdemeanor—S.B. 194
by Senators Perry and Alvarado—House Sponsor: Representative Moody et al.

Currently, intentional groping is a Class C misdemeanor, which stakeholders say inadequately deters the offense and provides little protection to victims. This bill:

Creates the offense of indecent assault. Provides that a person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person touches another person. Provides that such an offense is a Class A misdemeanor.
Authorizes the court, without further notice to the alleged offender and without a hearing, to enter a temporary ex parte order for the protection of the applicant or any other member of the applicant's family or household if the court finds from the information contained in the application that there is a clear and present danger of indecent assault, among other offenses.

Includes the offense of indecent assault among statutes relating to protective orders for victims of certain sex offenses.

Includes victims of indecent assault among victims entitled to certain rights within the criminal justice system.

Requires the bureau of identification and records to collect information concerning the number and nature of protective orders and magistrate's orders of emergency protection and all other pertinent information about all persons subject to active orders, including pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any indecent assault case, among other types of cases.

Provides that a person commits a violation of certain court orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, stalking, or trafficking case if, in violation of a condition bond set in an indecent assault case and related to the safety of a victim or the safety of the community or in violation of certain protective orders, the person knowingly commits family violence or an act in furtherance of an indecent assault offense, among other offenses.

**Reporting Requirement for Sexual Harassment—S.B. 212**

*by Senator Huffman et al.—House Sponsor: Representative Morrison et al.*

Studies show that one in five female college students experiences sexual assault during their college years. Due to the prevalence of incidents of sexual harassment, sexual assault, dating violence, and stalking at institutions of higher education, there have been calls to provide more robust and reliable reporting structures for victims and witnesses of offenses. This bill:

Requires an employee of a postsecondary educational institution (institution) who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment sexual assault, dating violence, or stalking and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident to promptly report the incident to the institution’s Title IX coordinator or deputy Title IX coordinator.

Requires the report to include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

Requires an institution employee designated by the institution as a person with whom students may speak confidentially concerning sexual harassment, sexual assault, dating violence, or stalking or who receives information regarding such an incident under circumstances that render
the employee’s communications confidential or privileged under other law to state only the type of incident reported in making a report under this section. Prohibits such a designated employee from including any information in the report that would violate the student's expectation of privacy.

Requires the Title IX coordinator of an institution to submit to the institution's chief officer a written report on the employee reports received under certain provisions, including certain information regarding the investigation and disciplinary process. Requires the Title IX coordinator or deputy Title IX coordinator of an institution to immediately report to the institution's chief executive officer an incident reported by an employee if the coordinator has cause to believe that the safety of any person is in imminent danger as a result of the incident.

Requires the chief executive officer of an institution, at least once during each fall or spring semester, to submit to the institution’s governing body and post on the institution’s Internet website a report concerning such employee reports. Requires the report to include certain information and prohibits the report from identifying any person. Requires the chief executive officer of the institution to submit and post a report that semester only if more than five employee reports were received during that semester.

Grants immunity from civil liability and from criminal liability for offenses punishable by fine only to a person acting in good faith who reports or assists in the investigation of a report of an incident described by the bill or who testifies in a disciplinary process or judicial proceeding arising from a report of such an incident. Prohibits such a person from being subjected to any disciplinary action by the institution at which the person is enrolled or employed for any violation by the person of the institution’s code of conduct reasonably related to the incident for which suspension or expulsion from the institution is not a possible punishment. Provides that such immunity does not apply to a person who perpetrates or assists in the perpetration of the reported incident.

Creates the offense of failure to report or false report. Provides that a person commits the offense if the person is required to make a report under the bill's provisions and knowingly fails to make the report or, with the intent to harm or deceive, knowingly makes such a report that is false. Makes such an offense a Class B misdemeanor or a Class A misdemeanor if it is shown on the trial of the offense that the actor intended to conceal the incident that the actor was required to report under the bill's provisions. Requires an institution to terminate the employment of an employee whom the institution determines to have committed such an offense.

Provides that the identity of an alleged victim of an incident reported by an employee is confidential and not subject to disclosure under public information law. Authorizes the identity of the alleged victim to be disclosed only to certain persons or entities relevant to an investigation of the report.

Prohibits an institution from retaliating against an employee who in good faith makes a report as required by the bill's provisions or who in good faith cooperates with an investigation, disciplinary process, or judicial proceeding relating to the employee’s report.
Requires the chief executive officer of each institution to annually certify in writing to the Texas Higher Education Coordinating Board (THECB) that the institution is in substantial compliance with the subchapter added by the bill. Authorizes THECB to assess an administrative penalty in an amount not to exceed $2 million against an institution if THECB determines that the institution is not in substantial compliance with that subchapter. Provides for written notice to the institution by THECB of THECB’s reasons for assessing a penalty and the method by which an institution may appeal the penalty. Prohibits an institution from paying such an administrative penalty using state or federal money. Requires such an administrative penalty to be deposited to the credit of the sexual assault program fund in the general revenue fund.

Requires the commissioner of higher education to establish an advisory committee to develop recommended training for persons required to report certain incidents under the bill's provisions and for Title IX coordinators and deputy Title IX coordinators at postsecondary educational institutions.

**Non-Consensual Use of Reproductive Material in IVF—S.B. 1259**

*by Senator Huffman—House Sponsor: Representative Klick et al.*

Currently, it is not a crime for a health care provider to use reproductive material without consent in an assistive reproductive procedure. For example, there have been instances when doctors have secretly used different reproductive material for in vitro fertilization procedures. This bill:

Authorizes felony indictments to be presented within ten years from the date of the commission of the offense for certain offenses, including sexual assault, or within two years from the date a certain offense of sexual assault punishable as a state jail felony was discovered.

Provides that a sexual assault is without the consent of the other person if the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor.

Provides that an offense of sexual assault is a state jail felony if the offense is committed intentionally or knowingly and the actor has not received express consent.
Mental Health and Substance Abuse Training for Public School Employees—H.B. 18

by Representative Price et al.—Senate Sponsor: Senator Watson

According to the Texas Education Agency (TEA), approximately one in six school-aged youth experiences impairments in life functioning due to a mental illness, and schools are the most likely place where mental health concerns will be detected. Current statute requires that training for certain public school employees address student mental health. Interested parties note that in 2011, suicide attempts increased in every age group, especially in girls aged 10 to 12, with a 338 percent increase. Psychologists attribute the increase to smartphone technology and the advent of social media. This bill:

Redefines "mental health condition" and defines "substance abuse."

Requires a district improvement plan (plan) to include evidence-based practices that address the needs of students for special programs, including positive behavior interventions and support that integrate best practices on grief-informed and trauma-informed care. Requires the plan to include strategies for improvement of student performance that include implementation of a comprehensive school counseling program.

Requires the staff development provided by a school district to include training in positive behavior intervention and support strategies. Removes requirements that the staff development include training in preventing, identifying, responding to, and reporting incidents of bullying.

Requires the staff development to include training that relates to instruction of students with disabilities who also have other intellectual or mental health conditions. Requires the staff development to include training on recognizing signs of mental health conditions and substance abuse, strategies for establishing and maintaining positive relationships among students, how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma, and preventing, identifying, responding to, and reporting incidents of bullying, in addition to training on suicide prevention. Specifies that the training must use a best practice-based program recommended by the Health and Human Services Commission (HHSC), rather than the Department of State Health Services (DSHS), and may include two or more listed topics together.

Requires the Texas Education Agency (TEA), in coordination with HHSC, to establish and maintain an Internet website to provide resources for school district or open-enrollment charter school employees regarding working with students who engage in substance abuse, in addition to students with mental health conditions.

Makes changes to the composition of the local health advisory council, as appointed by the board of trustees of a school district.

Provides that the local school health advisory council's duties include recommending curriculum addressing physical health, substance abuse risk factors, preventing physical health concerns, and health education, which must address physical health concerns and mental health concerns.
Requires a school district to publish in the student handbook and post on the district's Internet website, if applicable, a statement relating to the policies and procedures adopted to promote the physical and mental health of students, the physical and mental health resources available at each campus, and the contact information for the nearest providers of essential public health services and the nearest local mental health authority. Requires the school district to also publish in the handbook and on the Internet website, for each campus in the district, a statement of whether the campus has a full-time nurse or full-time school counselor.

Authorizes a school district to employ or contract with one or more nonphysician mental health professionals.

Includes physical and mental health services among the services that qualify as permissible categories of services under statutes relating to health and safety in public education.

Requires TEA, in cooperation with HHSC, to develop guidelines for school districts regarding partnering with a local mental health authority and with community or other private mental health services providers and substance abuse services providers to increase student access to mental health services and regarding obtaining mental health services through the medical assistance program. Requires TEA, rather than DSHS, in coordination with HHSC and regional education services centers, to provide and annually update a list of recommended programs in the area relating to early mental health prevention and intervention; substance abuse prevention and intervention; suicide prevention, intervention, and postvention; positive behavior interventions; and safe, supportive, and positive school climate.

Requires a school district to develop practices and procedures concerning certain programs appropriate for implementation in the district that include procedures to support the return of a student to school following hospitalization or residential treatment for a mental health condition or substance abuse, and for suicide prevention, intervention, and postvention.

Makes changes to statistical information relating to the mental health first aid training program that must be reported to DSHS by a local mental health authority each year. Requires HHSC and TEA to promote public awareness of the program by making available on HHSC's and TEA's websites information about the program.

**Electrocardiogram Testing for Student Athletes—H.B. 76**
*by Representative Huberty et al.—Senate Sponsor: Senators Alvarado and Hinojosa*

Concerns have been raised regarding student athletes who have died due to an unknown heart defect, the number one killer of student athletes. One in 300 young people has an undetected heart condition that could be determined by an electrocardiogram (ECG). This bill:

Requires a school district to provide a student athlete under University Interscholastic League (UIL) rule information about sudden cardiac arrest and electrocardiogram ECG testing. Requires a district to notify a student athlete about the option to request an ECG.
Authorizes a student to request an ECG from any health care professional, including a family doctor, a school district health care professional, or another health care professional selected by a parent or guardian. Requires health care professionals to be appropriately licensed and authorized to administer and interpret ECGs.

Requires UIL to adopt rules to include criteria for: a district's exemption from ECG requirements, variances allowing a delay of notification to students regarding the option for an ECG, and provisions to ensure that the requirements are minimum standard, allowing a district to implement a program that exceeds minimum standards.

**Bleeding Control Stations in Schools—H.B. 496**

*by Representative Gervin-Hawkins et al.—Senate Sponsor: Senators Lucio and Hinojosa*

Increasing numbers of school shootings have illustrated the importance of emergency preparedness in Texas schools. One critical aspect of emergency preparedness is ensuring equipment to control bleeding be available. This bill:

Requires all districts and open-enrollment charter schools to provide bleeding control stations in easily accessible areas on campus.

Requires that a bleeding control station contain all of the required supplies in quantities determined appropriate by the superintendent of the district or the director of the school.

Requires annual training on the use of bleeding control kits for relevant employees and volunteers. Provides that employees and volunteers are immune from civil liability from damages or injuries resulting from the good faith use of a bleeding control kit.

**Texas Workforce Commission and Subsidized Child Care Programs—H.B. 680**

*by Representatives Deshotel and Lopez—Senate Sponsor: Senators Watson and West*

The Texas Workforce Commission (TWC) administers a federal program that provides child-care subsidies to low-income parents who work or attend workforce training. Although the state has some data on the types and the quality of child care being subsidized, the state does not report that data. This bill:

Requires local workforce development boards, to the extent practicable, ensure that professional development for child-care employees be used toward a credential, certification, or degree program, and adhering to standards required of the Texas Rising Star Program.

Requires TWC to evaluate the average monthly price charged by child-care providers for full-day care in each local workforce development area. The bill also requires TWC to evaluate reserved places for participants in the child-care subsidy program separate from the total number of children enrolled on a full-time basis.
Requires TWC to evaluate the number of two-, three-, or four-star providers participating in the Texas Rising Star Program and document providers that do not participate, as well as the number of participants in the child-care subsidy program out of the total number of children enrolled. Requires TWC to measure child-care program regarding enrollment of children younger than six years of age and report that data to the Public Education Information Management System (PEIMS).

Requires the Texas Education Agency (TEA) to coordinate with school districts and open-enrollment charter schools on pre-kindergarten improvement efforts to ensure that TWC meets performance measures established by the legislature.

Requires TWC to obtain input from TEA, school districts, open-enrollment charter schools, subsidized child-care providers, businesses, and the public regarding improved coordination between subsidized child care and pre-kindergarten programs and increasing the quality of and access to subsidized child-care programs. Requires TWC to seek input regarding more efficient health and safety regulations and mitigating or eliminating burdens related to compliance with existing regulations.

**Epilepsy Training for School Employees—H.B. 684**  
*by Representative Clardy et al.—Senator Sponsor: Senator Hughes et al.*

The Centers for Disease Control and Prevention estimates that 47,200 children in Texas suffer from epilepsy. One of those children was Samantha "Sam" Watkins of Kilgore, Texas. A member of the National Honor Society and Kilgore High School's soccer team, she died of a massive seizure in December 2016. Since then, family and friends have used her death as impetus to equip school personnel with the necessary training to recognize and respond to seizures. This bill:

Authorizes the parent or guardian of a student with a seizure disorder to seek care for the student's seizures while the student is at school or participating in a school activity by submitting to the school district a copy of a seizure management and treatment plan developed by the student's parent or guardian and the physician responsible for the student's seizure treatment.

Grants immunity from liability to a school employee functioning within the scope of the employee's duties when acting or failing to act in administering a medication, assisting with self-administration, or otherwise providing for the care of a student under a seizure management plan.

Requires a school nurse employed by a school district to complete an online course of instruction approved by the Texas Education Agency (TEA) regarding caring for students with seizure disorders, including information about seizure recognition and related first aid. Requires that a school district employee, other than a school nurse, whose duties include regular contact with students, complete a TEA-approved online course of instruction on students with seizure disorders, including information about seizure recognition and related first aid.
Authorizes TEA to approve an online course of instruction provided by a nonprofit national foundation that supports the welfare of individuals with epilepsy and seizure disorders to satisfy the required training. Requires an online course of instruction approved by TEA that is provided to a school district to be provided by the nonprofit entity free of charge.

Requires a district school nurse to complete a TEA-approved online course of instruction regarding caring for students with seizure disorders, including information about seizure recognition and related first aid. Requires that a school district employee other than a school nurse, whose duties include regular contact with students, complete a TEA-approved online course of instruction on students with seizure disorders, including information about seizure recognition and related first aid.

Accountability Measures for State-Funded School Mental Health Services—H.B. 906
by Representative Senfronia Thompson et al.—Senate Sponsor: Senator Powell et al.

An increase in state spending on school-based mental health services and training has prompted concerns regarding efficient and effective programming. Accountability measures are an important part of investments in school-based mental health services and programs and interested parties assert that competitive state grants should be reviewed to ensure that Texas students are receiving effective support. This bill:

Establishes the Collaborative Task Force on Public School Mental Health Services (task force) on public school mental health services for students, parents, family members, and employees in order to evaluate the effectiveness of state-funded school mental health services and related training.

Requires the task force to gather demographic data on students receiving mental health services in schools or who may require mental health services in the future. Requires the task force to study, evaluate, and make recommendations regarding mental health services and training described by the bill with respect to impact on school safety.

Requires the task force to study the impact of mental health services on certain issues, including the number of violent incidents occurring in a school district or open-enrollment charter school, the suicide rate of individuals provided mental health services, and the number of students referred to the Department of Family and Protective Services.

Requires the task force to make recommendations regarding services and training outcomes, including improvement in student academic achievement, reduction of student disciplinary actions, and delivery of prevention services for substance abuse and suicide. Requires the task force to promote trauma-informed practices and a positive, safe school climate.

Provides for the privacy of data gathered, information studied, and evaluations conducted by the task force.
Concussion Oversight Team Membership—H.B. 961
by Representatives Howard and Ken King—Senate Sponsor: Senator Watson

Concussions occur at all athletic levels, creating ongoing concerns. The Education Code requires every school district and open-enrollment charter school with students participating in interscholastic athletic activity to appoint or approve a concussion oversight team (COT). The COT establishes a return-to-play protocol based on scientific evidence following an impact believed to have caused a concussion. A school nurse has expertise to inform the COT, and plays an integral role in caring for the student during school hours. This bill:

Allows a school nurse employed by a school district or open-enrollment charter school to be a member of the district or charter school COT if requested by the nurse.

Removing Limitations on the Number of School Marshals Per Campus—H.B. 1387
by Representative Hefner et al.—Senate Sponsor: Senators Creighton and Bettencourt

More than 170 school districts across Texas have elected to join the school marshal program. A staff member who becomes a marshal must complete 80 hours of training, including how to respond in the event of a school shooting. Current law provides for a ratio of one school marshal per 200 students in a public or open-enrollment charter school. This bill:

Authorizes the board of trustees of a school district or the governing body of an open-enrollment charter school to appoint one or more school marshals for each campus.

Deletes existing text authorizing the board of trustees or governing body to appoint not more than the greater of one school marshal per 200 students in average daily attendance per campus or, for each campus, one school marshal per building of the campus at which students regularly receive classroom instruction.

Active Shooter Policy in School Emergency Plans—H.B. 2195
by Representative Meyer et al.—Senate Sponsor: Senator Zaffirini

Concerned parties have noted in the aftermath of recent school shootings that some school districts have not incorporated a specific active shooter policy into required multihazard emergency operations plans. This bill:

Requires that a school district include a policy for responding to an active shooter emergency in its multihazard emergency operations plan. Authorizes a school district to use any available community resources in developing the policy.

Requires that a school district peace officer or school resource officer complete an active shooter response training program approved by the Texas Commission on Law Enforcement.
Authorizing a School Nurse to Administer Asthma Medication—H.B. 2243

by Representatives Oliverson and Bowers—Senate Sponsor: Senator Buckingham

Concerns have been raised regarding student asthma flare-ups at school where medication is not readily available. The Mayo Clinic reports that childhood asthma is one of the leading causes of emergency room visits and in some children, unmanaged asthma can result in serious asthma attack. This bill:

Authorizes physicians to prescribe asthma medication in the name of a public school district, open-enrollment charter school, or private school and provides for administration of that medication to applicable students by a school nurse.

Authorizes each school district, open-enrollment charter school, and private school to adopt and implement a policy authorizing a school nurse to maintain and administer asthma medicine at each campus in the district or school.

Requires the policy to provide that the school nurse may administer prescription asthma medicine to a student only if the school nurse has written notification from a parent or guardian of the student that the student has been diagnosed as having asthma and stating that the school nurse may administer prescription asthma medicine to the student. Authorizes a school nurse to administer the prescription asthma medicine only at a school campus. Requires the supply of asthma medicine at each campus to be stored in a secure location and be easily accessible to the school nurse.

Prohibits the policy from requiring a school district, open-enrollment charter school, or private school to purchase prescription asthma medicine or require any other expenditure related to the maintenance or administration of asthma medicine that would result in a negative fiscal impact on the district or school.

Authorizes a physician or person who has been delegated prescriptive authority to prescribe epinephrine auto-injectors or asthma medicine, rather than epinephrine auto-injectors, in the name of a school district, open-enrollment charter school, or private school. Requires a physician or other person who prescribes asthma medicine to provide the school district, open-enrollment charter school, or private school with a standing order for the administration of asthma medicine to a person reasonably believed to be experiencing a symptom of asthma and who has provided written notification and permission from the person's parent or guardian.

Includes asthma medicine among the list of actions for which a person who in good faith takes, or fails to take, any action under statutes relating to the maintenance and administration of epinephrine auto-injectors and asthma medicine is immune from civil or criminal liability.

Prohibiting Aversive Techniques—H.B. 3630

by Representative Meyer et al.—Senate Sponsor: Senator Lucio

Texas educators are trained to employ a variety of techniques to redirect student behavior, including situations where a student's safety is threatened. While certain emergency interventions
are appropriate to protect student safety, extreme behavioral interventions, or aversives, using negative stimuli to stop or deter a behavior, can cause severe physical or emotional harm. Concerned parties have reported instances where extreme interventions, including electric shock, noxious sprays or gases, or interventions that impair a student's breathing or circulation have been employed. This bill:

Prohibits school district personnel from applying an aversive technique. Defines "aversive technique" as a technique or intervention that is intended to reduce the likelihood of behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain.

Prohibits electric shock or any procedure involving the use of pressure points or joint locks. Prohibits directed release of noxious, toxic, or unpleasant substance near a student's face. Prohibits denial of certain necessities, including adequate sleep, air, food, water, shelter, or accesses to a restroom. Prohibits ridicule or verbal abuse intended to adversely interfere with learning or a student's mental health. Prohibits any device or object that immobilizes a student's extremities, including a prone or supine floor restraint. Prohibits securing a student to a stationary object, or an intervention that inhibits a student's ability to communicate. Prohibits the use of timeout that interferes with a student's appropriate involvement in required curriculum, or impedes progress in an individualized education program (IEP).

Authorizes an aversive technique to be used if the technique is used in a manner that does not cause the student pain or discomfort or that complies with the student's IEP or behavior intervention plan.

Requires the commissioner of education to provide guidance to school district employees, volunteers, and independent contractors regarding appropriate interventions.

**Bacterial Meningitis Notifications—H.B. 3884**

_by Representative Wilson—Senate Sponsor: Senator Zaffirini_

Currently, the Texas Education Agency (TEA) is required to provide school districts procedures for disseminating information regarding bacterial meningitis, to both students and parents. TEA is also required to prescribe the format and content of the information to be disseminated. However, this task would be more appropriately assigned to the Department of State Health Services (DSHS). This bill:

Requires DSHS, rather than TEA, to annually prescribe procedures by which each school district shall disseminate information relating to bacterial meningitis to students and parents. Requires that the information cover certain topics, including sources of additional information and appropriate information about district and DSHS offices, rather than Texas Department of Health offices.
Adding an Architect to the Texas School Safety Center Board of Directors—H.B. 4342

by Representative Clardy—Senate Sponsor: Senator Taylor

The current board of the Texas School Safety Center does not include an architect. Interested parties state that the addition of an architect to the board is vital to provide critical input on proper design and materials for safer schools. This bill:

Adds a professional architect who is registered in Texas and a member of the Texas Society of Architects to the board of directors (board) of the Texas School Safety Center.

Increases the number of members of the public appointed to the board from two to three.

Makes changes to the expiration dates of the staggered two-year terms of the board members.

School Safety, Mental Health Support, and Trauma-Informed Care—S.B. 11

by Senator Taylor et al.—House Sponsor: Representative Greg Bonnen et al.

The number of school shootings has risen sharply in the past 20 years. Since 2013, 64 people have been killed in 41 separate school shootings. The United States saw a particularly steep rise in school shootings in 2018, with 30 people killed and 50 injured in eight separate school shootings. The 2018 shooting at Santa Fe High School became a catalyst for school safety legislation. This bill:

Requires the commissioner of education (commissioner) to adopt or amend rules and training to ensure that new and existing school district and open-enrollment charter school facilities provide secure and safe environments. Requires that, no later than September 1 of each even-numbered year, the commissioner review and amend as necessary building safety standards for districts and charter schools, including the use of best practices for the design and construction of new facilities and the improvement, renovation, and retrofitting of existing facilities.

Requires each district to develop a district improvement plan (DIP) to be overseen by the superintendent and a district-level committee. Requires the DIP to address student academic improvement to attain state achievement standards. Requires the plan to include a comprehensive needs assessment addressing the academic performance of student groups, disaggregated by ethnicity, socioeconomic status, sex, and those served by special programs. Requires the DIP to identify measurable performance objectives and instructional methods addressing the needs of students performing below ability.

Requires the DIP to include suicide prevention, conflict resolution, dyslexia, dropout prevention, integration of instructional technology, and accelerated education. Requires the DIP to provide information to students and parents regarding career education, higher education admission and financial aid, the TEXAS and the Teach for Texas grant programs, and the need for students to make informed decisions. Requires districts to address sexual abuse and other maltreatment of children and add a trauma-informed care policy.
Requires an open-enrollment charter school to be subject to criminal offense, prohibition, and restriction, guidelines, subject to Public Education Information System (PEIMS) compliance monitoring, informed by employee and volunteer criminal history records, reading and accelerated reading instruments and programs, high school graduation requirements, and special education, bilingual, and prekindergarten programs. Provides that an open-enrollment charter school is subject to rules relating to extracurricular activities, discipline management systems, mandatory reports on educator misconduct, the rights of school employees to report crimes, bullying prevention policies and procedures, and parents’ rights to information regarding assistance with student learning difficulties. Adds requirements for multihazard emergency plans and safety audits.

Requires not more than 25 percent of classroom teacher continuing education requirements every five years to address collecting and analyzing student performance data to improve teacher effectiveness and integrating instructional technology in the classroom. Requires continuing education training to include educating diverse populations, students of limited English proficiency, economically disadvantaged students, and recognizing early warning indicators for students at risk of dropping out. Requires continuing education to include students with mental health problems, students who are educationally disadvantaged, and evidence-based, grief-informed and trauma-informed strategies.

Requires the commissioner to provide a waiver allowing for fewer minutes of instructional time and school operation for a district that requires each educator to attend an approved school safety training course.

Prohibits a waiver from resulting in the reduction of instructional minutes by more than 420 minutes. Requires a school safety training course to be approved by the Texas School Safety Center (TSSC).

Requires each school district offering kindergarten through grade 12 to provide curriculum that includes English language arts, mathematics, science, and social studies. Requires, to the extent possible, curriculum in languages other than English, in fine arts, career and technology education, religious literature, financial literacy, digital citizenship, including cyberbullying physical health, mental health, substance abuse, managing emotions, maintaining positive relationships, and responsible decision-making. Requires, to the extent possible, curriculum in recognizing suicide risk factors and warning signs.

Authorizes the school health advisory council (SHAC) to recommend policies and curriculum designed to prevent obesity, cardiovascular disease, type 2 diabetes, and mental health problems, from the use of e-cigarettes to suicide. Authorizes a SHAC to recommend appropriate grade levels and methods of human sexuality instruction, strategies to increase parent awareness of risky behaviors, suicide warning signs, mental health disorders, and substance abuse. Requires a district, regardless of enrollment numbers, that commissions a school district peace officer or school resource officer to adopt a policy requiring officer training and education.

Requires a district or public junior college to develop and implement a multihazard emergency plan as defined by TSSC, in conjunction with the Governor's Office of Homeland Security and the
commissioner of education or commissioner of higher education, to address prevention, mitigation, preparedness, response, and recovery, all as defined by TSSC. Requires the plan to provide emergency response training for district employees and a telephone or electronic communication device allowing for immediate contact with district emergency services or law enforcement. Requires the plan to provide measures to ensure adequate communication infrastructure. Requires the multihazard plan to be submitted to TSSC.

Requires a school district, in coordination with TSSC and the fire marshal, to conduct mandatory drills and exercises, including procedures for evacuating and securing school property during an emergency, designating as well mandatory school drills, including fire, lockdown, lockout, shelter-in-place, and evacuation drills. Requires measures to ensure coordination with the Department of State Health Services, local emergency management agencies, and health and fire departments.

Requires each school district or public junior college to conduct facility safety and security audits, as developed by TSSC, at least every three years. Requires an audit to certify that funds provided through the school safety allotment are used exclusively for safety and security purposes. Requires results to be reported to the board of trustees and to TSSC.

Requires a district multihazard plan to include a chain of command designating those responsible for making final decisions during emergencies. Requires a multihazard plan to provide provisions for physical and psychological safety in response to natural disasters, active shooters, or any other dangerous situation, including measures to protect students in portable buildings and persons with disabilities. Provides for immediate notification to parents and guardians.

Requires a multihazard plan to be aligned with research-based programs and practices, and include appropriate training in suicide prevention and grief-informed and trauma-informed care training for appropriate for school personnel.

Requires the formation of a district school safety and security committee (SSSC) with 18 members, including, if possible, at least one representative from the local emergency management office, from the local police or sheriff's office, and from the school district police department. Requires the SSSC to include the president, one district board of trustees member, a superintendent, a teacher, and multiple parents or guardians. Requires the SSSC to provide recommendations to update the district multihazard plan, provide information relating to district safety and security audit, and review reports to be submitted to TSSC. Requires the SSSC to meet at least once per semester and once during the summer.

Requires a board of trustees, upon notice of a district's failure to submit or correct a multihazard plan, to hold a hearing notifying the public of the noncompliance. Authorizes the commissioner to appoint a conservator who may order a district to adopt, implement, and submit a multihazard emergency plan. Authorizes the commissioner, if a district fails to comply with a conservator's order, to appoint a board of managers to oversee district operations.

Requires a school district that receives a bomb or terroristic threat to notify parents and guardians of all students as soon as possible.
Requires a district board of trustees to designate and adopt policies for a threat assessment and supportive school team (team) to serve on each campus. Requires the team to adopt research-based rules to establish a school safety program addressing behaviors, including verbal threats, bullying, cyberbullying, fighting, sexual harassment, stalking, assault, or any behavior that could result in behavioral or mental health interventions, in-school or out-of-school suspension, or removal to a disciplinary alternative education program or juvenile justice education program. Requires a superintendent to ensure that team members have expertise in counseling, behavior management, mental health and substance abuse, special education, emergency management, and law enforcement.

Authorizes a school district to develop a procedure to provide educational material to all parents and families regarding risk factors, treatment, resources, support, or available student accommodations relating to mental health, substance abuse, and suicide. Authorizes that a district develop a procedure to notify parents about identification and recommendations for early mental health or substance abuse intervention, or identifying suicide risks. Authorizes a district to set out available counseling alternatives for parents whose child has been identified as possibly in need of early mental health or substance abuse intervention or suicide prevention.

Requires each team to complete training provided by TSSC or a regional education service center regarding evidence-based threat assessment programs. Authorizes a superintendent to assign an existing district committee to oversee a team's operations. Requires a team to conduct a threat assessment and report to the superintendent individuals who make threats of violence or exhibit threatening behaviors. Requires a team to report to the Texas Education Agency (TEA) specific threat assessment data, including the number of students disaggregated by gender, race, risk of dropping out, homelessness, special programs, as well as documenting the number of reported threats, actions taken by law enforcement, and any referrals to counseling or mental health services. Requires TSSC and TEA to develop model threat assessment team policies and procedures related to student referrals to mental health authorities or health care providers for evaluation or treatment. Requires policies and procedures addressing a student referral for initial evaluation for special education services as well as procedures allowing students or adults to anonymously report dangerous or violent behavior.

Requires a district to adopt a policy requiring integration of trauma-informed practices in each school. Requires the policy to address increasing staff and parent awareness of trauma-informed care, implementation of trauma-informed practices by district and campus staff, and counseling options for students affected by trauma or grief.

Requires TEA to develop a rubric to be used by regional education service centers to identify community and statewide mental health resources available to schools, including mental health training, prevention or intervention services for students, as well as public and private funding sources addressing student mental health. Requires TEA to collaborate with certain entities, including the Health and Human Services Commission, the Department of Family and Protective Services, and the Texas Juvenile Justice Department, to develop the rubric.
Requires a regional education service center to use the rubric to identify evidence-based programs that support students’ social, emotional, and academic development and provide effective early interventions and family services. Requires that, not later than March 1 of each even-numbered year, the regional education service center submit to TEA a list of statewide mental health resources available to school districts.

Requires TEA to develop a statewide plan to ensure all students have access to mental health resources, including setting goals for student mental health access and methods to measure positive school climates. Requires that, in developing goals, TEA consult with educators, mental health practitioners, advocacy groups, and parents. Requires that TEA, no later than November 1 of each even-numbered year, provide the legislature with a description of any changes made to the rubric and an analysis of each region’s progress toward meeting TEA goals.

Requires the commissioner to provide districts annual funding to secure facilities, including infrastructure improvements, barrier installation, purchase of cameras or other security equipment or software, and employ peace officers, school marshals, or school resource officers. Authorizes a district to use funds for training related to school safety and security, active shooter emergency response, and prevention and treatment programs addressing adverse childhood experiences, identifying mental health personnel, and referrals to suicide prevention.

Provides that a district required to reduce wealth per student under Chapter 41 (Wealth Equalization) is entitled to a credit in the amount of the allotments the district is to receive against the total amount required of a district to purchase attendance credits. Authorizes the governing board of an independent school district to issue bonds to purchase safety equipment for facilities or to retrofit school buses or vehicles with emergency and safety equipment.

Provides that the Texas Mental Health Care Consortium (consortium) is established to leverage the expertise of health-related institutions of higher education (health-related institutions) to address urgent mental health challenges, enhancing the state’s ability to effectively address the mental health care needs of children. Provides that the consortium is administratively attached to the Texas Higher Education Coordinating Board for purposes of appropriations and other funding. Provides that a consortium is governed by an executive committee including the chair of the department of psychiatry of each health-related institution or a licensed psychiatrist, an individual with expertise in mental health care services, and a representative from a hospital system.

Requires a consortium to establish a network of comprehensive child psychiatry access centers located at a health-related institution to provide consultation services and training for pediatricians caring for children with behavioral health needs. Requires a consortium to establish or expand telemedicine programs to assess behavioral health needs, focusing on the needs of at-risk children. Authorizes an executive committee to fund a health-related institution for a physician fellowship position that will lead to a medical specialty in the diagnosis and treatment of child and adolescent psychiatric and behavioral health issues.

Prohibits a child psychiatry access center from submitting an insurance claim charging a pediatrician or primary care provider a fee for consultation or training.
Authorizes an executive committee to fund two new resident rotation positions and two full-time psychiatrists specialized in treating children or adolescents, psychiatrists who will serve as academic medical directors at a community mental health provider. Requires an academic medical director to collaborate with a community mental health provider to expand the amount and availability of mental health care resources, develop training opportunities, and supervise residents at a facility operated by the community mental health provider.

Requires that, not later than December 1 of each even-numbered year, the consortium submit to the governor, lieutenant governor, speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over behavioral health, a written report outlining activities and objectives of the consortium and the health-related institutions funded by the executive committee.

Requires a school district peace officer or a school resource officer to successfully complete an education and training program within 180 days of commission or placement in a district.

Requires a district peace officer or school resource officer employed as law enforcement at a school district with an enrollment of fewer than 30,000 students to complete required training no later than August 31, 2020.

Requires that, not later than January 1, 2020, the Texas School Safety Center develop a list of best practices and provide information to ensure the safety of persons receiving instruction in a portable building.

Requires that, not later than December 1, 2019, TEA develop and distribute to each regional education service center a rubric to identify community and statewide mental health resources available to schools, including mental health training, prevention or intervention services for students, as well as public and public and private funding sources to address student mental health.

Requires that, not later than April 1, 2020, TEA develop a plan for student mental health and submit an electronic copy to the legislature, posting the plan on its Internet website.

**Peace Officers Assigned to Charter Schools—S.B. 372**

*by Senator Campbell—House Sponsor: Representative VanDeaver*

Concerned parties have suggested that the types of security providers available to open-enrollment charter schools should be expanded to align with the options available to public school districts. This bill:

Authorizes the governing body of an open-enrollment charter school to employ security personnel and commission peace officers in the same manner as a district board of trustees. Authorizes a governing body to enter into a memorandum of understanding with a local law enforcement agency to assign a school resource officer. Provides that open-enrollment charter school peace officers have the same powers, duties, and immunities as peace officers working in public school districts.
**Opioid Addiction and Abuse Curriculum — S.B. 435**
_byn Senator Nelson—House Sponsor: Representative Price et al._

A study by The National Center for Health Statistics revealed that Texas had nearly 3,000 reported opioid-related deaths in 2018, an increase of nearly 1 percent from 2017. Interested parties contend that when opioid antagonists and overdose education are available to community members, overdose deaths decrease. This bill:

Requires the local school health advisory council to recommend appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse, including methods of administering an opioid antagonist.

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**Prohibiting Aversive Techniques—S.B. 712**
_by Senator Lucio—House Sponsor: Representative Meyer et al._

Texas educators are trained to employ a variety of techniques to redirect student behavior, including managing situations in which a student's safety is threatened. While certain emergency interventions are appropriate to protect the safety of students, extreme behavioral interventions, called aversive techniques, use negative stimuli to stop or deter behavior. The techniques can cause severe physical, mental, and emotional harm to students. This bill:

Prohibits the use of aversive techniques that cause physical pain, employ electric shock, use pressure points or joint locks, involve the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances near students' faces, deny adequate sleep, air, food, water, shelter, or access to a restroom, include ridicule or the demeaning of a student, restrict breathing or circulation, or secure a student to a stationary object.

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**Requiring School Anaphylaxis Guidelines—S.B. 869**
_by Senator Zaffirini—House Sponsor: Representative Parker_

The Texas Department of State Health Services' (DSHS) Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis were last published and updated in 2012. The guidelines focus on preventing school allergen exposure and on responding effectively to anaphylaxis. They also recommend educating school staff, parents, and students on the issue of severe food allergies. The DSHS guidelines, however, do not require education or training on general food allergies, including new methods, treatments, and therapies reducing the risk of allergic reactions. This bill:

Requires each school district and the governing body of each open-enrollment charter school to adopt and administer a policy for the care of students with a diagnosed food allergy and at risk for anaphylaxis, based on Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis, standards developed by the commissioner of state health services.

Requires each district or charter school to annually review and revise its policy for the care of students at risk for anaphylaxis. Requires the Texas Education Agency to post guidelines on its
Internet website, including a summary of the guidelines. Requires each district and charter school to annually post on its website a summary of guidelines, including instructions on obtaining the guidelines document. Prohibits the guideline implementation from requiring a district or charter school to purchase or administer treatments to a student unless prescribed by a student’s physician. Provides that the guideline implementation neither waives nor creates liability for a cause of action against a district, charter school, district officers, or employees. Provides that development and dissemination of material does not create a civil, criminal, or administrative cause of action, create liability, or create a standard of care, obligation, or duty that provides the basis for a cause of action.

Requires that the commissioner of education, not later than October 1, 2019, appoint members to an ad hoc committee to consult with the commissioner regarding updating guidelines to incorporate best practices and treatment of food allergy management as well as therapies to reduce the risk of allergic reactions.

**Private School Reporting of Educator Misconduct—S.B. 1230**  
*by Senator Bettencourt et al.—House Sponsor: Representative Meyer et al.*

Despite recent reforms to combat educator misconduct, disparities in private school reporting requirements remain. These disparities have essentially created a loophole whereby an educator who has an inappropriate relationship with a student in a public school district may obtain employment at a private school. This bill:

Requires that, not later than the fifth day after the date a person employed by a private school is convicted or granted deferred adjudication on the basis of an offense, the clerk of the court provide to the private school's chief administrative officer (CAO) written notice of the offense.

Requires that the private school CAO notify the State Board for Educator Certification (SBEC) if a private school educator has a criminal record and the private school obtained information about the criminal record. Requires that the CAO notify SBEC if the educator was terminated and there is evidence that the educator abused or otherwise committed an unlawful act with a student, was involved in a romantic relationship with a student, or solicited or engaged in sexual contact with a student. Requires the CAO to provide SBEC documentation of an investigation if there is evidence that a private school educator may have engaged in misconduct and resigns from employment before an investigation has been completed.

Requires that, not later than the seventh business day after the date the CAO knew that a private school educator has a criminal record or was terminated following an alleged incident of misconduct, the CAO notify SBEC in writing.

Provides that a CAO or other person who, in good faith, files a report with SBEC concerning an educator's criminal record or an alleged incident of misconduct is immune from civil or criminal liability.
Authorizes SBEC to suspend or revoke a certificate or impose other sanctions against an educator if another person assists the educator in obtaining employment at a school district, private school, or open-enrollment charter school, other than by the routine transmission of administrative and personnel files, or knew that the educator has previously engaged in sexual misconduct with a minor or student.

**Reporting Educator Criminal Conduct—S.B. 1476**  
*by Senator Bettencourt—House Sponsor: Representative Ken King*

Currently, a superintendent or director of a school district, district of innovation, open-enrollment charter school, regional education service center, or shared services arrangement is required to notify the State Board for Educator Certification (SBEC) if an employee or someone seeking employment has a criminal record, and if information about that record was obtained by a means other than a criminal history clearinghouse provided by the Texas Education Agency (TEA) or if the employee was terminated. This bill:

Requires reporting if an educator's employment is terminated and there is evidence of certain acts, including abuse or other unlawful acts with students or minors, involvement in a romantic or sexual relationship with or solicitation of or engagement in sexual contact with a student or minor, possession or trafficking in a controlled substance, or fraudulently obtaining or altering a professional certificate or license. Requires the superintendent or director to notify SBEC not later than the seventh business day after a report related to a employee misconduct or notice of termination is received.

Provides that a superintendent or director is not required to notify SBEC if, after an investigation into an educator's alleged misconduct, the superintendent or director completes an investigation into an educator's alleged incident of misconduct before the educator's termination of employment and a determination is made that the educator did not engage in an alleged incident of misconduct.

**Prohibiting School Law Enforcement From Handling Student Discipline—S.B. 1707**  
*by Senator Lucio—House Sponsor: Representative Allen*

School safety concerns have taken on an increasing sense of urgency and school police are becoming a common presence on public school campuses. However, concerned parties have noted that school law enforcement is becoming involved in routine disciplinary actions and student monitoring, resulting in escalated confrontations between students and law enforcement. Often, an escalation can result in a child's involvement with the juvenile justice system. This bill:

Authorizes the board of trustees of any public school district to enter into a memorandum of understanding with a local law enforcement agency regarding the jurisdiction of a school resource officer.

Requires that law enforcement duties be included in the district improvement plan, the student code of conduct, and any memorandum of understanding providing for a school resource officer.
Prohibits a district from requiring a district peace officer, school resource officer, or security officer to engage in routine student discipline or to perform school administrative duties, but does not prohibit informal student contact unrelated to the assigned duties of the resource or security officer.

Authorizes the governing board of the Texas School for the Deaf to provide school resource officers by entering into a memorandum of understanding with a local law enforcement agency.

**Student Removal for Harassment—S.B. 2432**

*b*by Senator Taylor—House Sponsor: Representative Sanford

Current law requires school districts to initiate a removal of a student to a disciplinary alternative education placement facility if a student engages in conduct that contains elements of the offense of assault. The Penal Code statute applies only to assault causing bodily injury; if a student threatens a school employee with bodily injury, the district is not required to initiate removal proceedings unless the threat can be classified as a terroristic threat or the crime of retaliation against a public servant. As a result, students can threaten teachers or their families with bodily injury without facing disciplinary consequences from their schools. This bill:

Requires that a student engaging in conduct that contains the elements of harassment against a district employee be removed from class and placed in a disciplinary alternative education program.
Career and Technology and Technology Education TEKS—H.B. 963
by Representative Cecil Bell et al.—Senate Sponsor: Senator Taylor et al.

Currently, Career and Technical Education (CTE) and Technology Applications courses are assigned to separate Texas Essential Knowledge and Skills (TEKS). Additionally, successful schools rely on public participation and community engagement. Currently, there is no requirement for board members of school districts to publicly provide the contact information and terms of office for each board member. School district board members are locally elected public officials entrusted with the responsibility of governing public schools and thus it is critical for the public to have access to board member contact information and to be aware of their terms of office. This bill:

Requires the State Board of Education (SBOE) to review and consolidate TEKS for Career and Technology Education (CTE) and technology applications curriculums for grades nine through 12.

Requires that each school district post on its Internet website the name, e-mail address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees. Requires a district, if the district does not maintain an Internet website, to submit the information to the Texas Education Agency for posting on that agency's Internet website.

Adult High School Diploma and Industry Certification Charter Schools—H.B. 1051
by Representative VanDeaver et al.—Senate Sponsor: Senators Watson and Bettencourt

A 2013 longitudinal study on Texas dropouts reported a 6.6 percent dropout rate for a student cohort in grades nine through 12. The Education Code currently addresses pilot charter schools dedicated to adult education programs for high school diploma and industry certification. This bill:

Deletes the word "pilot" from programs.

Provides that a person who is 18, rather than 19, years of age and not more than 50 years of age is eligible to enroll in adult education if the person meets certain criteria.

Requires that at least 75 percent of instruction be delivered in person.

Requires the provision of support services, including free child care, life coaching services, mental health counseling, and instructional support services for students with identified disabilities or impairments.

Requires the commissioner of education to ensure accurate funding for students enrolled in an adult high school diploma and industry certification charter school program, and to accurately collect, analyze, and report information to update the Public Education Information Management System (PEIMS) regarding enrolled students between the ages of 26 and 50 years.
Awarding Adult Education Performance Incentive Funds—H.B. 1949
*by Representative Guillen—Senate Sponsor: Senators West and Zaffirini*

It has been suggested that performance criteria for the purpose of awarding incentive funds to entities delivering adult education and literacy services lack clarity. This bill:

Requires the criteria prescribed by the Texas Workforce Commission for incentive funds based on performance to entities delivering adult education and literacy services to include the following benchmarks:

- enrollment in a high school equivalency program or a postsecondary Ability to Benefit program of at least 25 percent of all students receiving services from the entity during the program year; and

- achievement by the end of the program year of a high school equivalency certificate or a postsecondary certificate by at least 70 percent of those students who exit the entity's program during that program year enrolled in a high school equivalency program or a postsecondary Ability to Benefit program.

Defines "postsecondary ability to benefit program" as a postsecondary certificate program in which a person who does not have a high school diploma or equivalency certificate, who qualifies for federal student financial aid, and who demonstrates with some support college-level proficiency may enroll.

Increasing Computer Science Opportunities in High School—H.B. 2984
*by Representative Allison et al.—Senate Sponsor: Senator Taylor*

Computer science and coding skills are in strong demand in today's job market. Currently, there are 37,000 unfilled computer science jobs in Texas jobs, with a median salary of $91,000. Despite opportunities, less than three percent of Texas students took a computer science course in the 2015–2016 school year. This bill:

Requires the State Board of Education (SBOE) to adopt essential knowledge and skills (TEKS) including coding, computer programming, computational thinking, and cybersecurity.

Requires SBOE to review and revise technology applications TEKS every five years to ensure that curriculum is relevant and aligns with current or emerging professions.

Requires the Texas Education Agency to establish a computer science strategic advisory committee to develop recommendations to increase computer science instruction and participation in public schools.

Requires the advisory committee to submit to the governor and the legislature a report incorporating recommended changes to state law, funding proposals, and timelines to implement recommendations.
The Commission on Texas Workforce of the Future—H.B. 3511 [VETOED]
by Representative VanDeaver et al.—Senate Sponsor: Senators Alvarado and Johnson

Interested parties have noted insufficient collaboration among entities related to college and career readiness, workforce credentials, college degree programs, and high-demand industry jobs and careers. This bill:

Provides for the establishment of the Commission on Texas Workforce of the Future (commission) to engage state agencies and local workforce system partners in order to build a state workforce talent pipeline.

Requires the commission to provide reliable data relating to college and career readiness, associate's and bachelor's degree programs, and industry jobs and careers.

Requires commission members to be appointed by the governor, lieutenant governor, and speaker of the House of Representatives, and to include the commissioner of higher education, a Texas Workforce Commission appointee, and the chair of the Texas Economic Development Corporation.

Requires consideration to be given to appointees who represent industries, including oil and gas, technology and manufacturing, health care, construction, and petrochemicals. Requires other appointees to include House and Senate members, a K–12 administrator or school district board member, a superintendent of an adult education and industry-certification charter school program, and a representative of a high school dropout recovery adult education program.

Requires the commission to develop recommendations related to workforce development, including strengthening and supporting industry-led public and private partnerships, improving regional coordination between the public workforce system, public schools, higher education institutions, and community-based organizations.

Requires that, not later than December 31, 2020, the commission deliver a report to the governor and legislature that includes recommendations for statutory and regulatory changes to enhance workforce development and alignment between industry, public education, and higher education.

Low-Cost Open Educational Resources for Dual Credit Programs—H.B. 3650
by Representative Chris Turner et al.—Senate Sponsor: Senator Creighton

A college student spends more than $1,200 on books every year for textbooks. In addition, textbook costs have increased 1,000 percent in the last 40 years. Open educational resources have become more widely available as free or low-cost alternatives to traditional curriculum materials. This bill:

Requires any agreement between a school district and a public institution of higher education providing a dual credit program to consider the use of free or low-cost open educational resources in courses offered.
Workforce Diploma Pilot Program—S.B. 1055
by Senator Zaffirini—House Sponsor: Representative Frullo et al.

An alarming number of adults in Texas do not have high school diplomas, and existing resources and established institutions are inadequate to address their needs. Lacking a diploma often creates a significant barrier to full-time employment, especially for careers that provide opportunities for promotion and growth. This bill:

Requires the Texas Workforce Commission (TWC), in consultation with the Texas Education Agency, to establish and administer a workforce diploma pilot program under which eligible high school diploma-granting entities may be reimbursed for successfully assisting adult students to obtain a high school diploma.

Requires TWC by rule to prescribe minimum performance standards for providers participating in the program and to develop formulas to make the appropriate calculations. Requires the standards to include a graduation rate of at least 50 percent and a program cost per graduate of $7,000 or less. Requires TWC to review data from each participating provider annually to ensure that the services offered by the provider are meeting minimum standards.

Dual Credit Agreements Between School Districts and Colleges—S.B. 1276
by Senator Powell—House Sponsor: Representative Frullo

Dual credit courses allow high school students to get a head start on obtaining college credit, potentially saving both time and money. High school transcript endorsements allow students to explore career interests in postsecondary education. While there is an increase in enrollment in dual credit courses, there is inadequate course alignment and course counseling in high schools. This bill:

Requires an agreement between a school district and public institution to provide a dual credit program that includes common advising strategies and uniform terminology regarding dual credit and college readiness.

Requires alignment of high school transcript endorsements and dual credit courses, including information on postsecondary pathways, credentials at the institution, and industry certification.

Requires the Texas Education Agency, together with the Texas Higher Education Coordinating Board or the Texas Workforce Commission, to identify tools to assist school counselors, students, and families in selecting endorsements and dual credit courses.
Concerns have been raised that Texas lacks a sufficient number of certain health care professionals in proportion to population, particularly with regard to professionals with doctoral-level training. This bill:

Requires the Texas Higher Education Coordinating Board (THECB) to conduct a study in collaboration with the Texas Health Professions Resource Center, the Texas Center for Nursing Workforce Studies, and the Texas Demographic Center to identify statewide and regional shortages in health professions, with an emphasis on shortages in doctoral-level training in those health professions.

Requires THECB, using existing information to the extent possible, to develop an inventory of existing health science education programs at institutions of higher education and private or independent institutions of higher education and note the enrollment capacity for each of those programs. Requires the study to include an analysis of shortages in certain health professions for which doctoral-level training is offered.

Requires THECB to make recommendations regarding the establishment of new programs and expansion of existing programs to meet the increased need for health professionals in the state, including in particular the increased need for health professionals with doctoral-level training who serve rural communities in this state.

Concerns have been raised that Texas high school students applying to college may be unaware of job market conditions and thus miss opportunities to focus efforts on study leading to full-time employment upon graduation. This bill:

Requires an electronic common admission application form adopted by the Texas Higher Education Coordinating Board (THECB) or by the governing board of a university system to include a prominent link to comparative gainful employment data regarding institutions of higher education, including information prepared by the Texas Education Agency comparing Texas institutions of higher education, on a website maintained by THECB or the governing board, compiled by the applicable board, in coordination with the Texas Workforce Commission.

Stakeholders have expressed concern that a student expelled from an institution of higher education may enroll at a new institution without that institution being aware of the student's prior conduct. For example, there have been cases of a student being expelled for committing a violent
offense against another student and then enrolling at a new institution that did not know about the student's earlier offense. This bill:

Requires an institution of higher education or a private or independent institution of higher education, if a student is ineligible to reenroll for a reason other than an academic or financial reason, to add a notation to the transcript of a student stating that the student is ineligible to reenroll in the institution for a reason other than an academic or financial reason.

Prohibits an institution, if a student withdraws from a postsecondary educational institution pending disciplinary charges that may result in the student becoming ineligible to reenroll in the institution for a reason other than an academic or financial reason, from ending the disciplinary process until the institution makes a final determination of responsibility. Requires the institution to include on the student's transcript a notation that the student is ineligible to reenroll in the institution for a reason other than an academic or financial reason as a result of the disciplinary process, if applicable. Creates a mechanism for the institution to remove the notation if the student becomes eligible to reenroll or if the institution determines that good cause exists to remove it.

**Use of Epinephrine Auto-Injectors—H.B. 476**  
*by Representative Howard—Senate Sponsor: Senator Menéndez*

Currently, interested parties contend that information regarding auto-injector policies in higher education institutions are difficult to access and that streamlining access to this information could have positive results. This bill:

Requires each public institution of higher education that adopts a policy regarding the maintenance, storage, administration, and disposal of epinephrine auto-injectors on a campus to include the policy in the institution's student handbook or in a similar publication and to publish the policy on the institution's website.

Requires an institution that adopts such a policy to submit to the Department of State Health Services (DSHS) a copy of it and any amendment to the policy adopted by the institution. Requires DSHS to maintain a record of the most recent policy and amendments submitted by each institution and to make that information available to the public on request.

**Admission to General Academic Teaching Institutions—H.B. 539**  
*by Representative Leman et al.—Senate Sponsor: Senator Kolkhorst*

Currently, students who graduate in the top 10 percent of their graduating class are automatically accepted into all state-funded universities under the "Top 10 Percent Law." However, students who graduate in a class of fewer than 10 students are at risk of not being automatically accepted into state-funded universities. In the 2016–2017 school year there were at least 130 schools across the state with a graduating class of 10 students or fewer. This bill:
Requires each general academic teaching institution, in addition to the automatic admission requirement for a student in the top 10 percent of the student's high school graduating class, to admit an applicant for admission to the institution as an undergraduate student if the applicant graduated as the valedictorian of the student's high school graduating class in one of the two school years preceding the academic year for which the student is applying for admission and if the applicant satisfies certain requirements relating to automatic admission for certain applicants.

Provides that a provision relating to certain students being considered as having satisfied certain requirements if the student completed the portion of the distinguished level of achievement under the foundation high school program curriculum available to the student but was unable to complete the remainder of the curriculum due to certain circumstances not within the student's control applies to an applicant for admission under this subsection. Provides that an applicant admitted under this subsection is considered automatically admitted for purposes of certain provisions relating to automatic admission for a student in the top 10 percent, relating to authorizing The University of Texas at Austin to admit students who qualify for automatic admission in a certain manner if the number of applicants so qualified exceeds 75 percent of enrollment capacity, or relating to authorizing a general academic teaching institution to admit students who qualify for automatic admission in a certain manner if the number of applicants so qualified exceeds 75 percent of enrollment capacity, as applicable.

Authorizes an institution that admits under provisions relating to automatic admission at all institutions an applicant qualified for automatic admission under certain provisions of the bill to admit the applicant for either the fall semester of the academic year for which the applicant applies or for the summer session preceding that fall semester, as determined by the institution.

Requires a student, to be eligible for a scholarship under this statutory provisions relating to a scholarship for a student graduating in the top 10 percent of a high school class, to have graduated from a public or accredited private high school in this state while ranked in the top 10 percent or as the valedictorian, rather than ranked in the top 10 percent, of the student's graduating class and to meet certain other criteria.

**Tuition Exemptions for Certain Disabled Public Servants—H.B. 766**

*by Representatives Huberty and Guillen—Senate Sponsor: Senators Watson and Hinojosa*

Currently, the Education Code requires Texas' public institutions of higher education to waive tuition and fees for the children of peace officers and firefighters who became disabled or were killed in the line of duty. The Education Code also creates a tuition exemption for the disabled peace officers themselves, but the exemption is optional, not required. Interested stakeholders say disabled first responders should receive a required exemption, as their children do. This bill:

Makes the tuition exemption required, rather than optional, for permanently disabled peace officers and makes firefighters who become permanently disabled as a result of their service eligible for the exemption.
Creation of the University of Houston College of Medicine—H.B. 826  
by Representative Zerwas et al.—Senate Sponsor: Senator Huffman et al.

The last medical school to be established in Houston was created in 1972, and since then, the Houston metropolitan area has grown by more than four million people. Although the population is growing, physician supply in the state has not kept up with demand. During the 84th Legislature, physician shortage was deemed such an important issue that legislators passed S.B. 18, requiring the Department of State Health Services (DSHS) to submit a report on physician demand and shortage across the state on a biennial basis. In last year's report, DSHS stated that in Public Health Region 6/5S, where Houston is located, the shortage of primary physicians is projected to grow by 254 percent by the year 2030. According to the United States Health Resources and Service Administration, much of the Houston metropolitan area is considered a "medically underserved area" and much of the same area is a "medical professional shortage area." This bill:

Establishes the University of Houston College of Medicine as a college of the University of Houston under the management and control of the board of regents of the University of Houston System, with degrees offered under the name and authority of the University of Houston.

Rural Resident Physician Grant Program—H.B. 1065  
by Representative Ashby et al.—Senate Sponsor: Senator Kolkhorst et al.

It has been noted that rural communities continue to experience a shortage of physicians and that rural areas offer fewer incentives for prospective physicians to complete their medical education for reasons including caseloads, diversity of cases, and residency staffing requirements. This bill:

Requires the Texas Higher Education Coordinating Board (THECB) to administer the Rural Resident Physician Grant Program as a competitive grant program to encourage the creation of new graduate medical education positions in rural and nonmetropolitan areas, with particular emphasis on the creation of rural training tracks. Requires THECB to award grants to new or expanded physician residency programs at teaching hospitals and other appropriate health care entities according to the program criteria established under this section.

Requires THECB to establish criteria for the grant program in consultation with one or more physicians, including a physician who practices in a rural area of this state, teaching hospitals, medical schools, and independent physician residency programs, and with other persons considered appropriate by THECB. Requires the program criteria to take into account whether a rural or nonmetropolitan area has the resources sufficient to support a physician residency program in a manner that would satisfy applicable residency program accreditation requirements.

Authorizes THECB to provide grants only to support a physician residency program that provides the level of medical care that is most needed in a rural or nonmetropolitan area and until the program becomes eligible for federal grant funding. Authorizes grant funds awarded under this section to be used only to pay direct costs associated with creating or maintaining a residency position, including the salary of the resident physician. Requires each grant application to include certain information. Requires THECB to award grants for all residency positions awarded a grant...
under this section in the preceding year before awarding a grant for a residency position that did not receive a grant in the preceding year, provided that the applicable grant recipient from the preceding year complies with all conditions of the grant and satisfies the grant eligibility requirements.

Requires THECB to monitor physician residency programs receiving grants as necessary to ensure compliance with the grant program and to require the return of any unused grant money by, or to decline to award additional grants to, a residency program that receives a grant but fails to create and fill, within a reasonable period, the number of residency positions proposed in the program's grant application or to satisfy any other conditions of the grant imposed by THECB. Requires THECB to use money forfeited in such a manner to award grants to other eligible applicants. Authorizes THECB, with respect to the physician residency program forfeiting the grant, to restore grant money or award additional grants, as applicable, to the program as soon as practicable after the program satisfies all conditions of the grant.

Requires THECB to adopt rules for the administration of the grant program and sets forth the requirements for those rules.

**Renaming Southwest Collegiate Institute for the Deaf—H.B. 1101**

_by Representative Darby—Senate Sponsor: Senator Seliger_

In 1979 the Southwest Collegiate Institute for the Deaf (SWCID), located in Big Spring, Texas, was established after a Texas Education Agency feasibility study showed there was a great need for a post-secondary institution to provide higher education and career training for the deaf. Current students, Howard College, and alumni of SWCID would like to have the word "institute" removed from the name of SWCID. When signing the word "institute," there is a negative connotation for the deaf population. This bill:

Changes the name of the Southwest Collegiate Institute for the Deaf to the Southwest College for the Deaf and amends the Education Code and Natural Resources Code to update references to that college accordingly.

**Fee at the University of Houston-Downtown—H.B. 1277**

_by Representative Perez—Senate Sponsor: Senator Miles_

The University of Houston-Downtown is a 100 percent commuter campus, with no operating residence halls available to students. Students and faculty are disconnected and the campus has no operating academic success center. It has been suggested that there is need for implementation of a student fee in order to fund construction of sports and recreational facilities as well as for student support spaces and services. There have been no new fees created in the last 35 years at the university. The fee proposal was put to a student referendum and passed with overwhelming support; 74 percent of the students who voted supported the fee. This bill:
Authorizes a wellness and success center fee at the University of Houston-Downtown. Prohibits the fee from exceeding $150 per student for each long semester, $75 per student for summer sessions longer than eight weeks, or $50 per student for each summer session less than eight weeks. Requires the revenue from the fee to be deposited in an account known as the University of Houston-Downtown Wellness and Success Center Fee Account.

**Intercollegiate Athletics Fee at Texas A&M University—San Antonio—H.B. 1439**

*by Representative Pacheco et al.—Senate Sponsor: Senator Flores*

Currently, Texas A&M University–San Antonio has approximately 50 acres available for development. The university would like to utilize the space by competing in the Red River Athletic Conference as part of the National Association of Intercollegiate Athletics, an organization that is similar to the National Collegiate Athletic Association. The sports the university would like to implement are women's soccer, men's soccer, women's softball, and men's golf. In spring 2019, the Student Government Association (SGA) hosted four separate athletics forums to present an athletics proposal and solicit student feedback on the introduction of an athletics fee. The SGA has also participated in several tabling events to share information related to adding athletics programs. The athletic fee referendum vote took place March 18-22, 2019. However, the creation and maintenance of necessary facilities for these sports would require an athletics fees; the Texas A&M University System currently lacks the authority to impose such a fee. This bill:

Authorizes the board of regents of The Texas A&M University System (board) to impose on each student enrolled at Texas A&M University–San Antonio an intercollegiate athletics fee in an amount not to exceed $10 per semester credit hour for each regular semester or summer session unless the amount of the fee is increased if approved through a general student election.

Prohibits such a fee from being imposed unless approved by a majority vote of the students of the university who participate in a general student election held for that purpose. Authorizes the amount of the fee per semester credit hour to be increased from one academic year to the next only if approved by a majority vote of the students participating in a general student election held for that purpose or, if the amount of the increase does not exceed five percent, by a majority vote of the legislative body of the student government of the university.

Requires a student enrolled in more than 12 semester credit hours to pay the intercollegiate athletics fee in an amount equal to the amount imposed on a student enrolled in 12 semester credit hours during the same semester or session. Authorizes such a fee imposed by the board to be used to develop and maintain an intercollegiate athletics program at the university. Provides that the fee is in addition to any other fee authorized by law and may not be considered in determining the amount of student services fees that may be imposed under provisions relating to student services fees.
Like almost all public institutions of higher education, Texas Southern University charges students an intercollegiate athletics fee. However, Texas Southern University is one of two public universities whose ability to charge students this fee requires legislative reauthorization every five years. This bill:

Repeals a prohibition against Texas Southern University charging an intercollegiate athletics fee after the fifth academic year in which the fee is first charged unless certain conditions are met. Repeals the expiration date of such a fee.

Includes the board of regents of the Texas State University System (TSUS), the board of regents the University of Houston System (UH System), the board of regents of Stephen F. Austin State University (SFA), and the board of regents of the University of North Texas System (UNT System), rather than of the University of North Texas, in the definition of "board" for purposes of statutory provisions relating to health care professional liability for certain institutions.

Authorizes each board to establish a separate self-insurance fund to pay any damages adjudged in a court of competent jurisdiction or a settlement of any health care liability claim against a health care professional staff member or student arising from the exercise of the member's or student's appointment, duties, or training with The University of Texas System (UT System), The Texas A&M University System (TAMU System), the Texas Tech University System (TTU System), the TSUS, the UH System, SFA, or the UNT System, rather than authorizing each board to establish a separate self-insurance fund to pay any damages adjudged in a court of competent jurisdiction or a settlement of any medical malpractice claim against a member of the medical staff or students arising from the exercise of his appointment, duties, or training with certain institutions of higher education, including the University of North Texas Health Science Center at Fort Worth.

Authorizes the boards to pay from the funds all expenses incurred in the investigation, settlement, defense, or payment of claims described above on behalf of the health care professional staff members or students, rather than on behalf of the medical staff or students. Requires the money transferred or deposited into the fund from certain sources to be deposited in any of the approved depository banks of certain institutions of higher education, including the TSUS, the UH System, SFA, or the UNT System.

Authorizes each board to purchase health care liability insurance from an insurance company authorized to engage in the business of insurance in this state as it considers necessary to carry out
the purpose of this subchapter, rather than authorizing each board to purchase medical malpractice insurance from an insurance company authorized to do business in this state as it considers necessary to carry out the purpose of statutory provisions relating to health care professional liability for certain institutions.

Authorizes each board to employ private legal counsel to represent the health care professional staff members or students covered by this subchapter under the rules of the board, rather than to represent the medical staff and students provisions relating to health care professional liability for certain institutions under board rules.

Prohibits funds appropriated by the legislature to the UT System, the TAMU System, the TTU System, the TSUS, the UH System, SFA, or the UNT System from the General Revenue Fund from being used to establish or maintain the fund, to purchase insurance, or to employ private legal counsel, rather than prohibiting funds appropriated by the legislature to either system, to the Texas Tech University Health Sciences Center, to the Texas Tech University Health Sciences Center at El Paso, or to the UNT Health Science Center at Fort Worth from the General Revenue Fund from being used to establish or maintain the fund, to purchase insurance, or to employ private legal counsel.

Requires the state to indemnify a health care professional staff member or student for damages paid as required by a judgment on or settlement of a health care liability claim arising out of the provision of charitable care or services, rather than requiring the state to indemnify a member of the medical staff or a student for damages paid as required by a judgment on or settlement of a medical malpractice claim arising out of the provision of charitable care or services.

Entitles the Texas attorney general to approve any settlement of the portion of a health care liability claim, rather than a medical malpractice claim, that may result in the state being liable for indemnification of the defendant under provisions relating to state indemnification.

### Services for Students Affiliated With Foster Care—H.B. 1702

*by Representative Howard et al.—Senate Sponsor: Senator Hancock et al.*

In 2015, the legislature required each institution of higher education to designate an employee as a liaison officer for current or incoming students formerly in conservatorship of the Department of Family and Protective Services. There are indications, however, that many such students are unaware of the services provided by these officers. This bill:

Requires liaison officers to obtain a list of present and incoming students currently or formerly in foster care to better recognize who they are responsible for serving. Requires institutions of higher education to publicize the name and contact information of the liaison officer, as well as information on services available to former foster youth at the institution. Gives options for how the institution may make this information public. Clarifies that liaison officers may participate in any training available to assist them with their jobs.
Exemptions From Certain Assessment Requirements—H.B. 1891
by Representative Stucky—Senate Sponsor: Senator Powell

Concerns have been raised regarding duplicative testing requirements for those pursuing high school equivalency. There have been calls to allow students who have achieved certain scores on a high school equivalency examination to bypass additional testing currently required to enter a technical school, community college, or university. This bill:

Exempts students who have achieved a score set by the Texas Higher Education Coordinating Board on a high school equivalency examination from testing requirements under the Texas Success Initiative. Requires the commissioner of higher education by rule to establish the period during which an exemption under the bill's provisions is valid.

Electronic Application System for State Student Financial Assistance—H.B. 2140
by Representatives Neave and Button—Senate Sponsor: Senators Powell and Alvarado

It has been suggested that the Texas Application for State Financial Aid (TASFA), used to collect information to help determine eligibility for state student financial aid programs administered by institutions of higher education, uses an antiquated submission process requiring applications be printed out and submitted as paper documents. This bill:

Requires the Texas Higher Education Coordinating Board (THECB) to adopt procedures to allow a person to complete and submit the TASFA or a similar application for state student financial assistance by electronic submission through the Internet website through which THECB provides the common admission application form. Requires THECB to appoint an advisory committee composed of financial aid personnel at institutions of higher education and stakeholders who represent the needs of interested students to assist THECB in adopting those procedures and to develop recommendations for that purpose.

Requires THECB, for the purposes of the bill's provisions relating to applications for state financial aid, to continuously maintain an online database of institutions of higher education to which state student financial assistance may be applied. Provides that the personal information of an individual maintained by THECB for the purposes of this section is confidential and is not subject to disclosure under public information law.

Physician Education Loan Repayment Program—H.B. 2261
by Representative Walle et al.—Senate Sponsor: Senator Hinojosa et al.

The Texas Physician Education Loan Repayment Program is designed to encourage new physicians to start their careers in underserved communities throughout Texas by helping them pay off their student loans in return for a four-year practice commitment. In the past five years, the program has enrolled over 750 physicians, doctors who are now caring for patients in rural communities, urban centers, community health centers, and correctional facilities. Funding has been inconsistent since 2010 as some dedicated funds have been diverted to other purposes. The
85th Legislature, 2017, cut the program by 25 percent, from $33.8 million in fiscal years 2016–2017 to $25.35 million. Meanwhile, according to the Association of American Medical Colleges, 76 percent of medical students graduate with debt. In 2011, the average total educational debt for graduating medical students was $173,000; debt increased to $190,000 by 2016. The average educational debt for physicians enrolled in the program has risen significantly. In each of the last five years, that average has been more than $160,000, topping out at almost $214,000 in 2017. Currently, eligible physicians can, in return for a four-year practice commitment, receive up to $160,000 to pay off their educational debt. This bill:

Increases the maximum amount available to each participating physician by $20,000, for a total of up to $180,000 in loan assistance. The program will pay up to $30,000 in a physician's first year of service, $40,000 in the second, $50,000 in the third, and $60,000 in the fourth.

**Transfer of Funds to Higher Education Scholarships—H.B. 2668**

*by Representatives Chris Turner and Guillen—Senate Sponsor: Senator Paxton*

Texas Guaranteed Tuition Plan (TGTP) scholarship accounts were once funded by donations to the Texas Prepaid Tuition Scholarship Foundation (TPTSF). The foundation awarded all except $2,741 of its funds almost 15 years ago and has been dormant ever since; the TGTP was closed to new enrollment in 2003. Some scholarship accounts have not been used and have reached or are reaching the statutory 10-year termination deadline. When accounts terminate, refunds go back to the dormant foundation. The foundation had cash in its treasury of $17,764.12 as of August 31, 2018. Additional accounts, totaling approximately $15,600, will likely be terminated in June 2019 and refunded to the dormant foundation. This bill:

Authorizes the comptroller of public accounts of the State of Texas to dissolve a direct-support organization established under the Texas Non-Profit Corporation Act to fulfill certain purposes.

Provides that, on dissolution of the organization, title to all funds and property held by such an organization is transferred to the Texas Match the Promise Foundation or a successor entity.

**Student Recreational Facility Fee at The University of Texas at Tyler—H.B. 2680**

*by Representative Schaefer—Senate Sponsor: Senator Hughes*

It has been suggested that, because the statutory cap on the recreational facility fee at The University of Texas at Tyler overrides another provision allowing students to approve a fee increase by vote, students are currently limited in their options for investing in facility improvements. This bill:

Specifies that a recreational facility fee at The University of Texas at Tyler may be increased beyond statutory caps if the increase is approved by a general student election held for that purpose. Requires the ballot proposition for such an election to clearly state the amount of the proposed fee increase and describe the reason for the increase.
Authorization for Sale of Texas Tech University Property—H.B. 2709
by Representative Frullo—Senate Sponsor: Senator Perry

It has been suggested that statutory language requiring legislative approval for the sale of any part of the original main campus of Texas Tech University represents an unnecessary restriction not in line with the authority of comparable institutions in Texas. This bill:

Removes the prohibition against the board of regents of the Texas Tech University System selling any of the original main campus of Texas Tech University located in Lubbock without an act of the legislature.

Repeals an authorization for conveyance of certain Texas Tech University real property to the Texas Tech University Health Sciences Center.

Increase in Student Union Fee at The University of Texas at Arlington—H.B. 2718
by Representative Chris Turner—Senate Sponsor: Senator West

It has been reported that the student union at The University of Texas at Arlington requires renovation, and that the student union fee required to fund such a project has not increased in proportion with student enrollment and remains low in comparison to similar fees at other public higher education institutions. This bill:

Raises the caps on the student union fee at The University of Texas at Arlington from $39 to $150 per student for each regular semester and from $19.50 to $75 per student for each summer session term. Revises the requirement subjecting an increase beyond a specified threshold to approval in a general student election.

Requires the ballot proposition for such an election to clearly state the amount of the proposed fee increase and describe the reason for the proposed increase.

The Sam Houston State University College of Osteopathic Medicine—H.B. 2867
by Representative Metcalf et al.—Senate Sponsor: Senator Creighton et al.

On August 14, 2018, the Texas Higher Education Coordinating Board approved Sam Houston State University’s (SHSU) proposal to offer a school in osteopathic medicine, a proposal which included documenting SHSU’s intent to forgo the use of formula funding for the medical school. This bill:

Establishes the Sam Houston State University College of Osteopathic Medicine as a college of Sam Houston State University under the management and control of the board of regents of the Texas State University System, with degrees offered under the name and authority of Sam Houston State University.
Conveyance of Certain Texas A&M University System Land—H.B. 2963
by Representative Clardy—Senate Sponsor: Senator Nichols

An individual in Cherokee County would like to trade land with the Texas A&M University System (TAMU System). The land the state would receive has been appraised at a higher value than the land the state currently owns. The individual wants to trade land with the TAMU System because the system's land is closer to the individual's property; the state has similar access to both tracts of land. This land conveyance was approved by the Texas A&M University System Board of Regents and now requires the authorization from the Texas Legislature. This bill:

Authorizes the board or regents of The Texas A&M University System to convey certain state forest land in Cherokee County.

Information Provided by THECB to School Districts—H.B. 3011
by Representative Chris Turner et al.—Senate Sponsor: Senators Powell and West

Interested parties say that discrepancies in third-party data used to determine public school district accountability ratings may lead to inaccurate results or adversely affect accreditation status. This bill:

Requires the Texas Higher Education Coordinating Board (THECB) to provide to each school district a copy of all source data as submitted to THECB by an institution of higher education that THECB provides to the agency to consider in determining the district's accreditation status or in assigning performance ratings for the district or the district's campuses.

Tuition and Fees Charged by TAMU System—H.B. 3124
by Representative Wilson—Senate Sponsor: Senator Flores

It has been noted that The Texas A&M University System (TAMU System) has recently contracted, in partnership with other institutions, to manage and operate Los Alamos National Laboratory under terms that include training and education-related support. The system intends to provide laboratory employees and their dependents with in-state tuition at system campuses, as has been the policy of institutions such as The University of Texas under similar management agreements. This bill:

Entitles a person, or the person's dependent, to pay in-state tuition rates when enrolled in a TAMU system institution if the person is employed by a national laboratory with whom the system board has entered a management and operation or academic affiliation agreement.
Lone Star College System District Associate Degrees—H.B. 3165
by Representative Oliverson et al.—Senate Sponsor: Senator Creighton

In 2015, Lone Star College created a life skills program to serve students with disabilities, a special program that allows students to earn certificates in areas such as foundation occupational studies and business operations. Currently, Lone Star College can only award such students with a certificate upon graduation. Some believe that allowing these students to earn an associate's degree will help make them more marketable to potential employers. This bill:

Authorizes the governing board of the Lone Star College System District to establish an occupational and life skills associate degree program at each junior college in the district.

Fee at the University of Houston-Victoria—H.B. 3312
by Representative Morrison—Senate Sponsor: Senator Kolkhorst

There have been calls for the construction of a health and wellness center at the University of Houston-Victoria, a project which reports show is supported by the student body. This bill:

Authorizes the board of regents of the University of Houston System (board; UH System) to charge each student enrolled at the University of Houston-Victoria (UHV) a health and wellness center fee. Authorizes the fee to be used only for the purpose of financing, constructing, operating, maintaining, improving, and equipping a health and wellness center at UHV. Provides that a fee charged under this section is in addition to any use or service fee authorized to be charged under other law.

Prohibits the health and wellness center fee from being charged unless the charging of the fee is approved by a majority vote of the students enrolled at the university participating in a general student election held for that purpose.

Sets the maximum health and wellness center fee under this section at $150 per student for each regular semester, $100 per student for each summer session of 10 weeks or longer, or $50 per student for each summer session of less than 10 weeks.

Requires revenue from such health and wellness center fee to be deposited to the credit of an account known as the University of Houston-Victoria Health and Wellness Center Fee Account under the control of UHV’s student fee advisory committee (committee). Requires the committee, annually, to submit to the president of UHV its recommendation for any change to the amount of the fee and a complete and itemized budget for the health and wellness center together with a complete report of all health and wellness center activities conducted during the past year and all expenditures made in connection with those activities. Requires the president to submit the budget to the board as part of UHV’s institutional budget. Authorizes the board to make changes in the budget that the board determines are necessary.

Authorizes the board to increase the amount of such a fee, except that a fee increase by 10 percent or more of the amount of the fee charged during the preceding academic year must be approved.
by a majority vote of students enrolled at the university participating in a general student election held for that purpose. Requires the ballot proposition for an election under this subsection to clearly state the amount of the proposed fee increase and describe the reason for the proposed fee increase.

Provides that the health and wellness center fee is not considered in determining the maximum amount of student services fees that may be charged under provisions relating to student services fees. Provides that, for purposes of determining whether to waive the imposition of the fee as provided under certain statutory provisions, a student is not reasonably able to use the health and wellness center for which a fee is imposed under this section if the student lives more than 50 miles outside the corporate limits of Victoria, Texas.

**Degree Plans for Members of the Texas Military Forces—H.B. 3601**
*by Representative Cecil Bell et al.—Senate Sponsor: Senators Menéndez and Lucio*

Interested parties note the need for improved troop recruitment and retention by the Texas State Guard in order to meet Governor Abbott’s mission to double its authorized forces by 2021. This bill:

Creates educational incentives to aid Texas military recruitment and retention by recognizing competency-based education degree plans for members of the Texas military, plans for associate's degrees, baccalaureate degrees, and graduate degrees.

Requires that members have graduated from high school or have received a high school equivalent diploma, satisfy minimum active military service obligations relevant to the degree program, and meet the standards of the degree plan.

Provides that the active military service obligation is two years for an associate's degree, four years for a baccalaureate degree, and six years for a graduate degree.

**State Repository for Open Educational Resources—H.B. 3652**
*by Representative Chris Turner et al.—Senate Sponsor: Senators Creighton and West*

In the last few years, textbook costs for college students have skyrocketed. The College Board estimates that the average student spends more than $1,200 on books and materials. This cost sometimes exceeds the cost of tuition at some universities and community colleges. In order to address this issue, many institutions have started to offer open educational resources (OER), a name for freely accessible, openly licensed digital materials, the use of which greatly reduces instructional materials costs. While open educational resources are rising in popularity, these resources are often decentralized, making it hard for some universities to gain access to them. This bill:

Requires the Texas Higher Education Coordinating Board (THECB) to contract with a high-quality OER repository to create a state collection of open educational resources, providing
students access to a wide range of learning materials: textbooks, full courses, course materials, modules, images, videos, assessment software, and other tools and materials.

Requires all resources developed with state funds to be made available under a Creative Commons license and submitted for use as open educational resources. Authorizes a publisher to submit instructional materials for inclusion in a repository available through the portal.

Authorizes THECB to request the assistance of the Learning Technology Advisory Committee to establish, maintain, and market the web portal.

**Administration and Operation of Tuition Programs—H.B. 3655**

_by Representative Chris Turner—Senate Sponsor: Senator Buckingham_

It has been noted that since the creation of the Prepaid Higher Education Tuition Board, the federal definition of "qualified higher education expenses" has changed, affecting qualified tuition plan taxpayer advantages. This bill:

Provides that, unless otherwise specified, the provisions of this subchapter (Prepaid Higher Education Tuition Program) concerning certain specified requirements applicable to the board under this subchapter also apply to the Prepaid Higher Education Tuition Board (board) for purposes of Subchapters G (Higher Education Savings Plan), H (Prepaid Tuition Unit Undergraduate Education Program: Texas Tomorrow Fund II), I (Texas Save and Match Program), and J (Texas Achieving a Better Life Experience (ABLE) Program) of this chapter (Tuition and Fees).

Authorizes the comptroller of public accounts of the State of Texas (comptroller), if the comptroller determines that the purpose of a direct-support organization established by the board under the Texas Non-Profit Corporation Act has been substantially complied with, to dissolve the organization. Requires that, on dissolution, the title to all funds and properties then owned by the organization transfer to the Texas Match the Promise Foundation.

Includes a medical and dental unit in the definitions of "beneficiary" and "prepaid tuition contract," entitling a person to apply tuition units to the payment of the person's undergraduate tuition.

Includes a medical and dental unit among the institutions at which a purchaser may prepay the costs of all or a portion of a beneficiary's undergraduate tuition and required fees. Requires each general academic teaching institution and each two-year institution of higher education, on or before June 1, to annually provide information for the next fall semester to the board in a format requested by the board to assist the board in determining tuition unit sales prices for the next sales period and redemption values for the next academic year.

Includes a medical and dental unit among the institutions at which the board shall apply money in the Texas Tomorrow Fund II (fund) to pay all or the applicable portion of the costs of the beneficiary's tuition and required fees when a beneficiary under a prepaid tuition contract redeems one or more tuition units to pay tuition and required fees.
Includes a medical and dental unit among the institutions at which a beneficiary enrolls in order to trigger the comptroller's transfer of a certain amount to the institution.

Includes a medical and dental unit among the institutions to which the assets of the fund may be used to make payments.

Includes a medical and dental unit among the institutions to which the rights of a purchaser, beneficiary, or successor in interest of a purchaser or beneficiary in and under a prepaid tuition contract and the payment of such tuition and fees under such a contract are exempt from attachment, levy, garnishment, execution, and seizure for the satisfaction of any debt, judgment, or claim against a purchaser, beneficiary, or successor. Provides that a claim or judgment against a purchaser, beneficiary, or successor in interest of a purchaser or beneficiary does not impair or entitle the claim or judgment holder to assert or enforce a lien against the right of a beneficiary to the payment of tuition and required fees to a medical and dental unit, among other institutions.

Includes a medical and dental unit among the institutions by which the beneficiary has been accepted or at which the beneficiary is enrolled in order for a prepaid tuition contract to remain in effect after the program is terminated.

Includes a medical and dental unit among the institutions to which the board may release confidential information relating to the participation of specific purchasers and beneficiaries in the program. Requires such a unit to keep the information confidential.

**Measures to Facilitate Timely Graduation—H.B. 3808**
by Representative Walle—Senate Sponsor: Senator Powell et al.

A recent report by the RAND Corporation and the American Institutes for Research (AIR) commissioned by the Texas Higher Education Coordinating Board found early advising to be critical in helping students and families make sound decisions about dual credit education. Effective guidance can help students avoid taking unnecessary credit hours, ensure course credits earned through dual credit transfer to a specific major or certificate, and prepare students for the expectations and rigors of college coursework. This bill:

Amends the Education Code to decrease from 45 credit hours to 30 credit hours the minimum hours earned by a student in an associate or bachelor's degree program at a public institution of higher education that trigger the requirement to file a degree plan with the institution. Changes deadlines by which degree plans must be filed.

**Intercollegiate Athletics Fee at the University of North Texas at Dallas—H.B. 4182**
by Representative Sherman, Sr.—Senate Sponsor: Senator West

Located in the heart of Dallas, the University of North Texas at Dallas (UNT-Dallas) is in the early stages of establishing an intercollegiate athletic program that would provide unique opportunities
for the students it serves and for its surrounding communities as well. In order to maintain and
develop such a program, UNT-Dallas is seeking legislative authorization for the self-assessment
of and collection of an athletic fee from enrolled students at the university each semester. This bill:

Allows UNT-Dallas to levy an athletic fee on students enrolled at its campus at a rate of no more
than $10 per credit hour for each regular semester or summer session.

Provides that the fee will not be imposed unless approved by a majority vote of the student body.

Prohibits an increase in the fee without a majority vote of the student body or by a majority vote
of the legislative body of student government in the event that the fee increase does not exceed
five percent.

Student Loan Program Administered by THECB—H.B. 4465
by Representative Chris Turner—Senate Sponsor: Senator Bettencourt

The Texas Higher Education Coordinating Board (THECB) student loan program was authorized
by the Texas Legislature in 1965. For over 50 years, the student loan program has provided Texas
students with a low-cost alternative to help fund tuition expenses. Over this period, seven
costitutional amendments have been approved by voters relating to the issuance of bonds. The
Office of the Attorney General (OAG) provides legal support related to loan default, and THECB
reimburses OAG for the cost of this support. The issuance of tax-exempt state bonds provides the
funding for initial loans to students; the loan program is funded by excess repayments from
borrowers as they pay back their loans. No general revenue or other tax revenue is utilized to
support this program under the Student Loan Program. THECB currently has $1.3 billion in
outstanding student loans. THECB utilizes two accounts within the comptroller of public accounts
of the State of Texas—the Texas Opportunity Plan Fund and the Student Loan Auxiliary Fund—
issuing student loans under the Hinson-Hazlewood Student Loan program. This bill:

Requires proceeds from the sale of bonds to be placed in the student loan auxiliary fund, rather
than the Texas Opportunity Plan Fund. Authorizes the bonds to be issued in installments to assure
the orderly and economical marketing of the bonds and the reasonable availability of money in the
student loan auxiliary fund, rather than the Texas Opportunity Plan Fund. Deletes existing text
relating to the execution of bonds on behalf of the Texas Higher Education Coordinating Board
(THECB) and requiring that they be signed by certain state officials in a certain manner.

Authorizes the performance of official duties prescribed by the Texas Constitution, in reference to
the provision for the payment and the payment of the bonds, to be enforced in any court of
competent jurisdiction through mandamus or other appropriate proceedings. Provides that certain
provisions relating to the issuance of bonds apply only to bonds issued under specific sections of
the Texas Constitution.

Authorizes THECB to authorize loans from the Texas Opportunity Plan Fund or the student loan
auxiliary fund, rather than from the Texas Opportunity Plan Fund, to a qualified applicant who has
been accepted for enrollment at a participating higher educational institution.
Requires the amount of the loan to any qualified applicant to be limited to the difference between the financial resources available to the applicant, including the applicant's scholarships, gifts, grants, and other financial aid, and the amount necessary to pay the applicant's reasonable expenses as a student at the participating institution of higher education where the applicant has been accepted for enrollment.

Prohibits payment from being made to any student until the student has executed a note payable to the Texas Opportunity Plan Fund or the student loan auxiliary fund, rather than the Texas Opportunity Plan Fund, for the full amount of the authorized loan plus interest. Requires THECB to distribute money to a participating institution through the current statewide accounting system, rather than requiring THECB to distribute money to a participating institution through the electronic funds transfer system maintained by the Texas Guaranteed Student Loan Corporation (TG) for disbursing loan funds from commercial lenders participating in the guaranteed student loan program, except that at the request of a participating institution THECB may distribute the money through other means. Deletes existing text requiring THECB to enter into a contract with TG for the use of the system and requiring TG to make the system available to THECB as necessary to carry out this subsection.

Requires repayment of any loan and interest authorized under this chapter (Student Loan Program) to be made monthly and to begin not later than nine months after the date the student borrower is last enrolled in a participating institution or any other institution of higher education, rather than requiring repayment of any loan and interest authorized under this chapter to be made monthly and to begin not later than nine months after the date the student borrower is last enrolled in a participating institution or any other institution of higher education and in no event later than five years from the date the first note evidencing a loan under this chapter is executed. Requires repayment to be made directly to THECB under a contract executed by THECB.

Authorizes THECB to service any outstanding student loans issued by THECB under the Federal Family Education Loan Program authorized under certain federal law. Requires THECB to deposit gifts, grants, or donations of money in the student loan auxiliary fund, rather than in the Texas Opportunity Plan Fund or in the student loan auxiliary fund, and to separately account for and expend the funds in accordance with the specific purpose for which given under such conditions as are imposed by the donor and as provided by law.

Requires THECB to establish separate accounting within the Texas Opportunity Plan Fund and the student loan auxiliary fund for each of its existing loan programs, rather than requiring THECB to establish separate accounting within the Texas Opportunity Plan Fund and the student loan auxiliary fund for each of its existing loan programs, including accounting for the federally insured loans insured by the United States Department of Education, federally insured loans insured by the United States Department of Health and Human Services, and each loan program consisting of loans insured by the State of Texas.

Repeals provisions relating to requiring certain applicants to provide evidence that the applicants are unable to obtain a guaranteed student loan (relating to authorizing THECB to issue a student loan only to a borrower who has been issued a student loan under another student loan program administered by THECB from a commercial lender, relating to the cancellation of certain loan...
repayments, relating to college savings bonds, and relating to authorizing THECB to issue student loans to borrowers if the commissioner of higher education determines that market conditions warrant the issuance of those loans.

**Loan Repayment Assistance Program for Peace Officers—S.B. 16**
*by Senator Hancock et al.—House Sponsor: Representative Stucky et al.*

It has been suggested that incentives are needed to encourage the recruitment and retention of peace officers in Texas. This bill:

Creates a student loan repayment assistance program (program) for peace officers who have served four consecutive years and agree to continue as peace officers in this state for an additional four years. Sets forth the initial eligibility requirements for such assistance.

Entitles an eligible person to receive an annual amount of loan repayment assistance payments under the program payable to the holders of the eligible person's eligible loans for each year of eligibility approved by the Texas Higher Education Coordinating Board in an amount equal to the lesser of $4,000 or 20 percent of the total amount stated in the person's application, subject to the amount of available funding.

Prohibits the total amount of repayment assistance provided to an eligible person under the program from exceeding $20,000.

**Protection of Expressive Activities at Public Institutions of Higher Education—S.B. 18**
*by Senator Huffman et al.—House Sponsor: Representative Geren et al.*

The United States Constitution and the Texas Constitution guarantee the right to free speech and expression. Recently, higher education campuses have become the focus of those concerned with protecting free speech. This bill:

Affirms that it is the policy of this state to protect expressive constitutional rights of individuals by recognizing freedom of speech and assembly as central to the mission of public institutions of higher education.

Requires institutions to ensure that common outdoor areas are deemed to be traditional public forums and permit any individual to engage in expressive activities in those areas freely.

Requires public institutions to adopt a policy detailing students' rights and responsibilities regarding expressive activities.

Prohibits an institution of higher education from taking action against a student organization or denying the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.
Measures to Facilitate Transfer, Academic Progress, and Timely Graduation—S.B. 25  
by Senator West et al.—House Sponsor: Representative Chris Turner et al.

A key strategy outlined in the 60X30TX plan provides for coordinated transfer pathways between two-year colleges and four-year universities. In practice, though, earned semester credit hours often do not transfer from one school to the next, resulting in frustration for students and the waste of taxpayer dollars estimated at $58 million annually. This bill:

Facilitates the transfer of academic credits from two-year to four-year institutions.

Requires related definitions, the report of nontransferable credit, and creation of an option for students to be considered for admissions into degree programs at other institutions of higher education if they are not admitted to a degree program at their preferred institution.

Requires students to file a degree plan at 30 hours and those enrolled in dual credit to file a degree plan at 15 hours.

Requires negotiated rulemaking related to administration and compliance and requires institutions of higher education to develop course sequences for degree programs and certificates and report them to the Texas Higher Education Coordinating Board for posting.

Sets forth provisions related to opportunity for articulation agreements, clarification of "core curriculum" with general core and discipline core designations, the inclusion of "fields of study" and meta-majors, options for release of student academic information, and a study on transfer admission guarantee.

Suits Against The University of Texas at Tyler—S.B. 440  
by Senator Hughes—House Sponsor: Representative Schaefer

Some have voiced concerns that statutory provisions relating to suits against The University of Texas at Tyler may be inconsistent with the treatment in state law of similar institutions with regard to sovereign immunity. This bill:

Clarifies the venue for a suit against The University of Texas at Tyler and removes certain statutory language, including language explicitly granting legislative consent to such suits.

Medical and Dental Units at The University of Texas—S.B. 479  
by Senator Watson et al.—House Sponsor: Representative Longoria

It has been noted that two recently established Texas medical schools, the Dell Medical School at The University of Texas at Austin and the School of Medicine at The University of Texas Rio Grande Valley, have not been added to the joint admission medical program assisting qualified economically disadvantaged students to prepare for and succeed in medical school. This bill:
Provides for the inclusion of the Dell Medical School at The University of Texas at Austin and the School of Medicine at The University of Texas Rio Grande Valley in the joint admission program and includes the Dell Medical School among institutions eligible for funding from the Permanent Health Fund for Higher Education.

**Reports on Credit Transferability—S.B. 502**  
*by Senator Seliger et al.—House Sponsor: Representative Howard*

Currently, when a student enrolled in a public institution of higher education attempts to transfer earned course credits from one institution to another, those credits are not always accepted by the receiving institution. This bill:

Informs students and institutions of higher education throughout the state why course credits are not accepted for transfer. Requires credit-receiving institutions to report to The Texas Higher Education Coordinating Board and to the legislature the reasons academic credits earned elsewhere do not transfer.

**Information for School Counselors—S.B. 504**  
*by Senator Seliger—House Sponsor: Representative Beckley*

The Texas OnCourse Academy was created by H.B. 18, 84th Legislature, Regular Session, 2015. The academy provides training to professional counselors and advisors to better support and advise middle and high school students on college, career, military decisions. The academy is administered by The University of Texas at Austin and has created an online network of learning modules for advisors and counselors to gain knowledge and skills needed to guide students through postsecondary pathways. Currently, almost 11,000 counselors and advisors are connected to the academy, serving more than 95 percent of Texas secondary students. This bill:

Authorizes a postsecondary education and career counseling academy to include information regarding social-emotional learning and indicators of behavioral issues.

**Advisory Council on Postsecondary Education for Persons With Disabilities—S.B. 1017**  
*by Senator Powell et al.—House Sponsor: Representative Guerra et al.*

There have been calls to improve access to postsecondary education for people with intellectual and developmental disabilities. This bill:

Requires the Texas Higher Education Coordinating Board (THECB) to update the inventory of all postsecondary educational programs and services provided for persons with intellectual and developmental disabilities by institutions of higher education at least annually, rather than once every two years.

Establishes an advisory council on postsecondary education for persons with intellectual and developmental disabilities (advisory council) to advise THECB on policies and practices to
improve postsecondary education opportunities for persons with intellectual and developmental disabilities.

Requires THECB, with the assistance of the advisory council, to periodically review the policies and practices that increase access to higher education opportunities for persons with intellectual and developmental disabilities and to distribute educational outreach materials developed by the advisory council to increase awareness regarding postsecondary opportunities for persons with intellectual and developmental disabilities.

Provides for the composition of the advisory council.

**Filing of a Degree Plan—S.B. 1324**

_by Senator Taylor et al.—House Sponsor: Representative Chris Turner_

Last session, the legislature passed H.B. 655, requiring students who earned at least 30 semester credit hours (SCH) at a community college to file a degree plan. Except for dual credit offered through an Early College High School, dual credit is required to be in the core curriculum at an institution of higher education in career and technical courses or foreign language courses. The Texas Higher Education Coordinating Board (THECB) reports that 73 percent of 2017 baccalaureate graduates took courses at a two-year higher education institution and 34 percent took 30 credit hours or more at two-year institutions before receiving a baccalaureate degree. This bill:

Requires a student enrolled in a dual credit course at a public junior college to file a degree plan with the college not later than the end of the second regular semester or term immediately following the semester or term in which the student earned a cumulative total of 15 or more semester credit hours of course credit for dual credit courses successfully completed by the student.

Requires a student enrolled in a dual credit course at a public junior college to file a degree plan with the college, if the student begins the student’s first semester or term at the college with 15 or more semester credit hours of course credit for dual credit courses successfully completed by the student, not later than the end of the student’s second regular semester or term at the college.

Requires students enrolled in a multidisciplinary studies associate degree program to meet with an academic advisor to complete a degree plan in order to comply with the requirements of statutes relating to the required filing of a degree plan.

Requires, rather than authorizes, THECB to adopt rules as necessary for the administration of statutes relating to the required filing of a degree plan. Requires those rules to include rules requiring institutions of higher education to report to THECB information regarding the filing of degree plans.
Graduate Medical Education Needs of Medical Degree Programs—S.B. 1378
by Senators Buckingham and Zaffirini—House Sponsor: Representative Chris Turner

The 85th Texas Legislature passed S.B. 1066, relating to meeting the graduate medical education needs of new medical degree programs offered by public institutions of higher education. The law requires institutions that complete preliminary planning for a new doctor of medicine (M.D.) or doctor of osteopathic medicine (D.O.) degree to submit a specific plan to the Texas Higher Education Coordinating Board (THECB) regarding the addition of first-year residency positions for the graduate medical education program offered in connection with the new degree program. The submission of this plan is a prerequisite for THECB's approval of the proposed degree program. Currently, the plans submitted contain an anticipated number based on the school's inaugural class size, which is significantly lower typically than the maximum class size institutions reach in the first few years. As a result, the plan fails to provide an accurate estimation on how many first-year residency positions will be needed. This bill:

Requires an institution of higher education, as soon as practicable after the institution completes preliminary planning for a new doctor of medicine or doctor of osteopathic medicine degree program, to promptly provide to the Texas Higher Education Coordinating Board (THECB) a specific plan regarding the addition of first-year residency positions for the graduate medical education program to be offered in connection with the degree program.

Requires the institution to submit an updated plan if the institution experiences substantial growth in its actual maximum individual enrollment class size. Requires THECB to clearly define what constitutes a substantial growth in class size for such an institution.

THECB Study for Educational Outcomes for Certain Students—S.B. 1441
by Senator Zaffirini—House Sponsor: Representative Chris Turner

Texas has the second highest percentage of adults age 25 or older without a high school degree. A high school diploma or equivalency is required for most jobs; the lack of a degree affects lifelong earnings and influences economic mobility. According to United States Census data, adult Texans without a high school diploma earn significantly less annually, $21,362 a year on average, than those with higher levels of education, who earn $28,000 or greater. Persons who do not earn a high school diploma can take an assessment to earn a Texas Certificate of High School Equivalency (TxCHSE). The most widely given assessment is the General Educational Development (GED) test. The GED was, for years, the only way to earn the high school equivalency credential. There is, however, virtually no data tracking long-term economic outcomes of GED test takers and TxCHSE recipients. In 2014, the GED was updated, making it more difficult to pass. In light of this, other entities introduced their own versions of the GED test, all of which must be recognized by the Texas Education Agency as valid equivalency exams. Currently, there is no data assessing the long-term success of persons taking any of the three tests. It would be useful information to policymakers if, for example, they found one test led to better life outcomes than the others. This bill:
Requires the Texas Higher Education Coordinating Board (THECB) to conduct a study comparing the outcomes of students enrolled at institutions of higher education who received a high school diploma with the outcomes of students enrolled at institutions of higher education who received a high school equivalency certificate, disaggregated by the high school equivalency examination completed.

**Abolition of the B-On-Time Student Loan Account—S.B. 1504**  
_by Senate Zaffirini et al.—House Sponsor: Representative Thierry_

There have been calls for the state to ensure that institutions of higher education that receive appropriations of money remaining in the B-On-Time student loan account following the abolition of that account use funds for a purpose consistent with the goals of 60x30TX, the state's higher education plan. The overarching goal of 60x30TX is to have at least 60 percent of Texans between the ages of 25 and 34 holding a certificate or degree by the year 2030. This bill:

Abolishes the Texas B-On-time student loan account on September 1, 2024, rather than on September 1, 2020.

Authorizes any remaining money in the account to be appropriated only to eligible institutions in accordance with a certain formula.

Defines "at-risk student."

**Tuition Equalization Grant Program—S.B. 1680**  
_by Senator West—House Sponsor: Representative Rose_

It has been noted that though Paul Quinn College is not currently eligible to receive tuition equalization grant funds due to having relinquished its regional accreditation by the Southern Association of Colleges and Schools, it has retained national accreditation by another body recognized by the Texas Higher Education Coordinating Board and has recently achieved federal recognition as a work college. This bill:

Requires the Texas Higher Education Coordinating Board (THECB) to approve a private or independent institution of higher education that previously qualified under certain provisions relating to THECB approval but no longer holds the same accreditation as public institutions of higher education. Requires an institution to meet certain criteria in order to qualify.

**Status of Medical Residents for Texas Tort Claims Act—S.B. 1755**  
_by Senator Creighton—House Sponsor: Representative Oliverson_

As state government employees, graduate medical residents of state medical schools have sovereign immunity protection under Texas law. However, due to a 2017 Supreme Court of Texas ruling, liability protection of all medical residents of The University of Texas Health Science
Center Houston (UTHealth) is in question. UTHealth employs and reimburses its residents through The University of Texas System Medical Foundation (foundation), an extension of UTHealth and a governmental unit. Late last session, legislation clarified that a resident engaged in graduate medical education in a public or nonprofit hospital in association with a medical and dental unit would be classified as a state agency employee whether the resident received a stipend or other payment or not. However, the legislation did not specifically cover clinical care and statutory language could still cause some confusion. This bill:

Provides that, for purposes of statutes relating to tort claims, a resident or fellow in a graduate medical training program for physicians that is sponsored by a governmental unit, including a medical and dental unit, is considered to be an employee of a governmental unit regardless of the method or source of payment of the resident or fellow.

Student Loan Repayment Assistance—S.B. 1757

by Senators Creighton and West—House Sponsor: Representative Frullo

The 83rd Texas Legislature in 2013 established the Math and Science Scholars Loan Repayment Program to address the critical shortage of certified mathematics and science teachers in Texas public schools. It has been noted that in the years since, only a fraction of applicants for this loan repayment assistance have met all the applicable requirements, including the requirement to have earned at least a 3.5 grade point average (GPA). This bill:

Requires a person, to be eligible to receive loan repayments assistance under the math and science scholars loan repayment program (program) to meet certain requirements, including a requirement to have a cumulative grade point average of at least 3.0, rather than 3.5, on a four-point scale or the equivalent.

Changes the required number of consecutive school years teaching in any public school in Texas that a person must complete to receive loan repayment assistance under the program from four additional consecutive school years to an additional number of consecutive school years teaching in any public school in this state, as prescribed by Texas Higher Education Coordinating Board (THECB) rule. Prohibits the rules adopted by the board from requiring a person to complete more than four additional consecutive school years of teaching to qualify for such loan repayment assistance.

Authorizes THECB to provide repayment assistance under the program for the repayment of any student loan that is for education at a nonprofit, tax-exempt, regionally accredited college or university operating in accordance with a memorandum of understanding with this state under an executive order issued by the governor, in addition to a public or private institution of higher education.
Payments for The UT Health Science Center at San Antonio—S.B. 1788
by Senator Zaffirini—House Sponsor: Representative Raymond

The University of Texas Health Science Center at San Antonio (UTHSCSA) offers off campus health education learning opportunities, including travel to its Laredo regional campus for supplemental coursework and clinical education, in Webb County and in the surrounding area. Despite authorization to use appropriated funds for certain travel costs in each session's General Appropriations Act, UTHSCSA requires specific statutory authorization to apply appropriated funds for this purpose. This bill:

Authorizes funds appropriated for the education of university students at The University of Texas Health Science Center at San Antonio to be used to pay for costs associated with the educational programs for the campus's university-level students attending the Laredo Regional Campus and receiving clinical training in Webb County and the surrounding communities, including ground or air transportation, lodging, and related expenses.

Study Streamlining Physician Licensing Requirements—S.B. 2011
by Senator Buckingham—House Sponsor: Representative Sheffield

There are concerns that requirements to become an advanced practice registered nurse (APRN) often overlap with requirements to become a licensed physician and that APRNs pursuing a license to practice medicine often have to repeat certain courses or requirements when attending medical school. This bill:

Requires the Texas Higher Education Coordinating Board to collaborate with certain entities to conduct a study regarding the feasibility of developing a pilot program to streamline the requirements for an APRN to become eligible for a license to practice medicine.
School Finance—H.B. 3
by Representative Huberty et al.—Senate Sponsor: Senator Taylor et al.

In the opinion of many, the current school finance system does not meet the needs of Texas public school students. The Texas Commission on Public School Finance, established by the 85th Legislature in 2017, found that roughly 22 percent of Texas eighth graders will go on to achieve a post-secondary credential after high school graduation. The commission also found that low-income students, six out of every 10 students, are the fastest-growing demographic in Texas and that only about 12 percent earn post-secondary credentials. Stakeholders have asserted that the state's current school finance formula has not funded schools sufficiently or equitably, especially with regard to historically low-income and other underperforming populations. This bill:

Requires that, prior to seeking voter approval to adopt a new maintenance and operations (M&O) tax rate, a school district (district) board of trustees (board) conduct an efficiency audit to examine fiscal management and available resources. Authorizes a district board located in an area declared a disaster by the governor to hold an election to adopt an M&O tax rate during a two-year period following the declaration without conducting an efficiency audit.

Requires the board to select an efficiency auditor not later than four months prior to a proposed tax rate election, and requires the board to pay all costs associated with an audit. Requires the independent auditor to complete the audit not later than three months after the date the auditor was selected. Requires the Legislative Budget Board (LBB) to establish audit guidelines to include identification of the most efficient uses of resources, cost savings, and reallocations. Requires that, not later than 30 days before the date of election, the board hold a public meeting to discuss the results of the audit, posting the results on the district's Internet website. Requires a district to provide a notice of public hearing to discuss and adopt a budget and a proposed tax rate. Requires a district to provide a printout of a comparison of the proposed budget with the previous year's budget, detailing the amounts budgeted for the preceding fiscal year and the amount budgeted for the fiscal year beginning in the current tax year. Requires the budget comparison to include certain elements, including M&O debt service, total expenditures, interest and sinking, and local revenue per student.

Requires the notice to include a statement prohibiting a district from increasing M&O tax rates to create a surplus in M&O tax revenue for the purpose of paying the district's debt service. Entitles a property owner in a school district to an injunction restraining a district's collection of taxes if the district has not complied with specific requirements.

Prohibits a district from adopting an M&O tax rate for the 2019 tax year that exceeds the district's voter-approval rate, excluding the current debt rate exceeds or equals $0.97 per $100 of taxable value. Authorizes a district that, before January 1, 2019, adopted a strategic plan in a public meeting proposing an M&O tax rate for the 2019 tax year exceeding the rate permitted to, subject to voter approval, adopt a rate proposed in the plan minus the amount of required tax compression. Authorizes a district with a 2019 tax rate below $0.97 to increase its adopted M&O tax rate up to $0.97.
Prohibits a district that levied an M&O tax for the 2005 tax year at a rate greater than $1.50 per $100 of taxable value from levying a maintenance tax at a rate that exceeds the rate per $100 of taxable value that is equal to the sum of $0.17 and the product of 66.67 percent minus the amount by which $1.00 exceeds the product of the state compression percentage, multiplied by $1.00.

Provides that a district's tier one M&O tax rate is the number of cents levied by the district for M&O that does not exceed the state compression percentage.

Provides that the tax reduction and excellence in education fund is a special state treasury fund outside the general revenue fund, consisting of money appropriated by the legislature for deposit to the credit of the fund. Requires the fund to be appropriated only to pay the cost of tier one allotment costs, or to reduce district M&O ad valorem tax rates.

Provides that, of the money distributed to the available school fund annually, the amount exceeding the first $300 million is considered part of the tax reduction and excellence in education fund and may be appropriated only to pay the cost of tier one allotments.

Requires that the commissioner increase average daily attendance funding to incentivize a district or charter school that provides the minimum number of required instructional time over at least 180 days of instruction and offers an additional 30 days of half-day instruction for students enrolled in prekindergarten (pre-K) through the fifth grade. Authorizes a district or charter school to receive only the incentive or funding for the campus, as applicable, that would result in the greater amount of funding.

Authorizes, rather than requires, the commissioner to adjust average daily attendance for a two-year period for a district that experiences a decline in average daily attendance reasonably attributable to the impact of a disaster. Authorizes, rather than requires, the commissioner to make such an adjustment for the two-year period following the date of the governor's initial proclamation or executive order declaring the state of disaster.

Requires the commissioner, when making funding level determinations, to appropriately adjust formulas to reflect changes in a district's M&O tax rate, and if a district is required to reduce its local revenue level, to base the determination on the district's net funding levels after deducting any required expenditure amounts.

Authorizes the commissioner to adjust a school district's funding entitlement under FSP if the funding formulas used to determine that entitlement result in an unanticipated loss or gain for a district. Authorizes the commissioner to modify dates relating to adoption of a district's M&O tax rate, and, if applicable, requires an election for district to adopt a tax rate. Requires that, prior to making an adjustment, the commissioner provide an explanation to and receive approval from the LBB and the Office of the Governor regarding funding adjustments necessary to resolve an unanticipated entitlement loss or gain.

Requires the Texas Education Agency (TEA) to enter into a memorandum of understanding with a public institution of higher education to study transportation costs and geographic variation in known resource and education costs due to factors beyond districts' control.
Entitles a district to a basic allotment equal to or less than $6,160 for each student in ADA, rather than an allotment of $4,765. Provides that the basic allotment does not include time students spend in special education other than mainstream or career and technology education programs.

Deletes language relating to a district's compressed tax rate (DCR) and adds language relating to the district's tier one (TR) M&O tax rate. Provides that the state maximum compressed rate (MCR) is a product of the state compression percentage multiplied by $1.00 rather than $1.50. Adds a new allotment funding formula: Allotment (A) = $6,160 x TR / MCR.

Requires that, during any school year for which the maximum amount of a basic allotment is greater than the maximum amount provided for the preceding school year, a district use at least 30 percent of the amount equaling the product of the district ADA multiplied by the difference between both years. Requires 75 percent of the basic allotment to be used to increase compensation paid to classroom teachers, full-time librarians, full-time school nurses, prioritizing differentiated compensation paid to classroom teachers with more than five years of experience. Authorizes 25 percent to be used as determined by the district to compensate full-time district employees, including paying benefits such as insurance premiums. Deletes language relating to a DCR, M&O tax rates, and tax effort included in determining a DCR.

Provides for sparsity allotments, rather than an adjusted basic allotment, for districts with fewer than 130 students in ADA.

Entitles a student residing in this state and enrolled in a special-purpose district operated by a general academic teaching institution to funding as if the district had no tier one local share. Authorizes a special-purpose district to decline such funding. Prohibits a special-purpose district that receives such funding for a school year from charging tuition or fees to students enrolled in the district who are residents of the state for that school year.

Entitles a district with fewer than 1,600 students in ADA to an annual allotment (AA) for each student in ADA based on this formula:

\[ AA = (1,600 - ADA) \times 0.0004 \times \text{basic allotment (BA)} \]

Entitles a district offering kindergarten through grade 12 with fewer than 5,000 students in ADA to an AA for each student in ADA based on the following formulas resulting in the greatest AA:

\[ AA = (1,600 - ADA) \times 0.0004 \times \text{basic allotment (BA)} \]

or

\[ AA = (5,000 - ADA) \times 0.000025 \times \text{BA} \]

Entitles a district that is the only district operating in a county and that has fewer than 300 students in ADA to an annual allotment for each student in ADA based on the following formula:

\[ AA = (1,600 - ADA) \times 0.00047 \times \text{BA} \]
Entitles a district, for each student in average daily attendance in a mainstream special education instructional arrangement, to an annual allotment equal to the basic allotment, or, if applicable, the sum of the basic allotment and the allotment to which the district is entitled, multiplied by 1.5. Specifies certain basic allotments to which districts are entitled, multiplied by weights according to various instructional arrangements, including homebound, speech therapy, resource room, self-contained, and vocational adjustment class.

Entitles a district special education student receiving 30 hours of contact per week in average daily attendance in an instructional arrangement other than a mainstream arrangement to an annual allotment equal to the basic allotment or the sum of the basic allotment and the allotment to which the district is entitled, multiplied by a weight determined according to a certain instructional arrangement.

Requires the commissioner to establish an advisory committee to make recommendations regarding methods of financing special education under the public school finance system. Requires the advisory committee, with assistance from the LBB, to submit to the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over public education a report on methods of financing special education under the public school finance system. Requires the report to include a description of current funding methods, an analysis of special education financing based on services, and supports for each student, rather than the instructional arrangement. Requires that the report include data on current special education expenditures and recommendations for improvements to the current funding methods or for implementation of new funding methods. Requires that the advisory committee be comprised of specific members, including a diagnostician, a licensed specialist in school psychology, a representative of a disability advocacy organization, and a special education student.

Entitles a district, for each student that a district serves who has been identified as having dyslexia or a related disorder, to an annual allotment equal to the basic allotment or a greater amount.

Entitles a district to a specified annual allotment for each student who does not have a disability and resides in a residential placement facility in a district in which the student's parent or guardian does not reside, with a different annual allotment for such a student who is educationally disadvantaged. Entitles a district to a specified annual allotment for each full-time equivalent student who is in a remedial and support program because the student is pregnant.

Entitles a district to a specified annual allotment for each educationally disadvantaged student residing in an economically disadvantaged census block group. Requires the commissioner, for purposes of such an annual allotment, to establish an index in order to categorize economically disadvantaged census block groups in the state that provides criteria for determining which census block groups are economically disadvantaged and categorizes economically disadvantaged census block groups in five tiers according to relative severity of economic disadvantage. Requires the commissioner, in determining the severity of economic disadvantage in a census block group, to consider the median household income, the average educational attainment of the population, the percentage of single-parent households, the rate of home ownership, and other economic criteria the commissioner determines likely to disadvantage a student's preparedness and ability to learn.
Provides for the annual allotment to which a district is entitled if insufficient data is available for any school year to evaluate the level of economic disadvantage in a census block group. Deletes a provision that the number of educationally disadvantaged students is determined for purposes of a district’s compensatory education allotment by averaging the best six months’ numbers of students eligible for enrollment in the national free or reduced-price lunch program for the preceding school year.

Requires the commissioner to establish an advisory committee to advise TEA in adopting rules for the compensatory education allotment, including rules establishing economic criteria, rules detailing the method to count students who qualify for a dropout recovery program or a residential treatment facility, methods for properly counting students who are homeless within the meaning of “homeless children and youths” under federal law, and rules to determine the appropriate weight by which to adjust the basic allotment in determining the compensatory allotment for students who are homeless.

Entitles a district, for each student in average daily attendance in a bilingual education or special language program, to an annual allotment equal to different specified amounts for a student of limited English proficiency, for a student in a bilingual education program using a dual language immersion/one-way or two-way program model, or for student who is not a student of limited English proficiency if that student is in a bilingual education program using such a model.

Requires at least 55 percent of the funds allocated under the bilingual education allotment to be used in providing bilingual education or special language programs, rather than requiring funds allocated under the bilingual education allotment, other than an indirect cost allotment established under State Board of Education (SBOE) rule, to be used in providing bilingual education or special language programs under the bilingual education allotment and to be accounted for under existing TEA reporting and auditing procedures. Authorizes a district’s bilingual education or special language allocation to be used only for certain purposes, including incremental costs associated with providing smaller class sizes, rather than smaller class size.

Requires the commissioner to annually review a report on the use of bilingual education allotment funds, identify districts not properly funding language programs, and provide each district a reasonable opportunity to comply with the bilingual education allotment funding requirement. Requires the commissioner withhold from the district’s foundation school fund payment an amount equal to the amount of bilingual education or special language funds the commissioner determines were not used in compliance with that requirement. Requires the commissioner to release to a district funds withheld under this subsection when the district provides to the commissioner a detailed plan to spend those funds in compliance with that bilingual education allotment requirement. Authorizes the commissioner, in determining whether a school district is subject to the withholding of funding required under this subsection, to consider the district’s average use of funds for the three preceding school years.

Entitles a district, for each full-time equivalent student in average daily attendance in an approved career and technology education program in grades seven through 12, rather than in grades nine through 12 or in career and technology education (CTE) programs for students with disabilities in grades seven through 12, to an annual allotment equal to the basic allotment, rather than the
adjusted basic allotment, multiplied by a weight of 1.35, and to $50 for a campus designated as a P-TECH school or for a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education in which a student is enrolled, rather than $50.

Requires at least 55 percent of the funds allocated under this section to be used in providing career and technology education programs in grades seven through 12, rather than requiring funds allocated under this section, other than an indirect cost allotment established under SBOE rule, to be used in providing career and technology education programs in grades nine through 12 or career and technology education programs for students with disabilities in grades seven through 12. Deletes existing text requiring the commissioner to conduct a cost-benefit comparison between career and technology education programs and mathematics and science programs. Deletes existing language requiring the commissioner, out of the total statewide allotment for career and technology education under this section, to set aside a certain amount to support regional career and technology education planning.

Entitles a school district, for each student in average daily attendance in kindergarten through third grade, to an annual allotment equal to the basic allotment multiplied by 0.1 if the student is educationally disadvantaged or a student of limited English proficiency and is in a bilingual education or special language program. Requires such funds to be used to fund programs and services designed to improve student performance in reading and mathematics in prekindergarten through third grade.

Requires the commissioner, for purposes of the college, career, or military readiness outcomes bonus, to determine the threshold percentage for college, career, or military readiness for each of the following cohorts: annual graduates who are educationally disadvantaged, for annual graduates who are not educationally disadvantaged, and for annual graduates who are enrolled in a special education program, regardless of whether the annual graduates are educationally disadvantaged.

Requires the commissioner, each year, to determine for each district the minimum number of annual graduates in each such cohort who would have to demonstrate college, career, or military readiness as described by the bill in order for the district to achieve a percentage of college, career, or military readiness for that cohort equal to the threshold percentage established for that cohort.

Specifies the annual outcomes bonuses to which a district is entitled for each annual graduate in such a cohort who demonstrates college, career, or military readiness in excess of the number of students determined for the applicable district cohort based on the educationally disadvantaged status of the annual graduate or on the graduate's enrollment in a special education program. Entitles a district to an outcomes bonus for each category for which an annual graduate qualifies. Provides for the criteria that an annual graduate must meet to demonstrate college readiness, career readiness, or military readiness.

Requires the commissioner to establish the threshold percentages for purposes of the college readiness, career readiness, or military readiness bonus using the 25th percentile of statewide college, career, or military readiness as described by the bill for the applicable cohort of annual graduates during the 2016–2017 school year.
Authorizes the commissioner, on application by a school district, to allow annual graduates from the district to satisfy the requirement for demonstrating career readiness by successfully completing a coherent sequence of courses required to obtain an industry-accepted certificate. Requires the district to demonstrate in the application that the district is unable to provide sufficient courses or programs to enable students enrolled at the district to earn an industry-accepted certificate within the time period established by the commissioner. Requires the commissioner by rule to provide the criteria required for such an application.

Requires at least 55 percent of funds allocated under statutes relating to the college readiness, career readiness, or military readiness bonus to be used in grades eight through 12 to improve college readiness, career readiness, or military readiness outcomes.

Requires TEA to conduct a study on alternative career readiness measures for small and rural school districts to determine if annual graduates demonstrate career readiness under statutes relating to the college readiness, career readiness, or military readiness bonus. Requires TEA to submit a report on the results of the study to the legislature not later than January 1, 2021.

Entitles a district in which the growth in student enrollment in the district over the preceding three school years is in the top quartile of student enrollment growth in districts in the state for that period, as determined by the commissioner, to an annual allotment equal to the basic allotment multiplied by 0.04 for each student in average daily attendance.

Entitles a district, for each classroom teacher designated by the district as a master, exemplary, or recognized teacher, to an allotment equal to an amount between $12,000 and $32,000 for each master teacher, between $6,000 and $18,000 or each exemplary teacher, and between $3,000 and $9,000 for each recognized teacher. Entitles a rural or high-needs district to additional teacher incentive funding based on point value calculations, including a student from the least to the most severely economically disadvantaged according to the census block group in which a student resides, for whom the district receives a compensatory allotment, or for whom a district does not receive a compensatory allotment.

Entitles a district that has implemented a mentoring program for teachers with less than two years of teaching experience to an allotment as determined by a formula adopted by the commissioner in order to fund the program and to provide stipends for mentor teachers. Limits the use of the allotment to certain purposes.

Includes a homeless child or youth, as defined by federal law, in the definition of "regular eligible student" for purposes of the transportation allotment. Entitles each district or county operating a regular transportation system to an allotment based on a rate per mile per regular eligible student set by the legislature in the General Appropriations Act. Deletes existing text relating to a certain other allotment based, in part, on the cost of operating and maintaining the regular transportation system.

Requires certain costs, including the cost of transporting students from a district campus to a location at which students are provided work-based learning under the district’s career and
technology program, to be reimbursed based on the number of actual miles traveled times the
district’s official extracurricular travel per mile rate as set by the board of trustees and approved
by TEA.

Requires the rate per mile allowable, rather than the maximum rate per mile allowable, to be set
by appropriation based on data gathered from the first year of each preceding biennium.

Provides that the district’s transportation allotment, in the case of a district belonging to a county
transportation system, for purposes of determining a district’s foundation school program
allocations is determined on the basis of the number of approved daily route miles in the district,
rather than the number of approved daily route miles in the district multiplied by the allotment per
mile to which the county transportation system is entitled.

Prohibits the commissioner, notwithstanding any other provision of this section, from reducing the
transportation allotment to which a district or county is entitled because the district or county
provides transportation for an eligible student to and from a child-care facility or a grandparent's
residence instead of the student’s residence, as authorized by Section 34.007 (Public School
Transportation System), Education Code, rather than as authorized by Section 34.007, if the
transportation is provided within the approved routes of the district or county for the school the
student attends.

Requires a school district to be reimbursed on a per-mile basis for the cost of transporting a dual
credit student to another campus in the district, a campus in another district, or a postsecondary
educational institution for purposes of attending the course, if the course is not available at the
student's campus.

Deletes existing language authorizing the appropriation of certain amounts, in addition to certain
other amounts, to supplement a certain allotment to which a school district is entitled under this
section. Deletes existing language entitling a school district that is required to take action to reduce
its wealth per student to the equalized wealth level to a certain credit.

Entitles a district or charter school to a specified allotment for each student in average daily
attendance who resides in a residential facility or who is at a district or school or a campus of the
district or school that is designated as a dropout recovery school.

Entitles a district to reimbursement for fees paid by the district for the administration of college
preparation assessments and CTE certification exams.

Redefines "WADA," "DTR," and "LR," for purposes of the tier two allotment funding formula.
Requires a school district, for a school year in which a certain guaranteed dollar amount exceeds
that amount for the preceding school year, to reduce the district’s tax rate by a certain amount for
a certain period. Provides that a school district is not entitled to the amount equal to the increase
of revenue described by this subsection for the school year for which the district is required to
reduce the district’s tax rate. Prohibits the district, unless Section 26.08(a-1), Tax Code, applies to
the district, for a tax year in which a district is required to reduce the district’s tax rate under this
subsection, from increasing the district’s M&O tax rate above a certain rate. Provides that this
subsection does not apply if the amount of state funds appropriated for a school year specifically excludes a certain amount. Deletes existing text entitling a school district to a certain allotment relative to the state compression percentage.

Deletes existing text relating to the calculation of tier one allotments. Deletes existing text relating to the total cost of the program. Provides that the cost of the program for a school district is the total sum of the sum of the tier one allotments and other funding, as specified by the bill, and the tier two allotment.

Provides that the sum of the program maintenance and operations costs for all accredited school districts in this state constitutes the total maintenance and operations cost of the program. Requires the program to be financed in a certain manner.

Entitles a district, rather than a school district including a school district that is otherwise ineligible for state aid under the FSP, for each school year, to state aid in an amount equal to the amount the district is required to pay into the tax increment fund for a reinvestment zone. Requires a school district to provide to TEA any agreements, amendments to agreements, or other information required by TEA to implement such additional state aid.

Defines "state compression percentage" as the percentage of the rate of $1.00 per $100 valuation of taxable property at which a school district is required to levy a maintenance and operations tax to receive the full amount of the tier one allotment to which the district is entitled under this chapter, rather than as the percentage of a school district's adopted maintenance and operations tax rate for the 2005 tax year that serves as the basis for state funding.

Deletes existing text relating to requiring the commissioner to determine the state compression percentage for each school year based on a certain percentage if the compression percentage is not established by appropriation for a school year. Provides that the state compression percentage is 93 percent or a lower percentage set by the appropriation for a school year. Deletes existing text providing that a determination by the commissioner under provisions relating to the state compression percentage is final and may not be appealed.

Redefines "TR" and "DPV" for purposes of a formula that determines each school district's share of the FSP.

Requires the commissioner to adjust the values reported by the comptroller to reflect reductions in taxable value of property resulting from natural or economic disaster, rather than adjust the values reported in the official report of the comptroller as required by certain provisions of the Tax Code, to reflect reductions in taxable value of property resulting from natural or economic disaster after January 1, in the year in which the valuations are determined.

Requires the commissioner, for purposes of determining "DPV" for a school district in which the board of trustees entered into a written agreement with a property owner under statutes relating to a limitation on appraised value, to exclude a portion of the market value of property not otherwise fully taxable by the district under the Texas Economic Development Act before the expiration of certain statutes. Requires the comptroller to provide information to TEA as necessary for this
subsection. Requires a revenue protection payment required as part of an agreement for a limitation on appraised value to be based on the district’s taxable value of property for the preceding tax year. Provides that these requirements do not apply to property that was the subject of an application under statutes relating to a limitation on appraised value made after May 1, 2009, that the comptroller recommended should be disapproved. Deletes existing text relating to a requirement that a district raise its total local share of the FSP to be eligible to receive foundation school fund payments.

Establishes that the cost of FSP for a district is the total sum of the sum of the tier one allotments, the basic allotment, student-based allotments, and any additional funding.

Requires FSP to be financed by state available school funds distributed according to the law, ad valorem tax revenue generated by district effort, and state funds allocated to each district to sufficiently finance an FSP.

Adds language entitling a district to state aid in an amount equal to the amount the district is required to pay into the tax increment fund for a reinvestment zone.

Provides that state compression percentage is the percentage of the rate of $1.00 per $100 valuation of taxable property tax at which a district must levy an M&O tax to receive the full amount of the tier one allotment to which the district is entitled. Provides that the state compression is 93 percent or a lower amount set by appropriation for a school year. Deletes language requiring the commissioner to determine annual state compression percentages based on a district's reduced M&O tax rate as compared to the district's M&O tax rate for the 2005 tax year.

Provides that each district’s share of FSP is determined by the district’s local share (LFA), the sum of a district’s adopted tier one M&O tax rate (TR) for each $100 of valuation, multiplied by the taxable value of property for the current tax year (DPV):

\[ LFA = TR \times DPV \]

Requires a district, if its tier one local share exceeds the district's entitlement, to reduce its tier one revenue level to a level not to exceed the district's entitlement minus the district's distribution from that state available school fund. Requires TEA, if a district's M&O tax collections from the tax rate described by the bill for the current tax year minus the required reduction in its tier one level results in an amount that is less than the district's entitlement, to adjust the amount of the reduction up to the amount of local funds necessary for the district's entitlement minus the district's distribution from the state available school fund.

Authorizes certain state aid to which a district is entitled to offset the amount by which a district must reduce the district's tier one revenue level. Requires any amount of state aid used as an offset to reduce the amount of state aid to which a district is entitled. Entitles a district to retain the total amount of the district's tier two local share. Provides for the amount a district may retain in any school year for which the amount of state funds appropriated specifically excludes the amount necessary to provide the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort under the bill’s provisions. Provides that revenue generated from any
cents of maintenance and operations tax effort that exceeds the maximum rate permitted under statutes relating to bond and tax elections is subject to that revenue limit.

Makes conforming changes to statutes relating to district property taxes. Replaces references to the rollback tax rate with references to the voter-approval tax rate. Deletes existing text limiting an authorization for the commissioner to provide reimbursement for disaster remediation costs to certain funds available for that purpose. Redefines "disaster remediation costs," for purposes of this section, as including the cost to repair or replace vehicles or computers damaged in the disaster.

Requires the commissioner, for each school year, to determine the district's maintenance and operations tax effort described by the bill, in addition to other determinations.

Entitles a district, in addition to the funding provided under a provision relating to the effect of an appraisal appeal, to reimbursement for the amount of interest included in a refund made by the district in the state fiscal year ending August 31, 2018, or August 31, 2019. Provides that this entitlement expires September 1, 2021.

Authorizes TEA to review a district as necessary to determine if the district qualifies for each allotment received by the district under this chapter. Authorizes TEA to establish a corrective action plan or withhold the applicable amount of funding from the district if TEA determines that a school district received an allotment to which the district was not entitled. Prohibits TEA from reviewing district expenditures that occurred seven or more years before the review.

Entitles a district or charter school to receive an annual allotment for each student in average daily attendance in the amount equal to the difference resulting from subtracting the total M&O revenue per student in average daily attendance for the current school year from the lesser amount of 103 percent of the district's total M&O revenue per student in average daily attendance for the 2019–2020 school year that the district would have received under former Chapters 41 and 42, Education Code, or 128 percent of the statewide average amount of M&O per student in average daily attendance that would have been provided for the 2019–2020 school year under Chapters 41 and 42.

Requires the commissioner to use certain school years for purposes of calculating M&O revenue under provisions relating to a formula transition grant; to include all state and local funding, excepting any funding resulting from certain reimbursements or adjustments; to adjust the calculation to reflect a reduction in tax effort by a school district; and to use the numbers of educationally disadvantaged students on which the district's or school's entitlement to compensatory education funds was based for a certain school year in which the district or school received a waiver relating to eligibility requirements for the national free or reduced-price lunch program, adjusted for estimated enrollment growth. Provides that a decision by the commissioner under this section is final and may not be appealed. Provides that a district or open-enrollment charter school is not entitled to such an allotment beginning with the 2024–2025 school year.

Entitles a school district to receive an annual allotment in an amount equal to the amount of additional revenue a district received for the 2018–2019 school year under certain former sections of the Education Code, as those sections existed on January 1, 2019. Requires the commissioner,
for purposes of calculating a district’s allotment under this section, to reduce the amount to which a district is entitled by 20 percent in 2020–2021, 40 percent in 2021–2022, 60 percent in 2022–2023, and 80 percent in 2023–2024.

Requires the commissioner, if the total amount of special education funding for a certain school year is less than the amount required to comply with federal requirements regarding state financial support, to use funds appropriated for the FSP to increase special education funding for a certain state fiscal year in an amount necessary to ensure compliance with those requirements. Requires the commissioner to use an amount of certain funds equal to the amount of withheld funds, if federal funds are withheld for a school year due to noncompliance with such requirements, in the same manner and for the same purposes as the withheld funds would have been provided. Requires the commissioner to distribute the remaining amount, if any, of funds to proportionately increase funding for the special education allotment after the commissioner has replaced any withheld federal funds. Authorizes the commissioner to implement any program necessary to ensure the use of funds in accordance with that requirement.

Requires TEA to enter into a memorandum of understanding with the Texas Workforce Commission (TWC) to transfer to TWC funds specifically appropriated to TEA for TWC to provide an individual who is 21 years of age or older a subsidy equal to the cost of taking one high school equivalency examination.

Replaces references to “equalized wealth level” with references to "local revenue level in excess of entitlement" and redefines the latter as local revenue levels that exceed certain levels provided by the bill, rather than the wealth per student. Authorizes a district with a local revenue level in excess of entitlement, rather than with a wealth per student that exceeds the equalized wealth level, to take any combination of certain actions to reduce the district's revenue level, rather than to achieve the equalized wealth level.

Provides that the amount of credit purchased decreases the dollar amount of a district’s local revenue level for purposes of determining whether the district exceeds the level established by the bill's provisions, rather than providing that, for each credit purchased, the weighted average daily attendance of the purchasing school district is increased by one student in weighted average daily attendance for purposes of determining whether the district exceeds the equalized wealth level. Deletes existing text providing that a credit is not used in determining a school district’s scholastic population, average daily attendance, or weighted average daily attendance for purposes of Chapter 42 or 43, Education Code.

Provides that the total cost of credit is the amount of the district’s maintenance and operations tax revenue that exceeds the level established by the bill's provisions, rather than providing that the cost of each credit is an amount equal to the greater of the amount of the district’s M&O tax revenue per student in weighted average daily attendance for the school year for which the contract is executed or a certain other amount. Deletes existing text relating to the amount of the statewide district average of maintenance and operations tax revenue per student in weighted average daily attendance for the school year preceding the school year for which the contract is executed.
Provides for a second payment option by which a school district shall pay for credit purchased. Requires the district, if a school district elects to pay for the credit purchased in such a single payment for the total amount required to be paid by the district, to notify the commissioner not later than February 15 of the school year for which the agreement is in effect.

Authorizes the board of trustees of a district with a local revenue level in excess of entitlement to execute an agreement to educate the students of another district in a number that, when the weighted average daily attendance of the students served is added to the weighted average daily attendance of the contracting district, is sufficient, in combination with any other actions taken under this chapter, to reduce the district’s local revenue level to a level that is equal to or less than the level established by the bill's provisions, rather than authorizing the board of trustees of a district with a wealth per student that exceeds the equalized wealth level to execute such an agreement to reduce the district’s wealth per student to a level that is equal to or less than the equalized wealth level.

Deletes existing language authorizing a school district with a wealth per student that exceeds the equalized wealth level that pays tuition to another school district for the education of students that reside in the district to apply the amount of tuition paid toward the cost of the option chosen by the district to reduce its wealth per student.

Provides that a school district is eligible for annexation of property to it under statutes relating to detachment and annexation by the commissioner only if, before any detachments or annexations are made in a year, the district’s taxable value of property does not exceed the value necessary to generate M&O tax revenue in the amount equal to a certain entitlement of the district, rather than only if, before any detachments or annexations are made in a year, the district's wealth per student is less than the greatest level for which funds are provided under statutes relating to financing the FSP.

Requires the commissioner, in selecting the districts that, when consolidated, will result in a consolidated district with a local revenue level equal to or less than the level established by the bill's provisions, to give priority to school districts in a specified order.

Deletes existing text subtracting a portion of the market value of property not otherwise fully taxable by the district at market value because of certain action taken by the district from the calculation of "taxable" value for purposes of the determination of district property values.

Requires an employing district or charter school, as applicable, to pay the state’s contribution on the portion of a member’s salary that exceeds the statutory minimum salary for members who would be entitled to the minimum salary for certain school personnel, if the member was employed by a school district subject to that section instead of being employed by a charter school or a school district that has adopted a local innovation plan exempting the district's employees from the minimum salary schedule, among other members.

Provides that, when increased expenditure of money by a school district is necessary to respond to certain listed disasters, including wildfire, that have met certain criteria, an election is not required under this section to approve the tax rate adopted by the governing body for the year following the
year in which the disaster occurs. Provides that a tax rate adopted under this subsection applies only in the year for which the rate is adopted. Prohibits the amount by which that rate exceeds the district’s voter-approval tax rate for that tax year, if a district adopts a tax rate under this subsection, from being considered when calculating the district’s voter-approval tax rate for the tax year following the year in which the district adopts the rate.

Defines "enrichment tax rate." Deletes existing text relating to the effective maintenance and operations tax rate of a school district for purposes of an election to ratify school taxes.

Makes changes to the formula to calculate the voter-approval tax rate of a district, rather than the rollback tax rate of a district whose maintenance and operations tax rate for the 2005 tax year was $1.50 or less per $100 of taxable value, for the 2019 tax year and for the 2020 and subsequent tax years. Requires a school district, for the 2020 tax year, to substitute "$0.04" for "$0.05" in that formula if the governing body of the district does not adopt by unanimous vote for that tax year a maintenance and operations tax rate at least equal to the sum of a certain rate and the rate of $0.05 per $100 of taxable value.

Requires a lender or home loan servicer of a home loan that maintains a property tax escrow account, to the extent that H.B. 3, 86th Legislature, Regular Session, 2019, has the effect of reducing property taxes in this state, to take into account the effect of that legislation in establishing the borrower’s annual property tax payments to be held in that account and immediately adjust the borrower’s monthly payments accordingly.

Prohibits the governing body of a school district, if a certain proposition is not approved in a certain manner, from adopting a tax rate for the school district for the current year that exceeds the school district’s voter-approval tax rate, rather than exceeds the school district's rollback tax rate. Provides that, in a school district that received distributions from an equalization tax imposed under former Chapter 18 (Job Corps Diploma Programs), Education Code, the no-new-revenue rate of that tax as of the date of the county unit system’s abolition is added to the district’s voter-approval tax rate, rather than providing that the effective rate of that tax as of the date of the county unit system’s abolition is added to the district’s rollback tax rate.

Requires a certain amount of funding for academically unacceptable school districts to be determined by a certain formula and modifies that formula to multiply the resulting product by the quotient of the enlarged district’s maximum compressed tax rate, as determined under the bill's provisions, the current school year divided by the receiving district’s maximum compressed tax rate, as determined under those provisions, for the year in which the annexation occurred.

Requires a school district, for an annexation that occurred before September 1, 2019, for five years beginning with the school year in which the annexation occurs, to receive certain additional funding. Requires the amount of funding to be determined by multiplying the lesser of the enlarged district’s local fund assignment computed under the bill's provisions or the enlarged district’s total cost of tier one by a fraction, the numerator of which is the number of students residing in the territory annexed to the receiving district preceding the date of the annexation and the denominator of which is the number of students residing in the district as enlarged on the date of the annexation,
and dividing the receiving district’s maximum compressed tax rate, as determined under the bill's provisions.

Requires the commissioner to determine the total amount that the Texas School for the Blind and Visually Impaired (TSBVI) and the Texas School for the Deaf (TSD) would have received from school districts certain provisions relating to support of students enrolled in TSBVI and TSD if certain specified provisions had not reduced the districts’ share of the cost of providing education services, rather than if H.B. No. 1, Acts of the 79th Legislature, 3rd Called Session, 2006, had not reduced the districts’ share of the cost of providing education services. Requires the amount determined under Subsection (f-1), rather than that amount, minus any amount the schools do receive from school districts, to be set aside as a separate account in the foundation school fund and appropriated to those schools for educational purposes.

Prohibits the maintenance tax rate per $100 of taxable value adopted by the district, for any year, from exceeding the rate equal to the sum of $0.17 and the district’s maximum compressed rate, as determined under the bill's provisions, rather than from exceeding the rate equal to the sum of $0.17 and the product of the state compression percentage, as determined under a certain statute, multiplied by $1.50.

Makes certain modifications to the funding formula for the basic allotment, to require school districts to use allotments in a certain proportionate manner, and to define "compensation" for purposes of this section.

Deletes existing text requiring the commissioner, if the state compression percentage is not established by appropriation for a school year, to determine the state compression percentage for each school year based on a certain process. Defines "state compression percentage," for purposes of this title (Public Education), as the percentage of the rate of $1.00 per $100 valuation of taxable property that is used to determine a school district's maximum compressed tax rate under the bill's provisions, rather than the percentage of a school district's adopted M&O tax rate for the 2005 tax year that serves as the basis for state funding. Provides that the state compression percentage is the lower of 93 percent, or a lower percentage set by appropriation for a school year; the percentage determined by a certain formula; or the percentage determined under statutes relating to the state compression percentage for the preceding school year. Deletes existing text authorizing the commissioner to adopt rules necessary to implement this section and providing that a determination by the commissioner under this section is final and may not be appealed.

Entitles a district, for each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or CTE programs, for which an additional allotment is made under the bill's provisions relating to student-based allotments, to an allotment equal to the lesser of $6,160, rather than the lesser of $4,765, or the amount that result from a specified formula.

Replaces "DCR" with "TR" and defines the latter as the district's tier one M&O tax rate, as provided by the bill's provisions. Redefines "MCR" as the district's, rather than the state, maximum compressed tax rate, as determined under the bill's provisions, rather than which is the product of the state compression percentage multiplied by a certain amount.
Authorizes a district, if the maximum amount of the basic allotment for a school year is less than the maximum amount provided for the 2020–2021 school year, to adopt an M&O tax rate that exceeds the maximum compressed rate.

Defines "MCR", for purposes of the maximum compressed tax rate, as the district's maximum compressed rate, which is the tax rate for the current tax year per $100 of valuation of taxable property at which the district must levy a maintenance and operations tax to receive the full amount of the tier one allotment to which the district is entitled under statutes relating to the FSP. Provides for the value of the district's value of MCR for the preceding tax year (PYCMR) for purposes of determining a district's MCR for the 2021–2022 school year. Requires TEA to calculate and make available school districts’ maximum compressed rates, as determined under provisions relating to the MCR.

Requires TEA, each year, to evaluate the difference between districts’ MCRs, as determined by the bill's provisions. Provides that a district's MCR, if the district has a MCR that is less than 90 percent of another school district’s MCR, is calculated under a certain provision until TEA determines that the difference between the district’s and another district’s MCR is not more than 10 percent. Requires the amount of revenue available to the state as a result of the differences in the amount of state aid and reduction in local revenue between calculating a district’s MCR in accordance with Subsection (b) and calculating the district’s MCR under the bill's provisions to be used to lower the state compression percentage. Requires TEA to provide estimates to the legislature of the reduction of the state compression percentage based on provisions relating to the MCR.

Authorizes a district, if the maximum amount of the basic allotment provided under the bill's provisions for a school year is less than the maximum amount provided for the 2020–2021 school year, to adopt a maintenance and operations tax rate that exceeds the maximum compressed tax rate permitted under the bill's provisions, provided that the rate adopted by the district was previously approved by voters for a tax year subsequent to the 2005 tax year and the rate may not exceed the lesser of $1.17 or the district’s maximum compressed tax rate and the additional tax rate necessary to generate the amount of revenue equal to the difference in per student funding.

Requires a district to receive approval from TEA before adopting a maintenance and operations tax rate under provisions relating to the permitted tax rate for the maintenance of the 2020–2021 school year basic allotment. Requires the district, to receive approval from TEA under this subsection, to submit certain information. Provides that TEA’s approval of a district’s tax rate expires at the end of each tax year. Provides that any additional tax effort by a school district authorized under this section is not eligible for certain funding or subject to a certain limit on local revenue.

Requires the LBB, in conjunction with other appropriate state agencies, to study possible methods of providing property tax relief through the reduction of school district maintenance and operations taxes.

Deletes existing text relating to a school district whose maintenance and operations tax rate for the 2005 tax year was $1.50 or less per $100 of taxable value. Deletes existing text relating to certain
other calculations of the rollback tax rate of a school district for certain years. Provides that the voter-approval tax rate of a school district, for purposes of this section, is the sum of certain amounts.

Deletes existing text authorizing TEA, with certain exceptions, to monitor the use of funds provided for certain programs. Authorizes TEA, except as provided by certain sections, to monitor compliance with requirements applicable to a process or program provided by a district, campus, program, or school granted charters only as necessary to ensure qualification for funding under the FSP.

Authorizes the commissioner to enter into agreements with appropriate entities as necessary to provide for the collection of data regarding college, career, and military readiness of public school students, including data maintained by governmental agencies of the United States, this state, or another state; political subdivisions of this state or another state; public or private institutions of higher education; and relevant private organizations.

Requires the board of a district to adopt and post on the district’s Internet website early childhood literacy and mathematics proficiency plans that set specific annual goals for the following five school years to reach quantifiable goals for student performance in reading and mathematics at each campus. Requires each plan adopted to meet certain criteria. Authorizes each plan adopted to set separate goals for students in a bilingual education or special language program. Requires the professional development provided to classroom teachers to, as appropriate, consider the unique needs of students in a bilingual education or special language program. Provides that a charter school is subject to the provisions relating to protection for reporting violations of law and a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans.

Requires the State Board for Educator Certification (SBEC) to adopt rules that provide that in order to teach any grade level from prekindergarten through grade six a person must demonstrate proficiency in the science of teaching reading on a certification examination for each class of certificate issued by SBEC after January 1, 2021.

Requires SBEC to place on or remove from a teacher’s certificate the appropriate designation issued to the teacher under provisions relating to local optional teacher designation systems after being notified by TEA of the issuance or removal of the designation or if SBEC determines that removal of the designation is necessary because of action taken against the teacher’s certificate.

Requires the SBEC to recognize a master teacher certificate issued under former Section 21.0481 (Master Reading Teacher Certification), 21.0482 (Master Mathematics Teacher Certification), 21.0483 (Master Technology Teacher Certification), or 21.0484 (Master Science Teacher Certification), Education Code, until the certificate expires. Requires SBEC to note a designation of "legacy" on the certificate.

Require teacher appraisal to be done at least once for each school year, rather than at least once during each school year.
Authorizes a school district or open-enrollment charter school to designate a certified classroom teacher as a master, exemplary, or recognized teacher for a five-year period based on the results from single year or multiyear appraisals that comply with statutes relating to the recommended appraisal process and performance criteria or statutes relating to local role. Requires the commissioner to establish performance and validity standards for each local optional teacher designation system. Sets forth certain criteria that the performance standards must meet. Authorizes a classroom teacher that holds a National Board Certification issued by the National Board for Professional Teaching Standards to be designated as recognized.

Requires the commissioner to ensure that local optional teacher designation systems meet the requirements of this section and prioritize high needs campuses and to enter into a memorandum of understanding with Texas Tech University to monitor the quality and fairness of local optional teacher designation systems.

Requires TEA to develop and provide technical assistance for districts and charter schools that request assistance in implementing a local optional teacher designation system, including assistance in prioritizing high needs campuses. Provides that a teacher has no vested property right in a teacher designation assigned to the teacher under statutes relating to local optional teacher designation systems. Provides that a teacher designation issued under this section is void in the determination that the designation was issued improperly. Provides that certain statutes in the Administrative Procedure Act do not apply to the voiding of a teacher designation under this subsection.

Requires TEA to periodically conduct evaluations of the effectiveness of the local optional teacher designation systems under this section and the teacher incentive allotment under the bill's provisions and report the results of the evaluations to the legislature. Requires a district or charter school that has implemented a local optional teacher designation system or received funds under the teacher incentive allotment to participate in the evaluations. Requires TEA to collect information necessary to implement this section. Provides that information otherwise confidential remains confidential and is not subject to public information law. Authorizes the commissioner to adopt fees to implement this section. Provides that a fee adopted under this section is not subject to certain Government Code requirements.

Requires a teacher, to be assigned as a mentor, to agree to serve as a mentor teacher for at least one school year. Requires the assignment to begin not later than the 30th day of employment of the classroom teacher to whom the mentor teacher is assigned. Requires a district to agree to assign a mentor to a new classroom teacher for at least two school years. Requires the commissioner to adopt certain rules necessary to administer this section, including rules concerning the number of classroom teachers that may be assigned to a mentor. Requires the rules concerning qualifications to require that to serve as a mentor a teacher must demonstrate interpersonal skills, instructional effectiveness, and leadership skills.

Requires a school district to provide training to mentor teachers and any appropriate district and campus employees who work with the classroom teacher or supervise the classroom teacher. Requires the training to be completed by the mentor teacher and the district and campus employees before the beginning of the school year. Requires the district to also provide supplemental training.
to mentor teachers and employees during the school year. Requires the training to include content related to best mentorship practices.

Requires a mentor teacher to meet with each classroom teacher assigned to the mentor not less than 12 hours each semester. Authorizes observations of the mentor by the classroom teacher being mentored or of the classroom teacher being mentored by the mentor to count toward the 12 hours of meeting time required for the semester. Requires the mentoring sessions to address certain specified topics. Authorizes a school district, subject to approval by TEA, in determining the topics to be addressed in the mentoring sessions, to create an appropriate curriculum that meets the district needs. Requires a school district to designate a specific time during the regularly contracted school day for meetings between mentor teachers and classroom teachers assigned to a mentor and to schedule release time or a reduced teaching load for mentor teachers and classroom teachers under this section to facilitate mentoring activities, including classroom observations or participation in supportive coaching.

Authorizes a school district to provide a salary incentive or similar compensation to a teacher who completes training provided by a regional education service center relating to autism. Requires a school district that decides to provide such an incentive or compensation to adopt a policy to implement it.

Provides that a student enrolled in a school district is not required to attend school for any additional instructional days described by the bill's provisions relating to an incentive for additional instructional days.

Requires the commissioner, for use in diagnosing the reading development and comprehension of kindergarten students, to adopt a multidimensional assessment tool that includes a reading instrument and tests at least three developmental skills, including literacy, rather than to include on the commissioner's list at least two multidimensional assessment tools. Deletes existing text requiring a multidimensional assessment tool on the commissioner's list to meet certain criteria. Authorizes a district-level committee established under statutes relating to district level and site-based decision-making to adopt a list of reading instruments for use in the district in a grade level other than kindergarten, rather than for use in the district, in addition to the reading instruments on the commissioner's list. Authorizes the commissioner to approve an alternative reading instrument for use in diagnosing the reading development and comprehension of kindergarten students that complies with such requirements.

Requires each school district to administer, at the first and second grade levels, rather than at the kindergarten and first and second grade levels, a reading instrument on the list adopted by the commissioner or by the district-level committee. Requires each school district to administer at the kindergarten level a reading instrument adopted or approved by the commissioner. Requires the district to administer the reading instrument in accordance with the commissioner's recommendations for reading diagnosis. Requires the commissioner by rule to determine the performance on the adopted reading instrument that indicates kindergarten readiness.
Imposes a deadline of not later than the 60th calendar day after the date on which a reading instrument was administered for the report of reading instrument results the superintendent of each school district is required to make to a student's parent or guardian.

Requires TEA to ensure at least one reading instrument for each grade level for which a reading instrument is required to be administered under this section is available to school districts at no cost. Deletes existing text limiting the implementation of this section based on available funding for reading instruments.

Requires each district and charter school to provide for the use of a phonics curriculum that uses systematic direct instruction in kindergarten through third grade to ensure all students obtain necessary early literacy skills.

Requires each district and charter school to ensure that, not later than the 2021–2022 school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy. Requires each district and charter school to ensure that each classroom teacher and each principal initially employed in a grade level or at such a campus for the 2021–2022 school year or a subsequent school year has attended a teacher literacy achievement academy before the teacher’s or principal’s first year of placement in that grade level or campus.

Requires each district and charter school to certify to TEA that the district or school prioritizes placement of highly effective teachers in kindergarten through second grade and has integrated reading instruments used to diagnose reading development and comprehension to support each student in prekindergarten through third grade. Requires TEA to provide assistance to school districts and open-enrollment charter schools in complying with the requirements under this section. Requires the commissioner to establish an advisory board to assist TEA in fulfilling TEA's duties under this section.

Requires each student, before graduating from high school, to complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA). Provides for the situations in which a student is not required to comply with the FAFSA or TASFA requirement.

Requires TEA to develop tools to assist school districts and open-enrollment charter schools in establishing bilingual education and special language programs under statutes relating to educational programs.

Requires each school district to adopt a policy regarding the use of funds to support the district's program for gifted and talented students. Requires each school district to annually certify to the commissioner that the district has established a program for gifted and talented students as required by this subchapter and that the program is consistent with the state plan developed under statutes relating to the state plan. Requires the commissioner, if the commissioner determines that a school district has failed to comply with that certification requirement for a school year, to reduce the total amount of funding to which the district is entitled under statutes relating to the FSP for that school year by an amount equal to the basic allotment multiplied by the product of a certain
equation. Authorizes the commissioner to restore to a school district all or part of the funding withheld from the district's entitlement if during the school year the district complies with the certification requirement. Requires the district, at the same time that the school district makes the required certification, to report to the commissioner regarding the use of funds on the district's program for gifted and talented students as provided by SBOE rule. Provides that nothing in this section may be construed as limiting the number of students that a school district may identify as gifted and talented or serve under the district's program for gifted and talented students.

Authorizes a prekindergarten class under this section to be operated on a half-day basis for children under four years of age and requires the class to be operated on a full-day basis for children who are at least four years of age, rather than requiring a prekindergarten class under this section to be operated on a half-day basis. Requires a free prekindergarten class for children who are at least four years of age to comply with the program standards required for high quality prekindergarten programs.

Requires the commissioner, on application of a district, to exempt a district from the application of all or any part of this section, if the commissioner determines that, rather than authorizing the commissioner, on application of a district, to exempt a district from the application of this section if one of certain conditions is met. Includes the condition that implementing any part of this section would result in fewer eligible children being enrolled in a prekindergarten class under this section among the conditions.

Prohibits a district from receiving such an exemption unless the district has solicited and considered at a public meeting proposals for partnerships with public or private entities regarding prekindergarten classes required under this section. Provides that a decision of the board of trustees regarding a partnership described by this subsection is final. Provides that such an exemption may not be granted for a period longer than three school years and may be renewed only once.

Requires a school district or open-enrollment charter school, before the district or school may construct, repurpose, or lease a classroom facility, or issue bonds for the construction or repurposing of a classroom facility, to provide the prekindergarten classes required under this section, to solicit and consider proposals for partnerships to provide those classes with community-based child-care providers who are a Texas Rising Star Program provider with a three-star certification or higher, are nationally accredited, are a Head Start program provider, are a Texas School Ready! participant, or meet the prekindergarten program requirements.

Authorizes a school district to offer on a tuition basis or use district funds to provide an additional half-day of prekindergarten classes to children who are eligible for classes under statutes relating to free prekindergarten for certain children and are under four years of age, rather than to children eligible for classes under those statutes.

Requires a school district that offers prekindergarten classes, including a high quality prekindergarten program class, to include the number of half-day prekindergarten classes for which the district has received an exemption from full-day operation in the district's PEIMS report.
Requires a report by TEA under this section regarding early education in school districts and open-enrollment charter schools to contain a description of the diagnostic reading instruments administered in accordance with certain statutory requirements; the number and percentage of students who perform satisfactorily on the third grade reading or mathematics assessment instrument administered under certain statutory requirements, disaggregated by whether the student was eligible for free prekindergarten; the number of such students who attended kindergarten in the district, disaggregated by certain categories; and certain information disaggregated by whether the student is educationally disadvantaged.

Requires TEA by rule to require each school district that offers a certain prekindergarten program and each private entity that provides a prekindergarten program under contract with a school district to report the following information in the form and manner prescribed by TEA for each prekindergarten class offered by the district or private entity: the number of students in each prekindergarten class; the number of certified teachers in each prekindergarten class, the number of teacher’s aides in each prekindergarten class; whether each prekindergarten class is full-day or half-day; and if the district offers half-day classes, whether the district offers two half-day classes per day. Requires TEA, from the information submitted, to determine the total number of teachers and teacher’s aides in prekindergarten classes in this state.

Requires TEA, from the information submitted and for purposes of calculating the student/teacher ratio for each prekindergarten class offered by a school district or private entity that provides a prekindergarten program under contract with a school district, to count each teacher or teacher’s aide once for a full-day class and twice for a half-day class if the district offers two half-day classes per day. Requires TEA, not later than August 1 of each year, to prepare and submit a report to the legislature based on the information collected.

Entitles a student to a subsidy under this section if the student passes a certification examination to qualify for a license or certificate that is an industry certification under statutes relating to performance indicators and achievement, administered while the student is enrolled in a school district, rather than the student passes a certification examination to qualify for a license or certificate. Prohibits a student from receiving more than one subsidy under provisions relating to a subsidy for certification examination.

Requires the commissioner, in cooperation with an appropriate private entity, from funds appropriated or available for the purpose, to establish a grant program to provide funding to school districts for CTE courses offered during the summer.

Requires the commissioner, from funds appropriated or available for purposes of the blended learning grant program, to establish a grant program to assist school districts and open-enrollment charter schools in developing and implementing effective blended learning models, including an innovative mathematics instructional program at a campus designated as a mathematics innovation zone. Requires the commissioner, in awarding grants under the program, to give priority to school districts and open-enrollment charter schools that have the highest enrollment of students who are educationally disadvantaged. Requires a school district or open-enrollment charter school that receives a grant under this section to take certain actions regarding the implementation of the grant.
program. Provides that a district or charter school may receive a grant under this section for not more than four consecutive school years.

Provides that, in addition to the assessment instruments otherwise authorized or required by statutes relating to the assessment of academic skills, high school students in the spring of the 11th grade or during the 12th grade may select and take the assessment instrument designated by THECB once, at state cost. Provides that a certain provision does not prohibit a high school student from selecting and taking, at the student's own expense, an assessment instrument described by that subdivision, rather than providing that a certain provision does not prohibit a high school student in the spring of the 11th grade or during the 12th grade from selecting and taking, at the student's own expense, one of the valid, reliable, and nationally norm-referenced assessment instruments used by colleges and universities as part of their undergraduate admissions processes more than once.

Requires the annual report published by the board of trustees of a school district relating to describing the educational performance of the district and of each campus in the district to also include the progress of the district and each campus in the district toward meeting the goals set in the district’s early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans.

Requires the commissioner to enter into a memorandum of understanding with a public institution of higher education to conduct a study to determine whether, for each applicable grade level, each assessment instrument administered during the 2018–2019 school year or scheduled to be administered during the 2019–2020 school year meets certain requirements.

Authorizes SBOE to place on probation or revoke a home-rule school district charter of a school district if SBOE determines that the district committed a material violation of the charter, including by failure to comply with the duty to discharge or refuse to hire certain employees or applicants for employment, as provided by the bill's provisions, rather than committed a material violation of the charter.

Provides that a home-rule school district commits a material violation of the school district’s charter if the school district fails to comply with the duty to discharge or refuse to hire certain employees or applicants for employment under provisions relating to employees and applicants convicted of certain offenses or provisions relating to the registry of persons not eligible for employment in public schools.

Provides that a campus or program for which a charter is granted under statutes relating to a campus or campus program charter is subject to certain provisions, prohibitions, and requirements, including the duty to discharge or refuse to hire certain employees or applicants for employment under certain statutory provisions. Authorizes a board of trustees to place on probation or revoke a charter it grants if the board determines that the campus or program took certain actions, including committed a material violation of the charter, including by failure to comply with the duty to discharge or refuse to hire certain employees or applicants for employment, as provided by the bill's provisions, rather than committed a material violation of the charter. Provides that a campus or campus program granted a charter commits a material violation of its charter if the
campus or program fails to comply with the duty to discharge or refuse to hire certain employees or applicants for employment under certain statutory provisions.

Prohibits a person from being employed by or serving as a teacher, librarian, educational aide, administrator, or school counselor for an open-enrollment charter school unless the school has confirmed that the person is not included in the registry of persons not eligible for employment in public schools.

Requires the commissioner, except for a certain exception, to revoke the charter of an open-enrollment charter school or reconstitute the governing body of the charter holder if the commissioner determines that the charter holder committed a material violation of the charter, including by a failure to comply with the duty to discharge or refuse to hire certain employees or applicants for employment. Provides that a charter school commits a material violation of the school’s charter if the school fails to comply with the duty to discharge or refuse to hire certain employees or applicants for employment under certain statutory provisions. Authorizes the commissioner to terminate a district’s designation as a district of innovation if the district fails to comply with the duty to discharge or refuse to hire certain employees or applicants for employment under certain statutory provisions.

Defines "other charter entity" for purposes of a requirement to report educator misconduct. Requires the superintendent or director of certain entities, including other charter entities, in addition to certain reporting requirements, to notify SBEC if an educator’s employment at the entity was terminated and there was evidence that the educator engaged in certain misconduct. Requires SBEC to develop and maintain an Internet portal through which such a report may be confidentially and securely filed. Authorizes such a report to be filed through such an Internet portal. Authorizes the commissioner to review the records of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement to ensure compliance with the requirement to report such educator misconduct.

Requires SBEC to promptly notify TEA for purposes of the registry of persons not eligible for employment in public schools if SBEC revokes a certificate or permit of a person on a finding that the person engaged in misconduct involving abusing or otherwise committing an unlawful act with a student or minor, including being involved in a romantic relationship with or soliciting or engaging in sexual contact with a student or minor.

Provides that a prohibition, restriction, or requirement imposed by statutes relating to the criminal history records of district employees and volunteers on a charter school applies to the same extent to a district of innovation or other charter entity. Provides that the failure of a district of innovation to provide information required under statutes relating to a national criminal history record information review of certain charter school employees may result in termination of the district’s designation as a district of innovation.

Requires TEA to subscribe to the electronic criminal history clearinghouse established by the Department of Public Safety of the State of Texas and authorizes TEA to obtain from any law enforcement or criminal justice agency all criminal history record information and all records.
contained in any closed criminal investigation file that relate to a specific applicant for employment or current or former employee of a district, district of innovation, charter school, other charter entity, regional education service center, or shared services arrangement.

Requires a school district, open-enrollment charter school, or shared services arrangement to discharge or refuse to hire an employee or applicant for employment if the district, school, or shared services arrangement obtains information through a criminal history record information review that the employee or applicant has been convicted of or placed on deferred adjudication community supervision for which a defendant is required to register as a sex offender, convicted of a felony offense against a person if the victim was under 18 years of age at the time the offense was committed, or convicted of an equivalent offense under the laws of another state or federal law. Authorizes SBEC to impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant for employment, rather than an applicant, if the educator knows or should have known, through a criminal history record information review, that the employee or applicant has been convicted of such an offense.

Requires TEA to maintain and make available through the Internet portal developed and maintained by TEA for purposes of reporting educator misconduct a registry of persons who are not eligible to be employed by a school district, district of innovation, charter school, other charter entity, regional education service center, or shared services arrangement. Requires a school district, district of innovation, charter school, other charter entity, regional education service center, or shared services arrangement to discharge or refuse to hire a person listed on the registry. Requires the registry to list certain specified persons as not eligible to be employed by public schools. Requires TEA to provide private schools and public schools equivalent access to the registry.

Requires the superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement, in addition to the reporting requirement under Section 261.101 (Persons Required to Report; Time to Report), Family Code, to notify the commissioner if an employee’s employment at the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement was terminated and there is evidence that the employee engaged in certain misconduct with a student or minor or if the employee resigned and there is evidence that the employee engaged in such misconduct. Provides that this notification requirement applies to an employee of such an entity who does not hold a certification or permit under statutes relating to educator certification.

Requires a superintendent or director of a school district, district of innovation, charter school, other charter entity, regional education service center, or shared services arrangement to complete an investigation of an employee that involves evidence that the employee may have engaged in such misconduct, despite the employee’s resignation from employment before completion of the investigation. Requires the principal of a school district, district of innovation, charter school, or other charter entity campus to notify the superintendent or director of the school district, district of innovation, charter school, or other charter entity in writing not later than the seventh business day after the date of an employee’s termination of employment or resignation following an alleged incident of misconduct. Requires the superintendent or director to notify the board or governing
body of the school district, district of innovation, charter school, other charter entity, regional education service center, or shared services arrangement and the employee of the filing of the report. Provides that a superintendent or director who in good faith and while acting in an official capacity files a report with the commissioner or a principal who in good faith and while acting in an official capacity notifies a superintendent or director is immune from civil or criminal liability that might otherwise be incurred or imposed.

Provides that a superintendent or director who in good faith and while acting in an official capacity files a report with the commissioner or a principal who in good faith and while acting in an official capacity notifies a superintendent or director is immune from civil or criminal liability that might otherwise be incurred or imposed. Requires the name of a student or minor who is the victim of abuse or unlawful conduct by an employee to be included in a report filed under this section, but provides that the name of the student or minor is not public information under public information law.

Provides that a superintendent or director required to file a report commits an offense if the superintendent or director fails to file the report by the required date with intent to conceal an employee’s criminal record or alleged incident of misconduct. Requires the name of a student or minor who is the subject of a report alleging certain misconduct involving a student or minor to a hearing on the merits of the allegations of misconduct under the procedures provided by the Administrative Procedure Act to contest the allegation in the report. Requires the commissioner, on receiving a report filed by a superintendent or director alleging educator misconduct, to promptly send to the person who is the subject of the report a notice including certain statements. Requires a person entitled to such a hearing to request a hearing and submit a written response to show cause not later than the 10th day after the date the person receives the notice from the commissioner.

Requires the commissioner, if a person who receives notice provided by the commissioner does not timely submit a written response to show cause why the commissioner should not pursue an investigation, to instruct TEA to make available through the Internet portal developed and maintained by TEA for purposes of reporting educator misconduct information indicating that the person is under investigation for alleged misconduct. Requires the commissioner to take certain actions regarding adding the person's name to the registry of persons not eligible for employment in public schools if a person entitled to such a hearing requests or does not request a hearing and if the commissioner makes a certain determination.
Requires TEA to develop and maintain an Internet portal through which such a report may be confidentially and securely filed and through which TEA makes available the registry of persons who are not eligible to be employed in public schools and information indicating that a person is under investigation for alleged misconduct provided that TEA must provide the information through a procedure other than the registry. Requires TEA to periodically conduct site visits and review the records of districts, districts of innovation, charter schools, other charter entities, regional education service centers, and shared services arrangements to ensure compliance with a requirement that such an entity discharge or refuse to hire a person listed on the registry.

Authorizes the commissioner, during certain investigations, including a compliance review under provisions requiring reporting of employee or educator misconduct, to issue a subpoena to compel the attendance of a relevant witness or the production, for inspection or copying, of relevant evidence that is located in this state.

Deletes existing text providing that the basic allotment for a student enrolled in a district that provides education solely to students confined to or educated in hospitals is adjusted by the cost of education adjustment for the district in which the district is geographically located. Provides that the basic allotment for a student enrolled in such a district is adjusted by the weight for a homebound student under the bill's provisions, rather than under provisions relating to special education.

Deletes existing text prohibiting a district from budgeting funds received under provisions relating to a compensatory education allotment for any other purpose until the district adopts a budget to support additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

Deletes existing text requiring a school district or charter school with a high dropout rate, as determined by the commissioner, to submit a plan to the commissioner describing the manner in which the district or charter school intends to use the high school allotment for developing and implementing research-based strategies for dropout prevention.

Deletes existing text relating to the recognition of high school completion and success and college readiness programs for purposes of the requirement that questions adopted by TEA for purposes of an end-of-course assessment used under the Texas Success Initiative be developed in a manner with certain college readiness standards.

Deletes existing text requiring THECB, from funds appropriated, to provide funding to the commissioner to implement and administer intensive summer pilot program.

Replaces references to the effective tax rate with references to the no-new-revenue tax rate.

Authorizes mathematics, science, and technology teacher preparation academy programs to provide financial assistance for the purpose of allowing participants to complete the program, rather than for the purpose of allowing participants to complete the program and obtain a master mathematics, technology, or science teacher certificate.


**Mental Health and Substance Abuse Training for Public School Employees—H.B. 18**

*by Representative Price et al.—Senate Sponsor: Senator Watson et al.*

According to the Texas Education Agency (TEA), approximately one in six school-aged youth experiences impairments in life functioning due to a mental illness, and schools are the most likely place where mental health concerns will be detected. Current statute requires that training for certain public school employees address student mental health. Interested parties note that in 2011, suicide attempts increased in every age group, especially in girls aged 10 to 12, with a 338 percent increase. Psychologists attribute the increase to smartphone technology and the advent of social media. This bill:

- Redefines mental health conditions, describes mental illness, and defines substance abuse.
- Requires a district improvement plan to include suicide intervention programs.
- Requires a district improvement plan to include staff development regarding student support strategies, classroom management, identification and prevention of bullying, and discipline procedures under the student code of conduct.
- Requires continuing education for teachers to include training on students who qualify for special education programs, students who engage in substance abuse, and students who have mental health conditions.
- Requires continuing education for school counselors to include training on grief and trauma interventions and implementation of a comprehensive school counseling program.
- Requires K–12 school districts to provide curriculum addressing physical health, nutrition, exercise, substance abuse risk factors, obesity, cardiovascular disease, diabetes, and mental health concerns.
Out-of-School Suspension Reporting—H.B. 65  
*by Representative Eric Johnson—Senate Sponsor: Senators West and Miles*

Stakeholders note that there is a lack of data available regarding out-of-school suspensions in Texas. This lack of data prevents policy makers from creating informed policies relating to school discipline. H.B. 65 requires a school district to include out-of-school suspension data in a report that already exists for expulsions and disciplinary alternative education programs. This bill:

Requires that the report indicate students' race, sex, date of birth, the reason for the suspension, the number of full or partial days of the suspension, and the number of out-of-suspensions inconsistent with the district's Student Code of Conduct.

Prohibiting Instruction on Memorial Day—H.B. 109 [VETOED]  
*by Representative Martinez—Senate Sponsor: Senator Hinojosa*

Memorial Day is one of the most important American holidays, honoring men and women who died while serving in the armed forces. This bill:

Prohibits a school district or open-enrollment charter school from providing student instruction on Memorial Day. Requires that if a school must provide instruction on Memorial Day to compensate for lost instructional minutes due to school closure because of disaster, flood, weather conditions, or other calamity, the commissioner of education shall approve the instruction for fewer than 75,600 minutes.

Child Abuse and Students With Cognitive Disabilities H.B. 111  
*by Representative Mary González et al.—Senate Sponsor: Senators Fallon and Alvarado*

Persons with disabilities are victimized at much higher rates than those without disabilities and are much less likely to report abuse; those with significant cognitive disabilities are particularly vulnerable. This bill:

Requires that a school district and open-enrollment charter school adopt a policy to address sexual abuse, sex trafficking, and other maltreatment of children, to be included in an improvement plan. Authorizes a school district to collaborate with local law enforcement and outside consultants and to create a referral protocol for high-risk students.

Requires that the policy include methods to increase awareness of sexual abuse, sex trafficking, or other maltreatment of children for staff, students, and parents. Requires the provision of information regarding a child who is at risk for abuse, warning signs, procedures to seek assistance and counseling, techniques for reducing a child's risk of abuse, and community organizations that can provide relevant research-based training programs for all staff, students, and parents.
Financial Investment Training in School Districts—H.B. 293
*by Representatives Ken King and Cain—Senate Sponsor: Senator Seliger*

Treasurers or chief financial officers employed by independent school districts are currently required to complete investment training biennially. However, stakeholders note that not every independent school district invests funds and that the training is not necessary for financial officers in those districts. This bill:

Exempts from biennial investment training the treasurer, chief financial officer, or investment officer of a school district if the district does not invest district funds or only deposits those funds in certain types of accounts and the district treasurer, chief financial officer, or investment officer annually submits to the Texas Education Agency a sworn affidavit identifying the applicable criteria relating to investment of district funds that apply to the district.

Critically Ill Students Excluded From Dropout Accountability Ratings—H.B. 330
*by Representatives VanDeaver and Guillen—Senate Sponsor: Senators Hughes and Miles*

The Texas Education Code excludes certain students from dropout and completion rate statistics. Exclusions involve court-ordered attendance at a high school equivalency certificate program, detention at a juvenile facility, incarceration, or failure to attend school. This bill:

Requires the commissioner of education, in computing dropout and completion rates such as high school graduation rates, to exclude students who have suffered an injury or illness that requires substantial medical care and leaves the student unable to attend school and assigned to a residential or medical facility.

Requiring Schools to Provide Instructional Materials in Printed Format—H.B. 391
*by Representative Blanco et al.—Senate Sponsor: Senator Zaffirini*

Many school districts and open-enrollment charter schools do not allow students to take textbooks home because electronic materials are often available for use outside of the classroom. However, economically disadvantaged students and students living in rural areas may not have access to the Internet at home or own the devices necessary to view electronic materials. This bill:

Requires a school district or open-enrollment charter school to provide certain instructional materials that the student may take home, on the student's parent's request, in printed format if the student does not have reliable access to technology at the student's home.

Provides that this requirement does not require a school district or open-enrollment charter school to purchase printed copies of instructional materials that the district or school otherwise would not purchase. Authorizes a district or school to comply with the requirement by providing the student a printout of the relevant electronic instructional materials.
Interstate Shipping and Instructional Materials Inventory Software—H.B. 396
by Representative VanDeaver—Senate Sponsor: Senator Hughes

The State Technology and Instructional Materials Fund lists various allowable expenditures in the Education Code, including expenses associated with instructional materials and technology, expenses related to education of the blind and deaf, and funding for technology lending grant programs. One allowable expense relates to shipping and freight costs associated with instructional materials; however, only intrastate shipping costs are allowed under statute. This bill:

Requires money in the state instructional materials and technology fund to be used to pay the expenses associated with the purchase of instructional material, including freight and shipping and the insurance expenses associated with freight and shipping, rather than intrastate freight and shipping and the insurance expenses associated with intrastate freight and shipping, among other uses.

Authorizes funds allotted for instructional materials and technology to be used to purchase inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of the instructional materials.

Human Trafficking and Sexual Abuse Training for School Trustees—H.B. 403
by Representative Senfronia Thompson—Senate Sponsor: Senator Huffman et al.

Concerns have been raised about the volume of human trafficking in Texas. Illicit businesses are fronts for prostitution, robbery, and human trafficking, and children who attend schools near massage businesses can be targets of recruitment by pimps. This bill:

Requires the State Board of Education to assign school board trustees to complete every two years at least one hour of training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children in addition to three hours of training on evaluating student academic performance currently required by statute. Requires the training to be research-based and designed to support the oversight role of the board of trustees. Authorizes a candidate for trustee to complete the training up to one year before the candidate is elected. Defines "other treatment" for purposes of provisions relating to member training and orientation.

Requires continuing education requirements for a superintendent to include at least 2-1/2 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children. Defines "other maltreatment" for purposes of this subsection.

Authorizes a candidate for trustee to complete the required training up to one year before the candidate is elected.
Parents of elementary school students have expressed concerns over decreasing recess minutes. In the past several years, schools have decreased or even eliminated recess in favor of academic intervention and study time due to the mounting pressure of maximizing time for test preparation. A 2017 study conducted by the Robert Wood Johnson Foundation concluded that the obesity rate for Texas children ages 10-17 ranked seventh highest in the nation and the fifth highest nationally for high school students. This bill:

Requires the Department of State Health Services (DSHS) School Health Advisory Committee established under certain statutory provisions to develop model policies for the recess period during the school day that encourage constructive, age-appropriate outdoor playtime. Requires the model policies to include guidelines for outdoor equipment and facilities on public school campuses that maximize the effectiveness of outdoor physical activity.

Requires the board of trustees of each school district, after reviewing those model recess policies and the policy recommendations of the local school health advisory council provided under provisions relating to requiring the local school health advisory council to consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students, to adopt a recess policy based on those model policies and recommendations and to review and, if necessary, to revise the recess policy at least every five years. Requires the recess policy to specify the required number of minutes of weekly unstructured playtime and whether a student’s recess at the time may be withheld as a form of student discipline. Requires each district campus subject to the district recess policy to implement the recess policy.

Requires a local school health advisory committee to develop model policies for recess periods during the school day encouraging constructive, age-appropriate outdoor playtime.

Requires a school district to specify the number of minutes for recess and whether recess may be withheld as a form of punishment.

Student absenteeism interferes with learning and may also indicate problems, such as substance abuse or homelessness. Previous legislation related to truancy removed criminal sanctions on truant students, but also inadvertently terminated the Texas Education Agency's (TEA) mandate to collect truancy data and required TEA to expunge all reports on record. This bill:

Reinstates the requirement that TEA gather and report grade-level truancy data for public schools to help schools track truancies and provide appropriate interventions for students.
Requires that the commissioner of education and the executive commissioner of the Health and Human Services Commission jointly ensure that language acquisition for each deaf or hard of hearing child eight years of age or younger is regularly assessed.

Requires that TEA post on its website a report on language acquisition of children eight years old or younger who are deaf or hard of hearing.

Requires that each school district and open-enrollment charter school report annually through the Public Education Information Management System (PEIMS) the number of children required to attend school who fail to attend without an excuse for 10 or more days within a six-month period during the school year. The bill also requires that a district report through PEIMS the number of truancy prevention measures implemented for students who fail to attend school without an excuse for three or more days within a four-week period. Finally, the bill requires that a district develop a PEIMS report indicating the number of parents against whom a school official has filed with a truancy court.

**Awarding Posthumous High School Diploma—H.B. 638**  
*by Representative Capriglione et al.—Senate Sponsor: Senators Powell and Zaffirini*

Interested parties say that parents of a deceased child deserve the opportunity to see that child recognized by means of a posthumous high school diploma. Elise Cerami was a student who drowned during swim practice in 2016. She was a passionate athlete and gifted student who had planned to attend Texas A&M University to study engineering and law. Currently, the Education Code only allows a posthumous diploma to be awarded when a student dies in the senior year of high school and the student is on track academically to graduate. This bill:

Requires that a school district issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. This bill prohibits the diploma from being issued prior to the graduation date of the class in which the student was enrolled at the time of death.

**District Satisfaction Survey on Burdensome and Expensive Mandates—H.B. 674**  
*by Representatives Patterson and Toth—Senate Sponsor: Senator Fallon*

Texas statute imposes more than 100 mandates on school districts, on instructional education, on human resources, and on many other areas. Though the precise fiscal impact of mandates is difficult to estimate, it is significant because administrative compliance costs trickle down to taxpayers, requiring additional staff as well as placing additional burdens on classroom teachers. The commissioner of education (commissioner) currently conducts an annual evaluation of all superintendents regarding regional education service center (ESC) performance, an evaluation that includes a client satisfaction survey. Stakeholder input informs policymakers seeking to understand serious compliance challenges encountered by school districts. This bill:
Requires that the commissioner, in conjunction with the client satisfaction survey, solicit information from each school district served by ESCs on the reliance of districts on ESCs for assistance in complying with state education laws and rules, as well as on specific laws or rules that present the most burdensome and expensive obstacles to compliance.

**American Sign Language and Graduation Credit—H.B. 678**  
*by Representative Patterson et al.—Senate Sponsor: Senator Powell*

Public high school students may earn foreign language credit toward high school graduation by completing a dual language immersion program at the elementary level. However, the provision does not include American Sign Language (ASL). ASL benefits cognitive, verbal, visual, and kinesthetic development and enhances language acquisition for young children. This bill:

Allows a high school student to earn one credit by successfully completing either a dual language immersion program or an ASL course at the elementary level.

**Suspension of Homeless Students From Public Schools—H.B. 692**  
*by Representatives White and Wu—Senate Sponsor: Senator Watson et al.*

It has been noted with concern that homeless students tend to be disciplined at a disproportionate rate and that out-of-school suspensions for homeless students create more instability for these vulnerable students. This legislation recognizes that many of these students' behavior problems are likely linked to their being homeless, and therefore encourages constructive alternatives for these students. Interested parties say that, rather than forcing them back onto the streets for behavioral issues, schools should use other methods to try and address the underlying issues causing these problems. This bill:

Prohibits a student who is homeless from being placed in out-of-school suspension. Authorizes the campus behavior coordinator to coordinate with the school district's homeless education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless. Defines "student who is homeless" for purposes of this subsection.

**Determining Disciplinary Action Against Homeless or Foster Students—H.B. 811**  
*by Representatives White and Wu—Senate Sponsor: Senator West*

Youth experiencing homelessness face unique barriers to succeeding in the classroom, including lack of stable housing and support from caring adults, limited access to basic necessities like food and medical services, lack of consistent access to bathing and laundry facilities, unreliable transportation, and histories of trauma and abuse, among others. Data shows that exclusionary school discipline policies impact these students at higher proportions than their peers with secure housing, effectively pushing them out without acknowledging that their traumatic experiences and insecure housing are likely impacting their behavior at school. This bill:
Requires a student code of conduct adopted by an independent school district to include a student's status in the conservatorship of the Department of Family and Protective Services and a student's status as a student who is homeless among the specified factors for which consideration will be given in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program.

**Character Education in Schools—H.B. 1026**  
*by Representatives Bohac and Allison—Senator Sponsor: Senator Hughes*

The intent of character education is to enable students and adults in a school community to understand and act on ethical values such as respect, citizenship, courtesy, caring, and responsibility. Proponents of character education believe that it creates a foundation for a safe, healthy, and informed society. School districts are not currently required to provide a character education curriculum. This bill:

Requires the State Board of Education (SBOE) to integrate positive character traits into the Essential Knowledge and Skills (TEKS) adopted for kindergarten through grade 12 in public school districts and open-enrollment charter schools.

Deletes existing text authorizing a school district to provide a character education program using integrated age-appropriate teaching strategies.

Requires each district and open-enrollment charter school to adopt a character education program that includes instruction on traits such as courage, trustworthiness, freedom, integrity, and citizenship.

Requires the Texas Education Agency to recognize Character Plus Schools that meet character education requirements.

**Including Citizenship Test Questions on End of Course Tests—H.B. 1244**  
*by Representative Ashby et al.—Senator Sponsor: Senators Campbell and Schwertner*

A 2012 national survey from the Center for the Study of the American Dream at Xavier University found that one in three Americans would fail the civics portion of the naturalization test. Of the 1,000 respondents, 85 percent could not define rule of law, 75 percent did not know the function of the judicial branch, and 62 percent could not identify the governor of their state. Conversely, more than 97 percent of immigrants applying for citizenship pass the United States Citizenship and Immigrations Services civics examination. This bill:

Requires the United States history end-of-course assessment instrument adopted by the Texas Education Agency (TEA) to include 10 questions randomly selected by TEA from the civics test administered by the United States Citizenship and Immigration Services as part of the naturalization process under the federal Immigration and Nationality Act. Requires TEA to ensure that the questions included in the assessment instrument align with the essential knowledge and
skills adopted for the United States history course for which the instrument is administered and annually issue a report providing the questions included in the assessment and the answers to those questions and detailing student performance on those questions.

Military Order for Relocation as Proof of Residency in a School District—H.B. 1597

by Representatives Lambert and Buckley—Senate Sponsor: Senator Buckingham

Currently, military parents or guardians may not enroll their children in a school district upon receipt of military orders assigning them to a nearby military installation until they can provide proof of residency. This requirement adds unnecessary stress to families and puts children of transferring military service members at a disadvantage because they cannot register for courses, enroll in specialized academic programs, or be added to waitlists for charter or magnet schools until they are physically located within school district boundaries. This bill:

Authorizes a person whose parent or guardian is an active-duty member of the armed forces of the United States to establish residency for purposes of provisions requiring the board of trustees of a district to admit into the public schools of the district certain persons under certain circumstances by providing to the school district a copy of a military order requiring the parent's or guardian's transfer to a military installation in or adjacent to the district's attendance zone. Requires a person who establishes residency in that manner to provide to the school district proof of residence in the district's attendance zone not later than the 10th day after the arrival date specified in the order described by that provision. Defines "residence" to include residence in a military temporary lodging facility for purposes of this requirement.

Provides that an open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by this title (Public Education) or a rule adopted under this title, relating to establishment of residency under the statutory provisions amended by the bill.

Litigation Related to Defective School Facilities—H.B. 1734

by Representative Holland et al—Senate Sponsor: Senator Lucio

When school districts successfully sue for defects in design, construction, renovation, or improvement of one of their buildings, or when they settle such a case, they are required by law to use the proceeds to actually remedy defects in facilities. Additionally, the state is entitled to a portion of the judgment or settlement, if any remains after the cost of repairing the facility, if the facility in question was built with funds the district received through the instructional facilities allotment. However, there is currently no method for ensuring that funds from the judgment or settlement are being used for the intended purpose, or that the state's share of the net proceeds from such actions are ever remitted to the comptroller of public accounts of the State of Texas. As a result, many districts avoid paying back the state's share of these proceeds, often costing the state significant sums of money. This bill:

Requires a district that brings an action for recovery of damages for the defective design, construction, renovation, or improvement of a district facility financed by bonds, rather than for
recovery of damages for the defective design, construction, renovation, or improvement of an instructional facility financed by bonds for which the district receives state assistance under provisions relating to litigation involving a district facility, to notify the commissioner of education (commissioner) by registered or certified mail not later than the 30th day after the date the action is filed.

Requires the court or an arbitrator or other adjudicating authority, if the district fails to comply with this subsection, to dismiss the action without prejudice. Requires the district to provide the commissioner with a copy of the petition and an itemized list of facility defects for which the district is seeking damages under the action.

Authorizes the commissioner, in such an action involving an instructional facility financed by bonds for which the school district receives state assistance under the instructional facilities allotment, to join in the action on behalf of the state to protect the state’s share in the action.

Requires a school district that brings such an action to use the net proceeds from the action for certain repairs. Requires a school district to provide to the commissioner an itemized accounting of any such repairs.

Authorizes the Texas attorney general (attorney general), if the attorney general believes that a district is in violation of requirements related to an action involving the defective design, construction, renovation, or improvement of a district facility, to bring an action on behalf of the state in order to enjoin the district from violating those requirements. Authorizes the attorney general, in such an action, to request and authorizes the court to order any appropriate relief that is in the public interest, including payment of a civil penalty in an amount not to exceed $20,000 for each violation, the attorney general's reasonable costs for investigating and prosecuting the violation, or, if applicable, the amount of the state's share in an action involving the defective design, construction, renovation, or improvement of a district facility.

Requires the attorney general to provide an annual report to the governor, lieutenant governor, the legislature, and the commissioner regarding any actions related to facility defects brought by a district. Requires the report to include certain information for each action.

**Transition Plan for Alternative Education Program Students—H.B. 2184**

*by Representative Allen et al.—Senate Sponsor: Senator Huffman*

In 2017, over 800 Texas juveniles were released from juvenile justice facilitates and reentered a traditional school environment. Such students and students from district disciplinary alternative education programs often face barriers in their transition back to a traditional student population. Many factors must be addressed in order to help young people successfully return to schools. This bill:

Requires that an alternative education program administrator notify the parents and the receiving campus administrator of the student's date of return from an alternative education program and provide the campus administrator results of the student's academic growth.
Requires that within five instructional days, the campus administrator develop a personalized transition plan for the returning student. Requires the administrator to organize a coordination team to include school counselors, district and school resource officers, licensed clinical social workers, campus behavior coordinators, classroom teachers, and any other appropriate school personnel.

Allows a campus administrator to make recommendations for counseling, behavior management, academic assistance, and career goals. Allows a campus administrator to assist in obtaining student access to mental health services provided by the district or a local public or private entity. Allows the campus administrator to provide the student's parent or guardian information about a full evaluation for special education services. Requires, if practicable, that the campus administrator meet with the student's parents regarding a transition plan.

Allowing Teacher's Child to Enroll in Open-Enrollment Charter School—H.B. 2190
by Representative Hunter—Senate Sponsor: Senator Hinojosa

It has been reported that open-enrollment charter schools in certain locations may have difficulty recruiting and retaining teachers because enrolled must students live within a designated geographic boundary. Potential teachers at such schools are sometimes unable to enroll their own children. This bill:

Allows an open-enrollment charter school to admit a child of an employee of the school regardless of whether the child resides in the geographic area served by the school.

State Hospitals and District Accountability Measures—H.B. 2210
by Representative Keith Bell et al.—Senate Sponsor: Senator Powell

Unlike students in other types of residential facilities, the academic performance of a student receiving residential services in a state hospital for public school accountability purposes counts against a school district in which the hospital is located. This bill:

Provides that a student receiving residential services in a state hospital is not considered a student of the school district or campus in which a state hospital is physically located when determining the academic performance of a school district or campus.

Micro-Credential Awards for Teachers—H.B. 2424
by Representative Ashby—Senate Sponsor: Senator Fallon

Currently, the State Board for Educator Certification (SBEC) requires Texas educators to obtain 150 hours of continuing professional education every five years. Professions outside of education have used evidence-based micro-credentialing awards as an avenue to prepare, enrich, and help professionals continuously gain knowledge and skills, as well as to provide evidence of specific skills, performance, and advancement. This bill:
Requires SBEC to propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements, including opportunities for educators to receive micro-credentials in fields of study related to the educator's certification class.

Requires SBEC to propose rules establishing a program to issue micro-credentials in fields of study related to an educator's certification class. Requires the Texas Education Agency (TEA) to approve continuing education providers to offer micro-credential courses. Requires a micro-credential received by an educator to be recorded on TEA's Educator Certification Online System (ECOS) and be included as part of the educator's public certification records.

**Residences Located in Multiple School Districts—H.B. 2526**
*by Representative Leach—Senator Sponsor: Senator Fallon*

Current law requires a school district to admit an eligible student if either parent resides in the school district. However, a certain population of people live on property spanning multiple school district boundaries. Current law does not allow students to choose a school district in which any part of their property lies. This bill:

Requires a school district board of trustees or its designee to admit, free of tuition, an eligible person whose residence is located on any parcel of property within the school district.

**School District Board Elections Covering Multiple Counties—H.B. 2778**
*by Representative Tracy King—Senate Sponsor: Senator Flores*

Certain public school districts serve multiple counties and are required by the Texas Constitution to utilize county election precincts when holding school board elections. This creates a financial burden during school board elections. This bill:

Provides that the requirement to proportionately allocate expenses in a joint election applies only to a school district that has territory located in at least four counties, each of which has a population of less than 55,000, and no part of which is located in a municipality.

**Determining Accountability and Accreditation Ratings—H.B. 3007**
*by Representative Chris Turner et al.—Senate Sponsor: Senator Powell*

Under current law, districts are not given access to the complete data set used to determine A through F accountability ratings. As a result, discrepancies in data used to determine academic accountability ratings may lead to inaccurate performance ratings or accreditation status. Districts that appeal an accountability rating may not have access to all of the data used to determine that rating. This bill:
Requires that the Texas Education Agency provide each school district a copy of all source data used to determine a performance or accreditation status rating.

**Alternative Course Work for Suspended Students—H.B. 3012**  
*by Representative Talarico et al.—Senate Sponsor: Senator Zaffirini*

Research has shown the negative effects of suspensions on students' long term educational success. Current law limits public schools to assign no more than three concurrent out-of-school suspension days; however, suspended students often miss critical instruction nevertheless. This bill:

- Requires that a school district provide an alternative means of completing all course work a student misses as a result of an out-of-school or an in-school suspension.
- Requires that a district provide at least one option for course work that does not require the use of the Internet.

**Parent Appointed as Conservator of Child—H.B. 3145**  
*by Representative Toth—Senate Sponsor: Senator Creighton*

There have been reports that some Texas schools restrict the access of a parent who is appointed as a conservator of a child to attend lunch and certain other activities with a child because current law regarding what constitutes a school activity is unclear. This bill:

- Amends the Family Code to specify that a parent appointed as a conservator of a child has at all times the right to attend school lunches, performances, and field trips.

**Eligibility Requirements for Teaching Certificates—H.B. 3217**  
*by Representatives Ashby and Huberty—Senate Sponsor: Senators Paxton and Zaffirini*

Concerns have been raised regarding limitations relating to academic majors and credit for specified practical experience in the current certification requirements for certain prospective teachers. This bill:

- Removes the specification that the academic major or interdisciplinary academic major of a bachelor's degree that satisfies State Board for Educator Certification (SBEC) rules requiring a bachelor's degree for certain teaching certificates is a major other than education. Removes the prohibition against the SBEC requiring more than 18 semester credit hours of education courses at the baccalaureate level for the granting of a teaching certificate. Changes the requirement for the SBEC to provide for a minimum number of semester credit hours of internship to be included in the hours needed for certification to require the SBEC to provide for a minimum number of semester credit hours of field-based experience or internship.
Requirements for Statewide Standardized Testing—H.B. 3906
by Representative Huberty—Senate Sponsor: Senator Taylor et al.

Concerns have been raised that statewide standardized assessments create changes in campus routines and in daily schedules that are stressful for students. There have been calls to make changes to the administration of statewide standardized tests, such as giving schools more flexibility in selecting times when tests are administered and how much time is allotted to complete such tests. This bill:

Provides that it is Texas policy that the statewide assessment program be designed to provide assessment instruments that are short and practicable and minimize disruption to the educational program. Authorizes the State Board of Education (SBOE) to designate sections of a mathematics assessment instrument that may be completed with the aid of technology and must be completed without the aid of technology. Deletes existing text relating to adoption or development by the Texas Education Agency (TEA) of certain assessment instruments to be completed with or without the aid of technology. Requires that a math test have no more than three parts and be designed so that 85 percent of third and fourth graders will be able to complete it within 60 minutes, instead of 120 minutes. Requires that 85 percent of students in grades five through eight complete the math test within 75 minutes rather than 180 minutes. Requires that a math test not exceed eight hours and allows tests to be administered over several days.

Requires that an assessment instrument not be administered to a kindergarten student except to determine whether a kindergartener is entitled to the benefit of the Foundation School Program. Prohibits a student in prekindergarten from being administered an assessment.

Provides that, beginning with the 2022–2023 school year, an assessment may not include more than 75 percent of questions in multiple-choice format.

Requires that the commissioner of education (commissioner) appoint a technical advisory committee to advise the commissioner and TEA regarding the development of valid, reliable, and academically appropriate assessment instruments. Requires that members of the advisory committee be experts in either educational assessments, psychometrics, or curriculum and instruction.

Requires that TEA and the State Board of Education develop a transition plan to administer all instruments electronically, to begin not later than the 2022–2023 school year.

Requires that TEA establish a pilot program in which participating school districts administer integrated formative assessment instruments.

Requires that a district permit a student enrolled in a course that requires the use of a graphing calculator to use a calculator application on a personal computing device, unless the district makes a graphing calculator available to the student at no cost to the student.
Campus Turnaround Plans—H.B. 4205
by Representative Craddick—Senate Sponsor: Senator Perry

Under current law, a campus that has received an unacceptable rating for two consecutive years must submit a campus turnaround plan to the commissioner of education (commissioner). After five consecutive years of unacceptable performance, the campus must close. A closed campus must be repurposed, providing a different academic approach such as a community school, leadership academy, dual language school, or a Montessori school. A repurposed campus must also serve a majority of students who did not attend the campus the previous school year. This bill:

- Amends the Education Code relating to the contents of a campus turnaround plan, including details on campus restructuring, instructional methods, and academic and special programs.

- Authorizes a campus to submit an accelerated campus excellence (ACE) turnaround plan. Requires that the ACE plan include assigning a principal with a record of successful academic improvements at other campuses, hiring teachers who have demonstrated instructional effectiveness in the previous school year, utilizing a locally developed model to measure student performance, and providing significant incentives to retain high-performing principals and teachers.

- Requires that the ACE plan include policies and procedures for data-driven instructional practices, a system of teacher observation and feedback, a positive campus culture, strong community engagement, extended learning opportunities, and three daily meals for every student.

- Requires that the commissioner approve an ACE turnaround plan that meets specific requirements. Requires that if the commissioner orders campus closure, the campus may be repurposed if the commissioner finds that the campus offers a distinctly different academic program, serves a majority of grade levels not previously served at the campus, operates under a contract approved by the board of trustees, and has an independent governing board. Requires that the commissioner's decision be final and may not be appealed.

- Requires that students residing in the attendance zone prior to repurposing be admitted at a repurposed campus.

Attorney General is Sole Authority on Charter School Financing—H.B. 4258
by Representatives Murphy and Gervin-Hawkins—Senate Sponsor: Senator Campbell

Currently, a charter school requires municipal approval before bonds needed to finance a charter school facility can be issued. Concerns have been raised that certain municipal authorities are preventing the growth of charter schools by denying permits for new construction or expansion of existing buildings. This bill:

- Provides that the attorney general has sole authority to review and approve public notices relating to a bond financing an educational facility for an authorized charter school.
Teacher Discretion in Determining Time Needed to Teach TEKS—H.B. 4310

by Representative Dutton—Senate Sponsor: Senator Hughes

The Education Code specifies the essential knowledge and skills (TEKS) required to read, write, compute, problem-solve, think critically, apply technology, and communicate across multiple subject areas. Teachers need flexibility to devote appropriate time to teach skills and facilitate student progress. State law and regulations protect teacher discretion, to some extent. This bill:

Requires a school district, in adopting a scope and sequence for a required curriculum, to ensure that teachers are provided sufficient time to teach, and students are provided sufficient time to learn, TEKS.

Prohibits a district from penalizing a teacher who does not follow the recommended scope and sequence for a required curriculum based on the teacher’s determination that students need more or less time to demonstrate proficiency in TEKS.

Authorizes a district to take appropriate action against a teacher through sustained and documented observation or third-party information based on evidence of instructional deficiencies.

Requirements for Individual Graduation Committees—S.B. 213

by Senator Seliger et al.—House Sponsor: Representative Huberty

Currently, individual graduation committees (IGCs) provide consideration for juniors and seniors who have passed all required courses but have failed one or two end-of-course examinations needed for graduation. The IGC requires that students complete additional remediation and produce a project or portfolio in the failed examination area. The IGC conducts a comprehensive review of student's academic performance over his or her high school career, including grades in relevant coursework, overall attendance rates, and scores on the Texas Success Initiative. This bill:

Provides that an open-enrollment charter school is subject to graduation qualification procedures established by the Texas Education Agency (TEA).

Provides that S.B. 213 applies only to students who entered the ninth grade before the 2011–2012 school year.

Requires that the Texas Higher Education Coordinating Board and TEA collect longitudinal post-graduation data of each student awarded a diploma based on the determination of an IGC.

Extends subsection expiration dates to September 1, 2023.
District Parent Notification Regarding Benefits of Algebra II—S.B. 232

*by Senators Menéndez and Johnson—House Sponsor: Representative Bernal*

Concerns have been raised that students and parents may not be adequately informed about curriculum requirements needed to receive a high school diploma and about the benefits of exceeding those requirements in order to graduate with a distinguished level of achievement. For example, while Algebra II is not a high school graduation requirement, it is required for a Distinguished Level Achievement plan. This bill:

Requires districts to notify parents and guardians annually that a student is not required to complete Algebra II to graduate under the foundation high school program. Requires that districts also notify parents and guardians of the potential consequences of not completing Algebra II, including missing the benefits of automatic college admission and qualification for certain financial aid and grants programs.

Educator Preparation Program Reporting—S.B. 668

*by Senator Hughes—House Sponsor: Representative VanDeaver*

Among the Senate Committee on Education's interim charges was the study of mandate relief and innovation. In the summer of 2018, the Lieutenant Governor's Office convened the K–12 Improvement, Innovation, and Mandate Relief Workgroup (workgroup) in order to assist the Education Committee in responding to studying mandate relief. The workgroup, comprised of stakeholders representing teachers, school administrators, and policy organizations, convened to study costs, mandates, and inefficiencies, with a focus on creating policies to improve student outcomes and better utilize tax resources. The workgroup members unanimously agreed on a set of recommendations including establishing a definition of homeless children and youth and authorizing more efficient ways to collect and report data on teacher retention. This bill:

Adds language defining homeless students and homeless youth. Requires that the State Board for Educator Certification provide information on educator preparation programs, including the academic qualifications of persons admitted to the program, average scores on Scholastic Assessment Tests (SAT), American College Tests (ACT), or Graduate Record Examinations (GRE), the degrees earned by persons who obtain teaching positions, the average ratio of field supervisors to candidates completing student or clinical teaching, internships, and the number of beginning teachers employed as classroom teachers who have remained in the field at least three years after certification, based on information reported through the Public Education Information Management System (PEIMS).

Requires that a district board of trustees to admit into the schools, free of charge, persons between the ages of five and 21 years, persons between ages 21 and 26 years in order to complete high school diploma requirements, a homeless person, a foreign exchange student, or a student who resides at a residential facility located in the district.

Exempts a child from compulsory school attendance for specific reasons.
Defines a student at risk of dropping out of school. Requires each school that maintains an Internet website to post information on local programs and services, including charitable programs and the name of a program representative, to be made available to assist homeless students.

Requires that, not later than the 10th business day, a school staff member or volunteer administering an epinephrine auto-injector report to the district or governing body, physician or other prescriber, and the commissioner of state health services.

Requires the Texas Education Agency, in coordination with the Texas Higher Education Coordinating Board, to adopt a series of questions to be included in an end-of-course assessment. Requires that the questions be consistent with college readiness standards and include an assessment of whether student achievement has improved.

Requires the commissioner of education to allow a charter holder to provide written notice of the establishment of a new open-enrollment charter school up to 18 months before the school's opening date. Authorizes a charter holder to submit a request for approval for an expansion amendment up to 18 months before the effective date of the expansion.

**District Cybersecurity Protocols—S.B. 820**

by Senators Nelson and West—House Sponsor: Representatives Meyer and Talarico

As public school districts move from paper to electronic records, student and employee data is a potential target for cyber criminals. The Texas Education Agency (TEA) data security advisory committee recently recommended certain legislative priorities to better protect such data. This bill:

Defines breach of system security as an incident in which sensitive, protected, or confidential student information is stolen, copied, transmitted, viewed, or used by an unauthorized person. Defines cyberattack as a means to damage, disrupt, or gain unauthorized access to a computer, computer network, or computer system.

Requires that each school district adopt a cybersecurity policy in order to secure district cyber infrastructure against cyber attacks and other cybersecurity incidents, determine cybersecurity risk, and implement mitigation planning. Prohibits a district's cybersecurity policy from conflicting with higher education information security standards.

Requires each district superintendent to designate a cybersecurity coordinator as a liaison between the district and TEA. Requires that the coordinator report to TEA any breach of a cybersecurity system. Requires that the coordinator provide notice to a parent or guardian about a student for which a report is required.
Campus Behavior Coordinator Contact Information—S.B. 1306
by Senator Kolkhorst—House Sponsor: Representative Burns

Interested parties have noted that some Texas school districts do not post any information on the district's website about the person designated to serve as the campus behavior coordinator or the person responsible for maintaining student discipline. This bill:

Requires a school district to post on the district's Internet website the e-mail address and phone number of each campus behavior coordinator.

Requires that, if a district has been designated as a district of innovation and is exempt from designating a campus behavior coordinator, a campus administrator responsible for student discipline be named.

Allowing Student to Take Concurrent Algebra I and Geometry Courses—S.B. 1374
by Senator Paxton—House Sponsor: Representative Ashby

Current state law does not currently allow co-enrollment of Algebra I and geometry courses, listing Algebra I as a required prerequisite for geometry. Previously, the Texas Education Agency designated Algebra I as a recommended prerequisite to geometry, giving school districts the autonomy to enroll sophomore students who were unsuccessful in a 9th grade Algebra I course the chance to take both Algebra I and geometry simultaneously. This bill:

Provides students the flexibility to enroll in Algebra I and geometry concurrently. Provides that such an option allows students to recover an Algebra I credit without falling further behind in their math sequence. Provides that high-performing students can accelerate their math courses in order to take more advanced math courses.

Eliminating Certain Mandates Imposed on Educational Entities—S.B. 1376
by Senators Paxton and Creighton—House Sponsor: Representative Patterson et al.

Interested parties have noted that various statutory provisions relating to public education are either no longer useful or are, in effect, unfunded mandates. The K–12 Improvement, Innovation, and Mandate Relief Workgroup convened during the interim of the 85th Legislature in 2018, and found a need to repeal several provisions of the Education Code, transfer certain authorities, and streamline certain requirements. This bill:

Deletes a requirement that the State Board for Educator Certification (SBEC) supervise the executive director's performance. Deletes a requirement that SBEC approve an operating budget for the board, and deletes the requirement that SBEC execute interagency contracts for routine administrative functions.

Transfers from the commissioner of education to the University Interscholastic League (UIL) the requirement to develop and adopt an extracurricular activity safety training program. Transfers
requirements for certain extracurricular athletic training from a school district to UIL. Requires that UIL, the American Red Cross, or a similar organization conduct extracurricular athletic safety training, rather than a school district.

Requires the Texas Commission on Environmental Quality (TCEQ) to exempt a school district with fewer than 10,000 students from the requirement to establish a program for all recyclable materials if TCEQ finds that compliance would cause a hardship.

Requires the commissioner of education to establish a master teacher grant program for certified teachers in reading, mathematics, technology, or science, rather than only for master reading teachers.

Requires the commissioner of education to make grants in order to pay stipends to selected master teachers. Allows a school district to apply for grants to be used to pay stipends to master teachers.

Repeals numerous sections of the Education Code, including the requirement that districts purchase energy-efficient lightbulbs, a section establishing the High School Completion and a section regarding Success Initiative Council, and the Interagency Obesity Council.

**Allowing Teacher to Remove Disruptive Student—S.B. 1451**
*by Senators Taylor and Nelson—House Sponsor: Representative Ashby*

Teachers are charged with maintaining a safe and orderly learning environment in their classrooms. However, concerns have been raised that although current law authorizes a teacher to remove a student from the classroom for certain disruptive behavior, some teachers may experience pressure to limit removals or may be marked down on annual appraisals for exercising that authority. This bill:

Authorizes a teacher to submit documentation to a principal related to student behavior that does not conform to the student code of conduct. Prohibits a school district from disciplining a teacher for documenting a student's behavior.

Requires that a teacher not be assigned a deficiency in an appraisal solely on the basis of disciplinary referrals or documentation regarding student conduct. Provides that a teacher may be given a deficiency based on documented evidence obtained through observation or a substantiated report of inadequate classroom management.

Provides that a student sent to a campus behavior coordinator’s or other administrator’s office or removed from class is not considered to have been removed from the classroom for the purposes of reporting data through the Public Education Information Management System (PEIMS) or other similar reports required by state or federal law.
Disposal of Assets From Charter School Closures—S.B. 1454
by Senators Taylor and West—House Sponsor: Representative Huberty

It has been noted that when open-enrollment charter schools are closed due to charter revocation, surrender, abandonment, concerns have been raised regarding the disposal of charter school assets. Specifically, such disposal has been complicated by the intersection of various property interests, including those of the state, secured creditors, and charter holders. This bill:

Requires any remaining funds of a charter holder for an open-enrollment charter school (charter school) be returned to the Texas Education Agency (TEA) to be deposited in a charter school liquidation fund. Authorizes TEA to approve a transfer of a charter holder’s remaining funds to another charter holder if the charter holder receiving the funds has not received notice of the expiration or revocation of a charter or a school reconstitution.

Provides that funds received by a charter holder are public and may be used only as another school may use local funds. Prohibits a charter holder from pledging funds in order to secure loans or bonds for any other organization, including a non-charter operation conducted by the charter holder or a related party. Authorizes the commissioner of education (commissioner), if the aggregate amount of all transactions between a charter holder and a related party exceeds $5,000, to conduct an audit including the review of any real property transactions using charter school funds.

Defines related party to include a party with a current or former board member, an officer of an open-enrollment charter school, a charter holder’s related organization, or a joint venture.

Authorizes the commissioner to adopt rules requiring a charter school to notify the commissioner that the school intends to enter into a transaction with a related party, and to provide an appraisal from a certified agency.

Authorizes TEA, if TEA determines that the cost of disposing of property transferred to TEA by a charter school exceeds the return of value from the sale of the property, to distribute the property to charter schools and school districts.

Requires a charter school to provide an accounting to TEA of each parcel of real property, including identifying the amount of local, state, and federal funds used to purchase or improve each parcel of property. Requires the report to verify that all state property held by the charter holder has been returned or disposed of.

Automatic Enrollment From 3-Year-Old to 4-Year-Old Prekindergarten—S.B. 1679
by Senator West—House Sponsor: Representative John Turner et al.

High-quality prekindergarten benefits students, families, and communities. Current law requires parents of children eligible for three-year-old pre-K to re-enroll their child for four-year-old pre-K. The requirement is confusing and time-consuming for parents and costs districts time, money, and duplicated tasks. This bill:
Provides that a three-year-old child eligible for enrollment in prekindergarten remains eligible for enrollment in a prekindergarten class the following school year.

**Adding Incarcerated Students to At-Risk Criteria—S.B. 1746**

by Senators Miles and Powell—House Sponsor: Representative White et al.

According to a research study conducted by The University of Texas at San Antonio, about one in 28 children has a parent in prison. Students with incarcerated parents are at a high risk of suffering academic difficulties. In addition, such students are susceptible to developmental challenges due to poor diet and lack of sleep. Moreover, some students have difficulty staying focused in school, which puts them at risk of dropping out of school. This bill:

Adds students who have been incarcerated or have a parent or guardian who has been incarcerated to the list of those at risk of dropping out of school. Requires schools to provide accelerated, compensatory, or intensive instructional strategies for students at risk of dropping out of school.

**Completing Dissolution of the Dallas County Schools—S.B. 2018**

by Senator West—House Sponsor: Representative Anchia

In 2017, Dallas County residents voted to close the Dallas County Board of Education and board of county schools, also known as Dallas County Schools (DCS), and a dissolution committee was created to determine the manner in which all assets, liabilities, contracts, and services were to be divided, transferred, or discontinued. The dissolution committee also managed the transfer of all buses, vehicles, and bus service centers, and created a sinking fund to deposit money received for the payment of any debt. This bill:

Requires that, on September 1, 2019, all duties of the dissolution committee be transferred to the commissioners court (court) of the county in which the board was located, with the court assuming control of any remaining funds, liability, or debt. Requires that, on September 1, 2019, the county collect any delinquent taxes imposed by or on behalf of DCS. Requires that upon completion of payment of all debt, any delinquent taxes be proportionately distributed to school districts in the county based on student enrollment numbers.

Requires that the court continue to assess and collect any ad valorem tax adopted by the board and requires the court to continue levying annual taxes at a rate of one cent per $100 of ad valorem valuation until all debt has been discharged. Requires that the court pay all remaining debts or claims reserved by the dissolution committee, including claims for workers' compensation and unemployment compensation filed on or before September 1, 2019.

Prohibits a lawsuit from being filed against a board or dissolution committee after September 1, 2019.
Authorizing a District to Reduce Teacher Service Days—S.B. 2073  
*by Senators Taylor and West—House Sponsor: Ken King*

The 84th Legislature, Regular Session, 2017, enacted legislation to convert 180 student instructional days to minutes. The purpose of the change was to give school districts more flexibility in managing their school calendars. In many cases, districts have used the new law to provide a longer school day, resulting in a smaller number of total instructional days. However, a corollary change was never made allowing teacher contracts to stipulate fewer than 187 working days. The lack of parity between instructional days and teacher contract days has created situations in which the number of instructional days can be significantly fewer than teacher contract days. The result is that teachers are working longer days, but also continue to work the same number of days as before the law changed. This bill:

Authorizes a district to reduce the number of days of teacher service if a district anticipates providing fewer than 180 days of instruction during a school year. Provides that a reduction in instructional days does not reduce an educator's salary.

Funding Increases for Districts Partnering With Educational Entities—S.B. 2117  
*by Senator Bettencourt—House Sponsor: Representative Bohac*

The 85th Legislature in 2017 passed S.B. 1882, which provided incentives for traditional school districts to partner with entities that provide educational services, including open-enrollment charter schools, institutions of higher education, non-profits, or governmental entities. Under such partnerships, districts could receive potential increases in funding. This bill:

Authorizes the commissioner of education to adopt rules to determine funding increases for a district that contracts with a partner entity.

Information Regarding Student Arrests—S.B. 2135  
*by Senator Powell—House Sponsor: Representative Cortez*

Currently, law enforcement agencies notify the superintendent of a school district if they arrest a person who attends the superintendent's district. Requires that the notice contain sufficient details of the arrest or referral and the acts allegedly committed by the student to enable the superintendent to determine whether there is a reasonable belief exists that the student has engaged in conduct defined as a felony offense, as defined by the Penal Code. This bill:

Requires that law enforcement provide relevant information to enable a superintendent and campus personnel to determine whether a threat assessment should be conducted or a safety plan prepared prior to an arrested student's return to school.
School Trustees and Felony Convictions or Class A Misdemeanors—S.B. 2283
by Senator Campbell—House Sponsor: Representative Dutton

Currently, school board members who are convicted of paying for sexual acts are ineligible to serve on the board. This bill:

Requires that a felony conviction or a Class A misdemeanor render a person ineligible for service as a member of a school district board of trustees.

Charter School Reporting to TEA—S.B. 2293
by Senator Fallon—House Sponsor: Representative Dutton

Since the inception of charter schools in 1995, the legislature's intent was that charter schools, operated by nonprofit corporations, would, at the legislature's discretion, be treated like public entities. Charter schools receive public funds; therefore, they are public schools, and charter school employees are public employees. Charter schools are accountable as public schools are for academic and financial performance. This bill:

Requires that the commissioner of education (commissioner) adopt a common admission application for use by an applicant to an open-enrollment charter school. Prohibits the form from advertising or promoting any persons or the open-enrollment charter school, or soliciting money, goods, or services from an applicant. Requires that the commissioner adopt guidelines for an open-enrollment charter school to create and manage a waiting list each year.

Requires that the governing board of a charter holder report annually to the Texas Education Agency (TEA) certain information, including the number of students enrolled, the enrollment capacity, and the number of students on a waiting list, aggregated for all campuses operating under the charter holder's charter. Requires that by March 15 of each year, the commissioner post on TEA's Internet website aggregated information provided by charter holders.
Allowing Students in Special Education to Earn High School Endorsements—H.B. 165
by Representative Bernal—Senate Sponsor: Senator Powell

High school endorsements provide students with in-depth knowledge in an area such as Science, Technology, Engineering, and Mathematics (STEM), Business and Industry, Public Service, Arts and Humanities, and Multidisciplinary Studies. Currently, students enrolled in a special education program who receive a modified curriculum are prohibited from earning a transcript endorsement. However, most students with disabilities can meet the graduation standards set for all other students, regardless of modified curriculum or instructional accommodations. This bill:

- Allows students enrolled in special education programs to earn an endorsement on their transcript if they successfully complete the curriculum for the endorsement, regardless of modifications or accommodations, provided that the curriculum is sufficiently rigorous as determined by the student's Admission, Review, and Dismissal (ARD) committee.

- Requires that an ARD committee determine whether the student must achieve satisfactory performance on an end-of-course test to earn a transcript endorsement.

Accountability Ratings for Day School Programs for the Deaf—S.B. 54
by Senators Zaffirini and Lucio—House Sponsor: Representative Mary González

Currently, students who attend regional day school programs for the deaf are counted as students of the district within the physical boundaries of the programs. School districts do not have authority over instruction and assessment at schools for the deaf, and stakeholders assert that it is unfair to hold districts accountable for students' academic outcomes in those schools. This bill:

- Requires the Texas Education Agency (TEA) to conduct a study regarding appropriate methods and standards of evaluating academic in a day school performance in day school programs for the deaf separate from the performance of other students attending a district or campus in which a program is located. Requires that TEA evaluate specific student criteria, including tracking students who spend at least 50 percent of the instructional day at a regional day school program for the deaf, and whose parents or guardians do not reside in the district providing program services. Requires that no later than September 1, 2021, TEA submit study results to appropriate legislative committees with primary jurisdiction over public education. Requires that TEA implement a provision of this bill if the legislature appropriates money specifically for that purpose. Authorizes TEA to use other appropriations if the legislature does not fund this bill.

Parent Notification Regarding a Special Education Referral—S.B. 139
by Senators Rodríguez and Menéndez—House Sponsor: Representative Moody

Concerns have been raised regarding educational opportunities that have been denied to certain students who might have qualified for special programs, including bilingual education, certain federal title programs, and special education. The Texas Education Agency's (TEA) Performance-Based Monitoring Analysis System reports annually on the performance of districts and charter...
schools in selected program areas. As a result of the reports, TEA imposed a percentage cap on special education enrollment as well as reducing funds to special education programs. While TEA has since removed the cap and requested additional funding, it is important that parents have the necessary information if they choose to initiate a special education evaluation referral for their children. This bill:

Requires that TEA post on its website changes in reporting requirements made from 2016 to 2017 for districts and open-enrollment charter schools regarding the special education representation indicator adopted in the Performance-Based Monitoring Analysis System.

Requires that TEA post, in plain language, a child's rights as well as the process to initiate a special education evaluation referral.

Requires that within the 2019-2020 school year, a school district or open-enrollment charter school notify parents regarding the process to initiate a special education evaluation referral. Requires that the notice be made available in English and Spanish and that a good faith effort be made to provide parents notices in other languages.

**Students With Visual Impairments and Braille Instruction—S.B. 522**
by Senators Zaffirini and Lucio—House Sponsor: Representative Sanford

Currently, the Education Code requires that schools provide braille instruction as part of an individualized education plan (IEP) for functionally blind students. However, The Texas Action Committee for the Education of Students with Visual Impairment has worked to remove the term "functionally blind" from statute because the term is vague and confusing. Interested parties contend that current language may actually prevent braille instruction from students who need it, and require braille instruction for students who do not need it. This bill:

Requires that the term "visual impairment" replace the term "functionally blind" and that braille instruction be included unless a student's admission, review, and dismissal (ARD) committee determines and documents that braille is not an appropriate literary medium for the student.

**Early Identification of and Intervention for Students With Dyslexia—S.B. 2075**
by Senators Paxton and Zaffirini—House Sponsor: Representative Miller

In 1985, the Texas Legislature passed a law requiring public schools to identify and treat students with dyslexia and related disorders. However, no specific time period was set for when dyslexia testing must occur. As a result, some students have not been tested until late in their education. This bill:

Requires that a school district notify a parent or guardian of each student determined on the basis of a screening instrument to have dyslexia, a related disorder, or to be at risk for dyslexia. Requires that the Texas Education Agency develop procedures to allow for effective auditing and
monitoring of school districts to ensure compliance, to identify problems related to compliance, and to develop appropriate remedial strategies to address district noncompliance.
Recording of Minutes for Local Canvassing Authority—H.B. 88
by Representative Swanson et al.—Senate Sponsor: Senator Fallon

It has been noted that there are inefficiencies and delays with re-drawing ballot order for candidates in a runoff. This bill:

Provides that candidates’ names appear on the runoff ballot in the same order they appeared in the initial election. The same provision would also apply in the rare instance of an election resulting in a tie, in which case Texas law requires a second election be held.

Time for Providing a Mail-In Ballot to Be Voted by Mail to a Voter—H.B. 273
by Representative Swanson et al.—Senate Sponsor: Senator Zaffirini

Legislation enacted recently inadvertently failed to make corresponding changes regarding a new deadline by which mail-in ballots are required to be sent to voters. This has resulted in confusion and extra workloads for election officials. This bill:

Reduces the burden on election officials by making changes to ensure the alignment of deadlines in current law related to when ballots must be sent to voters are aligned. Specifies that 37 days before an election, rather than 45 days before an election, voters must be sent requested mailed ballots to be delivered within seven days.

Legislative Audio and Visual Material in Political Advertising—H.B. 368
by Representative Cain et al.—Senate Sponsor: Senator Hall

Concerns have been raised regarding the constitutionality of prohibiting the use of legislatively produced audio or visual materials in political advertising. This bill:

Repeals Section 306.005 (Use of Legislatively Produced Audio or Visual Materials in Political Advertising Prohibited), Government Code, which prohibits a person from using audio or visual materials produced by the legislature or an agency of the legislature in political advertising.

Ballot Language on Debt Obligation Propositions—H.B. 477
by Representative Murphy et al.—Senate Sponsor: Senator Bettencourt et al.

It has been suggested that bond propositions suffer from a lack of uniformity and transparency in ballot content, specifically relating to the amount of total debt being authorized. This bill:

Requires a ballot for the issuance of a debt obligation by a political subdivision to describe the purposes for which the debt obligation is to be authorized and the total principal amount of the debt obligation, and to state that taxes sufficient to pay principal and interest on debt obligations will be imposed.
Sets forth requirements relating to the posting and the contents of voter information documents for propositions, including requirements to post the document online 21 days in advance of the election and to include an estimated impact to property taxes.

Requires a political subdivision to word propositions on the ballot in accordance with certain requirements set forth in the bill.

**Residency Requirement for Public Office—H.B. 831**  
*by Representative Huberty—Senate Sponsor: Senator Huffman*

There have been calls in light of recent electoral campaigns to update the continuous residency requirement for persons to be eligible for public elective office. This bill:

Provides for that update relating to a person's intent to return to a residence after a temporary absence.

**Posting of Election Information—H.B. 933**  
*by Representative Bucy et al.—Senate Sponsor: Senator Zaffirini*

The Internet is used by many voters, especially young voters, to access election information. Current law, however, does not require that this information be posted online. This could contribute to Texas' low voter turnout rates, consistently among the lowest in the country. Requiring that notices and postings relating to the electoral process available online would ensure that more voters have access to information they need to participate in the democratic process, making voting more convenient for eligible persons, and promoting increased voter turnout. This bill:

Requires counties and the secretary of state to make all existing notices and postings concerning various aspects of the electoral process, including materials concerning poll locations and hours, voter registration, contact information for election offices, and ID requirements, available online.

**County Early Voting Polling Place—H.B. 1048**  
*by Representative Guillen—Senate Sponsor: Senator Zaffirini*

When political subdivisions, such as school or hospital districts, designate different early voting polling places than sites designated by counties, voters may have to travel to two different locations for early voting in all of the races they are eligible to participate in. This is not only inconvenient, but also causes confusion and affects voter turnout. This bill:

Prohibits political subdivisions from designating an early voting polling place other than one established by the county, ensuring that voters need travel to only a single poll site to vote early.
Omission of Deceased Candidates From Ballots in Certain Elections—H.B. 1067
by Representative Ashby—Senate Sponsor: Senator Schwertner

It has been suggested that omitting deceased candidates from ballots in certain elections would save political subdivisions both time and resources. This bill:

Amends the Election Code to authorize the preparation of ballots in an election other than the general election for state and county officers that omit a candidate who dies on or after the second day before the application deadline for a place on the ballot.

Polling Place Location Notices—H.B. 1241
by Representative Bucy et al.—Senate Sponsor: Senators Powell and Zaffirini

It has been suggested that the absence of street addresses on polling place location notices may discourage voters from seeking out a polling place if they are new to a county or otherwise unfamiliar with the area. This bill:

Requires a written notice specifying the street address of a polling place and any applicable building name.

Cybersecurity and Voter Registration Lists—H.B. 1421
by Representative Israel et al.—Senate Sponsor: Senator Zaffirini

It has been noted that the study the legislature asked the secretary of state to conduct regarding cyber attacks on election infrastructure has been completed and the report, with recommendations, has been issued. This bill:

Implements some of those recommendations to provide greater cybersecurity for voting systems in Texas. Amends the Election Code to require the secretary of state to adopt rules defining classes of protected election data and establishing best practices for identifying and reducing risk related to the electronic use, storage, and transmission of election data.

Availability of Certain Voter Information—H.B. 1850
by Representative Klick et al.—Senate Sponsor: Senator Fallon

It has been reported that the lack of a uniform process for interested parties to request certain daily voting information during early voting periods creates undue burdens on election authorities. This bill:

Amends the Election Code to require the early voting clerk to provide a current copy of the branch daily register for website posting naming the authority ordering an election for each day early voting is conducted, if that authority maintains a website. Requires at a minimum a voter registration number for each voter listed in the register.
**Temporary Branch Polling Place Hours of Operation—H.B. 1888**  
*by Representative Greg Bonnen et al.—Senate Sponsor: Senators Huffman and Bettencourt*

It has been suggested that, while the flexibility of election authorities to place and move polling stations during an early voting period was conceived to accommodate voters by allowing voting to be done close to homes or workplaces, there is a possibility that some authorities accommodate some voting populations to the exclusion of others. This bill:

Repeals Election Code provisions restricting the days and hours for personal appearance early voting at a temporary polling place based on county population.

Amends the Election Code to revise the days and hours for early voting by personal appearance at a temporary polling place by requiring the voting to be conducted on days voting is required to be conducted at the designated main early voting polling place, remaining open for at least eight hours each day or three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters.

Clarifies that a movable temporary branch polling place is a polling place located in a movable structure.

Limits the elections for which certain political subdivisions must use regular county election precincts to elections held on the uniform, November election date.

**Form of Candidate's Name on Ballot—H.B. 2075**  
*by Representative Neave et al.—Senate Sponsor: Senator Zaffirini*

Concerns have been raised over possible legal challenges that a candidate for office may face should the candidate choose to run under a maiden name or other similar legally acquired surname, particularly with regard to a widowed or divorced candidate who may not have yet undergone a legal surname change. This bill:

Amends the Election Code to authorize a candidate for elected office to use any surname acquired by law or marriage on the ballot.

**Candidates Nominated by Convention—H.B. 2504**  
*by Representative Springer—Senate Sponsor: Senator Hughes*

It has been noted that the filing fees paid by certain candidates running for nomination in general primary elections are used to help cover a variety of election expenses. It has been suggested that there should be a requirement for other candidates to pay fees or submit a petition in lieu of a fee in order to appear on the ballot for state and county general elections. This bill:

Amends the Election Code to require a candidate nominated by convention to be eligible for a ballot slot in a state and county officers general election by paying a filing fee or submitting a valid
petition in lieu of a filing fee to the secretary of state for a statewide or district office race or to the county judge for a county or precinct office election.

**Regulation of Political Advertising—H.B. 2554**

*by Representative Bucy—Senate Sponsor: Senator Zaffirini*

It has been noted that there are various statutory provisions relating to the display of political advertising signs, including provisions protecting the rights of property owners in a property owners' association to display certain political signs for a specified period of time. This bill:

Transfers certain provisions of the Local Government Code and the Property Code relating to regulation of the display of signs containing political advertising to the Election Code and redesignates certain provisions of the Election Code relating to that subject matter.

**Clarifying Political Contribution and Expenditure Processes—H.B. 2586**

*by Representative Leach et al.—Senate Sponsor: Senator Hughes*

It has been noted that, in the absence of more specific direction, the Texas Ethics Commission has relied on its rulemaking process to establish the method of operations for direct campaign expenditures following the decision handed down by the United States Supreme Court in 2010 in *Citizens United v. Federal Election Commission*. Concerns have been raised that this situation has resulted in unnecessary confusion and overly burdensome requirements being imposed on political committees. This bill:

Redefines the term "political committee" as two or more persons acting in concert with a principal purpose of accepting political contributions or making political expenditures and to exclude from the term a group composed exclusively of two or more individual filers or political committees required to file reports under those provisions who make reportable expenditures for a joint activity. Clarifies that a campaign expenditure does not constitute a contribution by the person making the expenditure to a candidate or officeholder if the expenditure is made without the prior consent or approval of the candidate or officeholder on whose behalf the contribution is made.

Establishes that, for purposes of determining whether a campaign expenditure qualifies as a direct campaign expenditure, communication between a person and a candidate or an officeholder is not evidence that the person obtained the candidate's or officeholder's consent or approval for a campaign expenditure made after the communication unless the communication establishes that:

- the expenditure is incurred at the request or suggestion of the candidate, officeholder, or candidate's or officeholder's agent;

- the candidate, officeholder, or candidate's or officeholder's agent is materially involved in decisions regarding the creation, production, or distribution of a campaign communication related to the expenditure; or
the candidate, officeholder, or candidate's or officeholder's agent shares information about the candidate's or officeholder's plans or needs that is material to the creation, production, or distribution of a campaign communication related to the expenditure and is not available to the public.

Requires a campaign treasurer appointment by a general-purpose committee or by a specific-purpose committee for supporting or opposing a candidate for office to include an affidavit stating the following before the committee may use a political contribution from a corporation or a labor organization to make a direct campaign expenditure in connection with a campaign for an elective office:

the committee is not established or controlled by a candidate or an officeholder; and

the committee will not use any political contribution from a corporation or a labor organization to make a political contribution to a candidate for elective office, an officeholder, or a political committee that has not filed an affidavit under this provision as a general-purpose or as a specific-purpose committee.

Establishes that the prohibition against a political committee assisted by expenditures made by a corporation or labor organization from making a political contribution or political expenditure in whole or part from money that is known by a member or officer of the political committee to be dues, fees, or other money required as a condition of employment or condition of membership in a labor organization does not prohibit a political committee from making a political contribution or political expenditure wholly or partly from a campaign contribution made by a corporation or labor organization to the committee.

Information Relating to Candidates and Election Returns—H.B. 2628
by Representative Vo—Senate Sponsor: Senator Hughes

It has been noted that some smaller counties cannot post election night returns online, hindering access to information for county residents. It has been noted that the secretary of state now has the necessary technology to post all election returns, including county-level election returns, on its website. This bill:

Provides for online posting of election return, revising reporting methods and requiring the maintenance of certain information relating to candidates and election returns.

Political Parties—H.B. 2640
by Representative Cortez—Senate Sponsor: Senator Hughes

It has been suggested that the laws regarding the process by which political parties select candidates and govern their respective organizations are in need of clarification and modernization. This bill:
Revises provisions relating to participation in political party affairs, party governance, primary elections, and party conventions.

**Restrictions on Use of Political Funds by Lobbyist—H.B. 2677**  
*by Representative Goldman et al.—Senate Sponsor: Senator Hughes*

Currently, the Government Code prohibits registered lobbyists who once were candidates or officeholders from using political contributions accepted when a candidate or officeholder to make contributions to candidates, officeholders, or political committees. Further, while the conversion of political contributions to personal use is prohibited, neither the Government Code nor the Election Code clearly specifies whether the use of political contributions for a lobbyist expenditure, as defined by the Government Code, constitutes personal use. Interested parties contend that political contributions accepted by candidates or officeholders, or by a specific-purpose political committees existing to support a candidate or officeholder, should not be eligible for lobbying expenditures once the candidate or office holder has left public office. This bill:

Prohibits a person who makes or authorizes certain political contributions and direct campaign expenditures from lobbying during a two-year period after the date a person makes or authorizes the contribution or expenditure.

**Confidential Personal Information Obtained for the Purposes of Voting—H.B. 2910**  
*by Representatives Klick and VanDeaver—Senate Sponsor: Senator Hughes*

Interested parties say that some safeguards currently in place meant to protect the confidentiality of personal information obtained for the purposes of voting fail to secure privacy adequately. This bill:

Expands the list of information furnished on a voter registration application deemed to be confidential. Excludes peace officer or special investigator residence information as public information for the purposes of election administration when that residence information is omitted from a peace officer or investigator driver license. Prohibits disclosure of a judge's residence for purposes of election administration.

Requires the registrar of a county in which a federal or state judge resides, on receiving notice from the Office of Court Administration of the judge's qualification for office and of the name of the judge's spouse, if applicable, to prepare a memorandum of the notice, indicating the substance and date of the notification, and to retain the memorandum on file with the voter registration application.
Political Contributions to a Political Committee—H.B. 3044  
*by Representative Klick et al.—Senate Sponsor: Senator Hughes*

It has been reported that Texas is the only state that does not permit corporate charitable match solicitation programs. In response to these reports, there have been calls for Texas to align more closely with the laws of other states and federal law regarding these programs. This bill:

Amends the Election Code to specify that authorized political expenditures made by a corporation to finance the solicitation of political contributions to a general purpose committee include fully or partially matching contributions to charitable organizations exempt from federal income tax under the federal Internal Revenue Code of 1986.

Confidential Information of Certain Registered Voters—H.B. 3100  
*by Representative Wray—Senate Sponsor: Senator Zaffirini*

Home addresses are publicly available through voter registration records. Currently, judges and their spouses can request that their home addresses not be made publicly available through voter registration records. Although these same protections are provided to peace officers, their spouses are not covered by the law. This situation makes it easy for bad actors to locate the address of a peace officer using the voter registration records of the peace officer’s spouse. This bill:

Amends the Election Code to expand the list of information furnished on a voter registration application considered confidential. Provides that public information for purposes of state public information law is not required to include the residence of the spouse of a peace officer.

Judicial Campaign Fairness Act—H.B. 3233  
*by Representative Klick et al.—Senate Sponsor: Senator Fallon*

It has been noted that certain provisions of the Judicial Campaign Fairness Act are out of date and in need of updating. This bill:

Revises and update provisions regarding, among other things, certain contribution and expenditure limits for judicial candidates.

Posting of Certain Notices in Primary Elections—H.B. 3252 [VETOED]  
*by Representative Allen—Senate Sponsor: Senator Zaffirini*

Concerns have been raised regarding the posting requirements for notices at polling places relating to political party conventions. It has been suggested that voters choosing to vote early during a primary election are less likely to see these notices due to narrow notice posting windows. Additionally, there have been calls to clarify county clerk posting requirements in relation to primary election notices. This bill:
Requires convention notices to be posted at polling sites throughout the early voting period and on election day. Requires that notices regarding party primaries be posted on counties' websites. Requires that voters be provided with more information regarding opportunities to participate in the political process.

**Revision of State Campaign Finance Provisions—H.B. 3580**  
*by Representatives Klick and Cain—Senate Sponsor: Senator Huffman*

It has been noted that the *Citizens United* ruling has rendered some aspects of state campaign finance law relating to political advocacy and engagement unconstitutional and therefore unenforceable. This bill:

Revises certain restrictions on political advertising, political contributions, and political expenditures.

Allows a corporation or other labor organization to make political contributions to direct campaign expenditure-only committees, so long as they do not coordinate with candidates or officeholder campaigns.

Allows a speaker candidate or former speaker to accept campaign contributions.

**Countywide Polling Place Program—H.B. 3965**  
*by Representative Bohac—Senate Sponsor: Senator Huffman*

Concerns have been raised over long lines and delays caused by temporary closures of countywide polling places on election day due to technical difficulties or problems with polling place facilities. This bill:

Requires each countywide polling place to post the distance to nearby polling places and requires all countywide polling places to remain open for the same length of time under certain circumstances.

**Omitting a Withdrawing Candidate From the Ballot—H.B. 4129**  
*by Representative Swanson et al.—Senate Sponsor: Senator Zaffirini*

Concerns have been raised regarding the process by which an authority preparing a ballot may omit a candidate's name from the ballot at the request of the candidate. It has been suggested that ambiguity surrounding this process causes complications for county officials preparing ballots and may provide opportunities for other entities to attempt to inappropriately influence these officials. This bill:

Revises the conditions under which a withdrawing candidate's name may be omitted from a ballot.
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Use of an Electronic Device for Accepting Voters—H.B. 4130
by Representative Swanson et al.—Senate Sponsor: Senator Creighton

It has been reported that the secretary of state does not have the ability to adequately certify electronic poll-books used in some counties across the state. It has been suggested that electronic poll-book systems, which are becoming more common in larger counties, vary in design and are not required to include functions helpful for ensuring election security. This bill:

Requires the secretary of state to prescribe specific requirements and standards for the certification of an electronic voting device that require the device to produce an electronic voter list for the election judge after the polls close, display voters' signatures, accept voters even when the device is off-line, provide a full list of voters registering in the county, produce a time stamp when a voter is accepted, and produce an electronic copy of the device logs for the secretary of state.

Ballot Language Requirements for Bonds—S.B. 30
by Senator Birdwell et al.—House Sponsor: Representative Phelan et al.

Increasingly across the state, taxing entities require voters to cast ballots on substantial bonds, some approaching a billion dollars. As property values and taxes increase, voters are often unaware of the implications of bond packages, and are not well informed of subsequent tax increases associated with approval of such bonds. Statute currently requires bond proposals to describe their "general purpose" and allows for multiple projects to be consolidated into one proposition. This bill:

Requires local taxing entities to provide more transparent and detailed ballot language for propositions issuing bonds or imposing or increasing a tax.

Amends the Election Code by requiring taxing entities to list each specific purpose for which bond approval is sought.

Requires that bond proposals must be printed on the ballot as separate propositions, allowing each issue proposed for voter approval to be considered individually and requires that the ballot also list the rate of any tax increase or imposition entailed by a proposition.

Deceptive Videos Used to Influence Elections—S.B. 751
by Senators Hughes and West—House Sponsor: Representative Meyer

As artificial intelligence rapidly advances, machine learning has become available to the public. Tools can now be used to study pictures and videos of an individual and then generate a computer representation of that person saying or doing something the person never did. As this technology continues to advance, it could become increasingly difficult to trust public discourse. This technology likely cannot be banned altogether, but it can be narrowly limited to reduce its grave potential threat to the electoral process. This bill:
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Makes it a crime to generate and publish a deceptive video using artificial intelligence to affect the outcome of an election.

Orders Adopted Related to Administration of Elections to the Comptroller—S.B. 893

by Senator Menéndez—House Sponsor: Representative Klick

The Election Code currently requires that the secretary of state and comptroller of public accounts of the State of Texas (comptroller) be recipients of certain copies of orders related to the administration of elections. The comptroller is not directed by statute to do anything with these notices nor are these orders required to be retained, making the receipt of them unnecessary. This bill:

Removes the comptroller as a recipient of a certified copy of the following orders:

- An order designating the county clerk as the voter registrar;
- An order rescinding such a designation order;
- An order creating the position of county elections administrator for a county;
- An order abolishing the position of county elections administrator;
- An order transferring to the county tax assessor-collector the election duties and functions of the clerk;
- An order rescinding such a transfer order;
- An order creating the position of joint elections administrator; and
- An order abolishing the position of joint elections administrator.

Public Availability of Election Records—S.B. 902

by Senators Hughes and Hall—House Sponsor: Representative Krause

Concerns have been raised regarding the availability of certain election information that is considered public. It has been noted that while some jurisdictions provide information electronically and in a timely manner, many jurisdictions fail to do so in a manner that allows the public to meaningfully evaluate and use the information. This bill:

Requires that all jurisdictions make records available in an electronic format to standardize the process of providing information and to reduce costs. Requires the secretary of state, in collaboration with custodians of election records, to make available daily vote totals not later than the day after an election, and changes the deadline for contesting an election by making it contingent on the date public election information becomes available to the public.
Adverse Employment Action Against Employees Who Report Child Abuse—H.B. 621

by Representative Neave—Senate Sponsor: Senator Zaffirini

There are concerns that certain professionals who are required to report child abuse or neglect have experienced deleterious employment consequences as a result of making reports in good faith. This bill:

Expands the actions that an employer is prohibited from taking against an employee who in good faith reports child abuse or neglect to include any employment action that would dissuade a reasonable employee from reporting abuse or neglect as required by state law. Authorizes a person who suffers any adverse employment action in violation of the bill's provisions to sue for injunctive relief, damages, or both.

Texas Workforce Commission and Subsidized Child Care Programs—H.B. 680

by Representatives Deshotel and Lopez—Senate Sponsor: Senators Watson and West

The Texas Workforce Commission (TWC) administers a federal program that provides child-care subsidies to low-income parents who work or attend workforce training. Although the state has some data on the types and the quality of child care being subsidized, the state does not report that data. This bill:

Requires that local workforce development boards, to the extent practicable, ensure that professional development for child-care employees is used toward a credential, certification, or degree program, and adhere to standards required of the Texas Rising Star Program.

Requires that TWC evaluate the average monthly price charged by child-care providers for full-day care in each local workforce development area. The bill also requires TWC to evaluate reserved places for participants in the child-care subsidy program separate from the total number of children enrolled on a full-time basis.

Requires that TWC evaluate the number of two-, three-, or four-star providers participating in the Texas Rising Star Program and document providers that do not participate, as well as the number of participants in the child-care subsidy program out of the total number of children enrolled. Requires TWC to measure child-care program regarding enrollment of children younger than six years of age and report that data to the Public Education Information Management System (PEIMS).

Requires that the Texas Education Agency (TEA) coordinate with school districts and open-enrollment charter schools on pre-kindergarten improvement efforts to ensure that TWC meets performance measures established by the legislature.

Requires TWC to obtain input from TEA, school districts, open-enrollment charter schools, subsidized child-care providers, businesses, and the public regarding improved coordination between subsidized child care and pre-kindergarten programs and increasing the quality of and access to subsidized child-care programs. Requires TWC to seek input regarding more efficient
health and safety regulations and mitigating or eliminating burdens related to compliance with existing regulations.

**Expanding Access to SHARS—H.B. 706**

*by Representatives Bernal and Ortega—Senate Sponsor: Senator Lucio*

Advocates contend that, due to a growing number of providers who do not accept Medicaid, deaf and heard-of-hearing Texas youth lack access to audiology services. H.B. 706 expands eligibility to the School Health and Related Services program audiology services. This bill:

Provides that a child is eligible to receive audiology services provided under the School Health and Related Services program if the child is 20 years of age or younger, has a disability or chronic medical condition, is eligible for Medicaid benefits, and has been previously prescribed services under either the Individuals with Disabilities Education Act or under Section 504, Rehabilitation Act of 1973.

Requires the Health and Human Services Commission to provide reimbursement to a provider under the School Health and Related Services program for audiology services provided to eligible children enrolled in Medicaid.

**Gestational Agreements—H.B. 1689**

*by Representative Deshotel—Senate Sponsor: Senator Miles*

Currently, non-biological parents have no legal claim to their child under a gestational agreement, even if they were the intended parent in the agreement. There is also no requirement for gestational agreements to be made known in a divorce suit. This bill:

Requires parties to a suit for divorce to disclose that they have entered a gestational agreement, whether or not the gestational mother is pregnant and whether or not the agreement has been verified by a court hearing. It also gives intended parents standing to file a lawsuit affecting the parent-child relationship.

**Epinephrine Auto-Injectors in Day-Care Centers—H.B. 1849**

*by Representative Klick—Senate Sponsor: Senator Menéndez*

Interested parties contend that epinephrine auto-injectors, most often administered to treat anaphylaxis, are of vital importance in day-care centers. H.B. 1849 allows day-care centers to possess and administer epinephrine auto-injectors, and requires a day-care facility to provide training in the use of these devices. The bill also provides general rules and guidelines for the use of the device, its proper disposal, and plans of action in times of an emergency. This bill:

Defines "anaphylaxis," "epinephrine auto-injector," and "physician."
Authorizes a physician or a person who has been delegated prescriptive authority to prescribe epinephrine auto-injectors in the name of a day-care center.

Requires a day-care center to store an epinephrine auto-injector in a secure location easily accessible to employees or volunteers of a day-care center. Provides that every day-care center is responsible for training employees in the administration of an epinephrine auto-injector.

Requires day-care centers to report specific data after administering epinephrine auto-injectors.

Provides legal protection to persons who in good faith take or fail to take action relating to the administration of epinephrine auto-injectors in day-care centers.

**Resources for Deaf or Hard of Hearing Newborns—H.B. 2255**

*by Representative Darby et al.—Senate Sponsor: Senator Johnson*

The federal Centers for Disease Control and Prevention indicate that deaf or hard of hearing infants should receive intervention services as soon as is possible. Newborn hearing screenings test for hearing impediments; however, the only way to confirm whether an infant is deaf or hard of hearing is through follow-up screenings. H.B. 2255 requires birthing facilities to distribute information about early childhood intervention services and the Texas School for the Deaf when giving patients screening results. The bill also requires those administering follow-up screenings to refer infants to relevant resources. This bill:

Requires newborn hearing screening, tracking, and intervention programs performing follow-up screenings, if newborns or infants do not pass a follow-up screening, to refer patients to early childhood intervention services and the Texas School for the Deaf.

Requires birthing facilities to simultaneously distribute educational information materials relating to follow-up care and public resources to the parents of each newborn or infant screened.

**School Age Program Child-Care Operation Licenses—H.B. 4090**

*by Representative Noble—Senate Sponsors: Senators Kolkhorst and Johnson*

Licenses of child care operations are automatically revoked if a child care operation changes locations. Advocates contend that this policy poses problems for school-age programs. H.B. 4090 creates an automatic license revocation exemption for school-age programs operating exclusively in the summer, or any other time when school is not in session. This bill:

Provides that a change in location or ownership of specific child-care facilities and programs automatically revokes its license. Creates an exception for residential child-care facilities and school-age programs operating exclusively when school is not in session, contingent on the Health and Human Services Commission approving the new location.
Collecting Data Related to Standards in Child Care — S.B. 708
by Senator Zaffirini et al.—House Sponsor: Representative Raney et al.

Recent investigation and reporting by the Department of Family and Protective Services Child Care Licensing division (DFPS; CCL) and The Austin American-Statesman have revealed that current standards for group size and ratios of children to caregivers at day-care centers do not adequately protect the health and safety of certain children. [Note: At the time of publication in 2010, CCL was a subsidiary of DFPS. CCL is now under the Health and Human Services Commission.] S.B. 708 amends current law relating to the collection and use of child safety data for licensed day-care centers in order to better inform lawmakers and agency personnel about potential day-care-related issues. This bill:

Requires the Health and Human Services Commission (HHSC), in collaboration with DFPS, to collect, compile, and publish on HHSC’s Internet website certain data relating to incidents that occur at licensed day-care centers.

Requires HHSC to collect certain data specifically related to groups of children four years of age and under.

Requires HHSC to collect and publish on HHSC’s Internet website data on the total number of employees who left employment with each licensed day-care center during the preceding calendar year. Requires all data to be made available upon request to persons researching child injury, maltreatment, and death in licensed day-care centers.

Requires HHSC to provide an annual report to the legislature, including, among other things, a comparison on whether children under the supervision of a licensed day-care center are more likely than children outside the supervision of a licensed day-care center to suffer a serious injury or death.

Requires HHSC, in collaboration with DFPS, to research, collect, compile, and publish on HHSC’s Internet site a comparison of the relative frequency of serious injuries and fatalities occurring in and outside licensed day-care centers.

Requires the executive director of HHSC to review the data collected and prepare and submit to the legislature a report that includes legislative and regulatory child safety recommendations by age, not later than January 1, 2021.

Administration of the Newborn Screening Program — S.B. 747
by Senators Kolkhorst and Zaffirini—House Sponsor: Representative Lucio III

Concerns have been raised regarding funding for the diagnostic testing of infants for numerous disorders and medical conditions. Interested parties have suggested that the cost for these screenings is not routinely published or updated, leaving some providers facing uncertainty over cost reimbursements for state-required testing. The purpose of this bill is to ensure cost
transparency by the Department of State Health Services (DSHS) and to ensure that providers are reimbursed for state-required testing. This bill:

Requires DSHS to publish on its website the cost of and instructions for the full claim and reimbursement process for a newborn screening test kit used for DSHS-required screening of certain diseases and disorders.

Authorizes DSHS to change the cost not later than the 90th day before the date DSHS publishes notice of the change on its website and requires DSHS, if it changes the cost, to retain a record of the previous cost until the first anniversary of the date of the change.

Amends the Insurance Code to include the cost of a newborn screening test kit among the benefits covered as part of well-child care from birth under a health care plan provided by a health maintenance organization (HMO). Requires an HMO to ensure that such care complies with rules on the cost of newborn screening test kits adopted by the executive commissioner of the Health and Human Services Commission (HHSC).

Prohibits a health benefit plan that provides maternity benefits or accident and health coverage for additional newborn children from excluding or limiting coverage for administration of the newborn screening tests, including for the cost of a newborn screening test kit in the amount provided by DSHS on its website on the date the test was administered.

Newborn Screening Funding and Other Pilot Programs—S.B. 748
by Senators Kolkhorst and Bettencourt—House Sponsor: Representatives Sarah Davis and Senfronia Thompson

The Department of State Health Services (DSHS) currently tests infants at birth for 53 of the 61 federally recommended core and secondary medical disorders. Advocates contend that there is insufficient funding to maintain current laboratory testing, let alone expand testing to cover the gamut of federal recommendations. Additionally, in this legislative session health matters related to different stages of pregnancy were particularly prominent. S.B. 748 establishes funding mechanisms for neonatal screening programs and creates various pilot programs for women related to medical care during and after pregnancy. This bill:

Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) to establish by rule the amounts charged for newborn screening fees, tracking confirmatory testing, and diagnosis.

Creates a newborn screening preservation account as a dedicated account in the general revenue fund. Authorizes money in the account to be appropriated only by DSHS and only for the purpose of carrying out the newborn screening program. Requires the comptroller of public accounts of the State of Texas to transfer to the account any unexpended and unencumbered money from Medicaid reimbursements collected by DSHS for newborn screening services during the preceding fiscal year. Provides that the account is composed of the aforementioned revenue as well as gifts, grants, donations, legislative appropriations, and interest earned on investments in the account.
Prohibits DHSS from using money from the account for general DSHS operating expenses.

Requires DSHS, if applicable, to prepare and submit to the governor, the lieutenant governor, the speaker of the House of Representatives, and each standing committee of the legislature having primary jurisdiction over DSHS a written report summarizing the funding and implementation of additional newborn screening tests. Requires the report to be submitted no later than September 1 of each even-numbered year.

Requires HHSC, no later than December 1 of each even-numbered year, to submit a report to the aforementioned actors, as well as to the Legislative Budget Board, detailing actions taken to address maternal morbidity and reduce maternal mortality rates.

Requires HHSC, in collaboration with the Maternal Mortality and Morbidity Task Force (task force) and other interested parties, to evaluate various medical services for women during pregnancy and postpartum.

Requires the task force to collect information relating to maternity care and postpartum depression.

Requires HHSC to develop a program to deliver telehealth or telemedicine prenatal and postpartum care to pregnant women with a low risk of experiencing pregnancy-related complications. Requires HHSC to submit a report on the program to the legislature, not later than January 1, 2021.

Requires the executive commissioner to apply for grants under the federal Preventing Maternal Deaths Act of 2018.

Requires DSHS to develop and implement a high-risk maternal care coordination services pilot program. Requires DSHS, not later than December 1 of each even-numbered year, to prepare and submit a report on the pilot program to the executive commissioner and the chairs of standing committees of the Senate and the House of Representatives with primary jurisdiction over public health and human services.

Requires HHSC to conduct a study on the benefits and costs of permitting Medicaid reimbursement for prenatal and postpartum care delivered through telemedicine and telehealth services.

Requires HHSC to develop a pilot program to establish pregnancy medical homes that provide coordinated evidence-based maternity care management to women residing in a pilot program area who are Medicaid recipients. Requires HHSC, no later than January 1, 2021, to submit to the legislature a report on the pilot program.
Child Abuse and Neglect Reporting to Private Schools — S.B. 1231

by Senators Bettencourt and Lucio—House Sponsor: Representative Meyer et al.

Interested parties have reported that when the Department of Family and Protective Services (DFPS) receives a report and begins an investigation of alleged child abuse or neglect involving an employee of a private school, current law does not require investigative reports to be provided to the private school administration. This bill:

Requires DFPS, if it initiates an investigation and determines that abuse or neglect was not caused by a parent, guardian, or a person designated to provide child care, to notify a law enforcement agency for further investigation.

Requires DFPS, if it determines that abuse or neglect involves an employee of a public or private school, to orally notify the school’s superintendent and the director of the charter school or the chief executive officer of the private school at which the person is employed.

Requires that DFPS release information regarding a person alleged to have committed abuse or neglect to entities that have control over a person’s access to children, including the Texas Education Agency (TEA), the State Board for Educator Certification (SBEC), a public school principal, a director of an open-enrollment charter school, or a chief executive officer of a private school.

Requires that DFPS, upon receipt of a report of alleged or suspected abuse or neglect, perform an investigation and send a copy of the completed report to TEA, or, in the case of a private school, the chief executive officer.

Requires that upon request, DFPS provide a copy of the completed report of the investigation to SBEC, the local school board, or school’s governing body, district superintendent, or the chief executive officer of a private school.

Electronic Consent for Newborn Screening—S.B. 1404

by Senator Powell—House Sponsor: Representative Klick

The state newborn screening program currently requires written consent from the parents or guardians of newborn infants in order to perform screenings. S.B. 1404 allows hospitals to receive consent electronically also. This bill:

Requires the Department of State Health Services (DSHS) to create a process to permit the parent or guardian of a newborn child to provide consent for newborn screening through electronic means. Provides that a birthing facility or the person required to obtain consent is not required to use the process created by DSHS.
The Born Alive Act—H.B. 16

by Representative Leach et al.—Senate Sponsor: Senator Kolkhorst et al.

The Born-Alive Infants Protection Act of 2002 is a federal measure extending legal protections to infants born alive after failed abortion attempts. Interested parties contend that the federal act and state law are not aligned. H.B. 16 creates civil and criminal penalties for physicians who fail to provide the same level of care to a child born alive after a failed abortion attempt as to any other child of the same gestational age born alive. This bill:

Requires physicians to exercise the same degree of professional skill, care, and diligence to preserve the life and health of a child born alive after a failed abortion as they would to any other child born alive at the same gestational age. Creates a civil penalty for physicians of at least $100,000 for violations of this act. Creates a criminal penalty of a third degree felony for failure to comply with this act.

Requires a person who has knowledge of a physician failing to comply with this act to report to the attorney general, with confidentiality protections.

Organ Donor Registration—H.B. 406

by Representative Price et al.—Senate Sponsor: Senator Zaffirini

The Glenda Dawson Donate Life Texas Registry is a statewide organ donor registry. Stakeholders have contended that the registry could increase membership if its information was displayed for citizens applying for or renewing hunting and fishing licenses. This bill:

Requires the Texas Parks and Wildlife Department to add to its website a link to the Glenda Dawson Donate Life Texas registry when applying for hunting and fishing licenses.

Person-First Language in the Education Code—H.B. 965

by Representatives Mary González and Moody—Senate Sponsor: Senator Zaffirini

Certain sections of the Education Code contain outdated state agency names and refer to students with intellectual and developmental disabilities as "mentally retarded." H.B. 965 updates references to health services state agencies and utilizes new language in reference to persons with intellectual or developmental disabilities. This bill:

Changes references to "the mentally retarded" to "persons with intellectual disabilities" in the Education Code.

Updates the names of specific state agencies.
SNAP Benefits Distribution Schedule—H.B. 1218  
*by Representative Klick et al.—Senate Sponsor: Senator Perry*

Interested parties contend that the current distribution schedule of supplemental nutrition assistance program (SNAP) benefits places unnecessary strain on both retailers and consumers. To solve this, H.B. 1218 more evenly distributes SNAP benefits over a 28-day period. This bill:

Requires the executive commissioner of the Health and Human Services Commission to establish a schedule for the distribution of SNAP benefits to ensure even distribution of monthly benefits over a 28-day period.

**Biosimilar Reporting Requirement—H.B. 1264**  
*by Representative Senfronia Thompson et al.—Senate Sponsor: Senator Buckingham*

The 84th Legislature passed an act that expanded access to biosimilar medications. One provision of that act required pharmacists to report to the prescribing physician when a biosimilar medication was dispensed; however, this requirement is set to expire on September 1, 2019. H.B. 1264 repeals this provision, maintaining the reporting requirement. This bill:

Repeals the expiration date on the reporting requirement relating to pharmacists dispensing biosimilar medications.

**EMS and Trauma Advisory Council Membership—H.B. 1869**  
*by Representatives Klick and Lang—Senate Sponsor: Senator Zaffirini*

Interested parties contend that registered nurses are underrepresented on the Governor's EMS and Trauma Advisory Council (advisory council). H.B. 1869 revises the composition of the advisory council by including a registered nurse with trauma experience, a representative of a stand-alone emergency medical services agency, and a certified paramedic. This bill:

Expands the composition of the advisory council to include specific additional medical professionals.

**Fiduciary Status of Directed Trust Advisors—H.B. 2246**  
*by Representative Wray—Senate Sponsor: Senator Rodríguez*

As part of its ongoing review of Texas law, the Real Estate, Probate, and Trust Law Section of the State Bar of Texas has proposed changes to certain provisions of the Texas Trust Code to avoid trusts being created with no true fiduciary. The purpose of this bill is to implement these proposed changes by specifying the fiduciary status of a directed trust advisor in the exercise of certain powers. This bill:
Establishes that an advisor of a directed trust is a fiduciary regardless of trust terms to the contrary, but establishes that trust terms may provide that an advisor acts in a non-fiduciary capacity if the advisor's only power is to remove and appoint trustees, advisors, trust committee members, or other protectors and advisors do not exercise that power to appoint themselves to such positions.

Provides that these provisions do not prohibit the exercise of power in a nonfiduciary capacity necessary for a grantor or other person to be treated as the owner of any portion of a trust for federal income tax purposes.

**Physician Delegation to Pharmacists in Federally Qualified Health Centers—H.B. 2425**

*by Representative Kacal—Senate Sponsor: Senator Schwertner*

Physicians can delegate to a pharmacist the power to implement or modify a patient's drug therapy if the pharmacist practices in certain health care facilities. H.B. 2425 allows a physician to delegate this same authority to pharmacists working in Federally Qualified Health Centers. This bill:

Defines "federally qualified health center."

Adds pharmacists practicing at Federally Qualified Health Centers to a list of pharmacists who may implement or modify a patient's drug therapy.

**Requirements for the Removal of Human Remains From a Cemetery—H.B. 2430**

*by Representative Reynolds et al.—Senate Sponsor: Senator Miles*

The recent discovery of an unmarked burial ground with connections to the 19th and 20th century system of convict leasing has raised concerns regarding state law relating to the removal of human remains from abandoned or rediscovered cemeteries. It has been suggested that current remains removal policies may not adequately provide for circumstances of particular historical sensitivity, where no documentation exists to identify the deceased or their present-day relatives. There have been calls, additionally, to allow courts more flexibility in ordering where disinterred remains should be reinterred, in proximity to the original site when appropriate. This bill:

Limits certain notice periods associated with the court process in human remains removal cases, changing the authorized standing of certain historical advisors and allowing courts the option of ordering reburial on the same property.

**Litter Control in Certain Counties—H.B. 2566**

*by Representative Dominguez—Senate Sponsor: Senator Lucio*

The unincorporated areas of Cameron County have experienced health problems associated with breeding grounds for disease-carrying mosquitoes. H.B. 2566 authorizes the commissioners courts of certain counties to adopt and enforce certain orders relating to litter and mosquito control. This bill:
Defines "illegally dumped litter" and "litter."

Provides that this act only applies to the unincorporated areas of a county that is located on an international border and is adjacent to the Gulf of Mexico.

Authorizes the commissioners court of that county to control the disposal of litter and the removal of illegally dumped litter from public or private property and regulate the storage of property that creates a nuisance or habitats conducive to mosquito breeding.

**West Texas Centers New Property—H.B. 2641**

*by Representatives Darby and Zerwas—Senate Sponsor: Senator Seliger*

West Texas Centers for Mental Health and Mental Retardation (West Texas Centers) has been approached by Cap Rock Holdings, LLC, with an offer to exchange one of its older state-conveyed properties for a new property located across the street. West Texas Centers requires legislative permission to undertake the transaction. H.B. 2641 provides that authorization. This bill:

Requires the Health and Human Services Commission (HHSC) to authorize West Texas Centers to convey current property to Cap Rock Holdings, LLC, in exchange for the property across the street, contingent upon the fair market value of the new property being equal or greater than the current property.

**Anatomical Gift on Behalf of a Resident in a State-Supported Living Center—H.B. 2734**

*by Representatives Burrows and Zerwas—Senate Sponsor: Senator Zaffirini*

Concerns have been raised regarding organ donations by residents of state-supported living centers in the event a resident's guardian predeceases the resident. This bill:

Requires the executive commissioner of the Health and Human Services Commission to prescribe a form by which a resident's guardian may elect to authorize a state-supported living center to make an anatomical gift on behalf of a resident.

**Cemetery Trust Fund—H.B. 2812**

*by Representative Morrison—Senate Sponsor: Senator Kolkhorst*

The city of Cuero, Texas, sought permission to access the city's perpetual trust fund to provide for maintenance and upkeep of the cemetery. H.B. 2812 revises statute to allow for municipalities the size of Cuero to access principal funds in cemetery perpetual trusts. This bill:

Authorizes the governing body of a municipality with a population of at least 20,000 but not more than 21,000 to abolish municipal perpetual trust funds for cemeteries and use the funds for permanent cemetery improvements.
Cancer Clinical Trial Participation Program—H.B. 3147
by Representatives Parker and Swanson—Senate Sponsor: Senator Creighton

Diverse subject participation in cancer clinical trials depends significantly on whether an individual is able to afford ancillary costs. Interested parties contend that the direct and indirect costs of participating in cancer clinical trials create disparities in subject participation threatening the basic ethical underpinning of clinical research. H.B. 3147 creates a mechanism to provide funding for cancer clinical trial participation. This bill:

Authorizes an independent, third-party organization to develop and implement the Cancer Clinical Trial Participation Program to provide reimbursement to subjects for ancillary costs associated with participation in cancer clinical trials.

Local Health Entity Access to DSHS Health Records—H.B. 3704
by Representative Senfronia Thompson—Senate Sponsor: Senator Zaffirini

Interested parties contend that local health departments should obtain certain health data from the Department of State Health Services (DSHS) in order to provide necessary public health services to local communities. In certain cases, despite providing data to DSHS, local health departments are precluded from accessing DSHS aggregation. H.B. 3704 allows DSHS to share relevant public health data with local health entities. This bill:

Defines "essential public health services" and "local public health entity."

Authorizes DSHS to enter into an agreement with a local public health entity to provide the entity access to identified public health data relating to the entity's jurisdiction and to neighboring jurisdictions, and de-identified public health data related to any other local public health entity.

Requires DSHS to establish a review process for the consideration of public health data requests relating to essential public health services or public health research.

Raising the Age to Purchase Tobacco Products—S.B. 21
by Senator Huffman et al.—House Sponsor: Representative Zerwas et al.

Each day, more than 300 children under the age of 18 become regular, daily smokers and almost one-third will eventually die from smoking. National data shows that about 95 percent of adult smokers begin smoking before they turn 21, and a substantial number of smokers start even younger. The current minimum legal age (MLA) to purchase tobacco is 18, which means that certain current public school students are eligible to purchase tobacco products, e-cigarettes, and cigarettes legally, while others are not. This bill:

Raises the MLA to purchase cigarettes, e-cigarettes, and tobacco products from 18 years of age to 21.
Prohibiting Certain Transactions With Abortion Providers—S.B. 22
by Senator Campbell et al.—House Sponsor: Representative Noble et al.

While the legislature largely withdrew state funding from Planned Parenthood and from abortion providers in 2011, that decision did not impact transactions made by political subdivisions at the local level. This bill:

Prevents the state and political subdivisions from using taxpayer dollars to fund abortion providers and their affiliates, with exemptions for certain hospitals, physician offices, and residency programs.

Allows the Texas attorney general to issue an injunction on transactions between non-compliant governmental entities and abortion providers and affiliates and recover reasonable attorneys fees and costs incurred.

Informational Materials Before an Abortion—S.B. 24
by Senator Lucio et al.—House Sponsor: Representative Paddie et al.

In 2003, the Texas Legislature established protocols on informational and resource material, developed by the Department of State Health Services (DSHS), to be provided to pregnant women seeking abortions entitled "A Woman's Right To Know." Data obtained by DSHS shows a mismatch in the number of resource materials shipped and downloaded and the number of abortions performed each year. There are concerns that this discrepancy illustrates failures by certain providers in complying with requirements to provide this resource. Some also suggest that clarification is needed to ensure that consultations by telephone before procedures are conducted in private and are free of intimidation. This bill:

Provides technical corrections to the Health and Safety Code to ensure telephone consultations are private and to ensure abortion providers responsibly supply information and resource materials to pregnant women to comply with informed consent laws enacted by previous legislatures.

Assures state-mandated materials be provided in advance of an abortion and allows for a reasonable exception for patients living more than 100 miles away from an abortion facility.

D-SNAP Distribution—S.B. 981
by Senator Kolkhorst—House Sponsor: Representative Zerwas

The Disaster Supplemental Nutrition Assistance Program (D-SNAP) provides food assistance to low-income households impacted by a natural disaster. The United States Department of Agriculture requires D-SNAP applications to be submitted in person. Interested parties contend that this requirement posed significant difficulties in the wake of Hurricane Harvey. S.B. 981 seeks to better facilitate the distribution of D-SNAP benefits. This bill:
Requires HHSC to collaborate with local governments to create a directory of local points of contact, communication methods, and lists of potential sites for distributing D-SNAP benefits.

**Pharmacist Modification of Non-Dangerous Drugs in CPAs—S.B. 1056**
*by Senator Zaffirini—House Sponsor: Representative Raney*

Collaborative practice agreements (CPAs) create a formal practice relationship between a pharmacist and a physician. Under these agreements, a physician can delegate certain medication management activities to a pharmacist. Statutory language introduced in 2009 limited drug modification capabilities for pharmacists participating in CPAs to those pharmacists who practice in a hospital setting only. S.B. 1056 seeks to clarify that pharmacists in CPAs have the authority to implement or modify a patient's non-dangerous drug therapy, regardless of the pharmacist's work setting. This bill:

Authorizes a pharmacist who has entered into a CPA to implement or modify a patient's drug therapy under certain conditions.

**Vector Control Applicator Waiver—S.B. 1113**
*by Senator Lucio—House Sponsor: Representative Springer*

Following periods of intense rainfall and flooding, mosquito populations, and subsequently certain vector-borne diseases, substantially increase. Interested parties contend that certain counties have encountered difficulties controlling mosquito populations due to a shortage of certified vector control applicators. S.B. 1113 codifies a waiver provided by the Texas Department of Agriculture (TDA) allowing local health departments to request emergency mosquito control through supervised pesticide applications. This bill:

Authorizes a municipality or county in a state of disaster to apply for a waiver from TDA authorizing the application of pesticides for mosquito control. Requires TDA to grant a waiver authorizing unlicensed employees of the municipality or county, under the direct supervision of a licensed applicator, to apply pesticides.

**Restricted Mosquito Control Applicator Licenses for Border Counties—S.B. 1312**
*by Senators Lucio and Flores—House Sponsor: Representative Guerra*

There is a distinct shortage of licensed mosquito control applicators in counties bordering Mexico. Interested parties contend that, for a matrix of reasons, these regions are particularly susceptible to vector-borne diseases. To help address the workforce gap, S.B. 1312 directs the Texas Department of Agriculture (TDA) to develop a noncommercial applicator license for mosquito control in border counties. The bill also creates a recurring study relating to the danger of vector-borne and zoonotic diseases as well as best practices to combat these diseases. This bill:
Requires TDA to provide for the issuance of a noncommercial applicator license that authorizes a person to purchase and use restricted-use and state-limited-use pesticides for mosquito control only in counties located along the international border with Mexico.

Requires the Department of State Health Services to address vector-borne and zoonotic diseases and standardize practices related to developing rapid local and regional response and support plans in counties located along the Mexican border.

**Access to Medication-Assisted Treatment—S.B. 1564**

*by Senator West—House Sponsor: Representative Klick*

Interested parties contend that a disparate number of Texas physicians are able to write prescriptions for opioid antagonists such as buprenorphine. Under federal law, nurse practitioners, physician assistants, clinical nurse specialists, certified registered nurse anesthetists, and certified nurse midwives all have the authority to prescribe opioid antagonists; they are currently unable to do so in Texas. S.B. 1564 aligns Texas Medicaid policy with federal law by using the federal definition of "qualifying practitioner," allowing the aforementioned professions to prescribe opioid antagonists. This bill:

Requires the Health and Human Services Commission to provide medical assistance reimbursement for medication-assisted opioid or substance use disorder treatment without requiring a recipient of medical assistance or a health care provider to obtain prior authorization or precertification for the treatment.

Aligns the definition of "qualifying practitioner" with federal law.

**Fixing a Typographical Error on Form for Release of Medical Records—S.B. 1565**

*by Senator Fallon—House Sponsor: Representative Smith*

In 2017, the legislature placed in statute a form to be used for the release of patient medical records. However, instead of using "Date of Birth," the form used "Place of Birth." This bill:

Amends Section 74.052(c), Civil Practice and Remedies Code, to contain language requesting a patient's date of birth, rather than the patient's place of birth.

**Health Professions Council Report—S.B. 1636**

*by Senator Zaffirini—House Sponsor: Representative Price*

Interested parties contend that Texas is expected to experience a health care workforce shortage. S.B. 1636 requires the Health Professions Council (HPC) to include strategies for expanding the health care workforce in its annual report. This bill:
Requires HPC to prepare an annual report that includes strategies to expand the health care workforce, including methods for reducing the time required to process license applications for health care professions, methods for increasing the number of health care practitioners providing services, and potential legislative appropriation recommendations. Requires HPC to annually send the report to the governor and the legislature.

**Administration of EpiPen by Peace Officers—S.B. 1827**

*by Senator Menéndez—House Sponsor: Representative Lambert*

When people experience an allergic reaction, epinephrine is a common drug used to combat the symptoms. If allergies are severe enough, many families keep their own EpiPens on hand. EpiPens are used to reverse the effects of allergic reactions or anaphylaxis from bee stings, drug reactions, food allergies, or other induced shock. Often during emergencies police officers are the first to the scene when someone calls 9-1-1 due to a life-threatening allergic reaction, in rural areas in particular, peace officers are often the first responders to arrive on the scene. Under current statute, peace officers in Texas are not allowed to administer epinephrine to individuals in an emergency situation. This bill:

Allows peace officers to administer an epinephrine auto-injector to an individual in an emergency situation.

**Fresh Fruits and Vegetables in the SNAP Program—S.B. 1834**

*by Senator Alvarado et al.—House Sponsor: Representative Rose et al.*

Advocates contend that low-income families are disproportionately impacted by obesity and lack of access to healthy foods. S.B. 1834 gives low-income Texans access to affordable healthy foods through a pilot supplemental nutrition program (SNAP) incentive program. This bill:

Authorizes the Health and Human Services Commission ( HHSC) to establish a pilot program through which a SNAP recipient is able to receive an incentive when purchasing certain fruits or vegetables.

Requires HHSC to conduct a study on programs in Texas that provide incentives for the purchase of eligible fruits or vegetables under SNAP. Requires HHSC to establish a work group to assist HHSC with the study.

**ASH-University Partnership Plan—S.B. 2111**

*by Senator Watson—House Sponsor: Representative Price*

In 2017, the legislature appropriated $300 million to renovate and replace deteriorating state mental health hospitals across the state. In this endeavor, the Austin State Hospital (ASH) contracted with the Dell Medical School at The University of Texas at Austin to collaboratively
redesign the ASH Brain Health System. Interested parties contend that moving the management of ASH to an academic partner and creating an oversight board will improve operations. This bill:

Requires the Health and Human Services Commission (HHSC) to establish a plan under which HHSC may contract with a local public institution of higher education to transfer the operations of ASH from HHSC to a local public institution of higher education.

Requires HHSC, not later than September 1, 2020, to prepare and deliver to the governor and the legislature a report detailing the plan and any other recommendations.

**HHSC Authority to Access Criminal History Record Information—S.B. 2200**

by Senator Kolkhorst—House Sponsor: Representative John Turner et al.

The Health and Human Services Commission (HHSC) uses an individual’s background or criminal history record information (CHRI) to help with decisions related to hiring, volunteers, licensees, direct-care contracting, and other areas. The Federal Bureau of Investigation (FBI) recently communicated to the Department of Public Safety (DPS) that state law must include explicit statutory authority to a specific state agency to allow that agency access to CHRI. While the Department of State Health Services already has statutory authority to access CHRI, HHSC does not. S.B. 2200 amends current law and allows HHSC to access CHRI. This bill:

Entitles the Department of State Health Services and HHSC to obtain CHRI from DPS in specific instances.

**Approving the Settlement Between OCR and HHSC—S.C.R. 21**

by Senator Kolkhorst—House Sponsor: Representative Capriglione

In 2015, the Department of Aging and Disability Services (DADS), now a legacy agency, filed a Health Insurance Portability and Accountability Act of 1996 (HIPAA) breach notification report with the United States Department of Health and Human Services Office for Civil Rights (OCR). OCR found that DADS failed to appropriately safeguard electronic protected health information, compromising the information of up to 6,617 individuals. As part of the health and human services transition, the Health and Human Services Commission (HHSC) has assumed the functions and information resources previously operated by DADS. The Civil Practice and Remedies Code requires the legislature to approve settlements of claims or actions against the state if a settlement commits the state to a course of action that in reasonable probability will entail a continuing increased expenditure of state funds over subsequent state fiscal biennia. S.C.R. 21 provides legislative consent for the agreed upon settlement between OCR and HHSC. This resolution:

Provides that the 86th Legislature of the State of Texas approve the proposed settlement agreement between OCR and HHSC.
Regulation of the Practice of Physical Therapy—H.B. 29
by Representative Minjarez et al.—Senate Sponsor: Senators Hughes and Menéndez

Currently, patients are required to obtain a physician referral before they can access a physical therapist. However, early care from a physical therapist for patients with musculoskeletal and nerve injuries has proven to be effective, resulting in better health outcomes and lowering the cost of care while avoiding the need for expensive surgery or long-term opioid or other prescription medicine use. Texas is one of only two states in the United States that does not allow direct access to physical therapy; Texas also ranks 47th in access to care in the United States and has one of the highest rates of opioid addiction in the country. Thus, it has been suggested that allowing patients direct access to physical therapy would expand access to care in Texas, decrease the prevalence of opioid prescriptions, and improve overall patient outcomes. This bill:

Allows patients to receive direct access to treatment from a physical therapist.

Health Benefit Plan Coverage for Mammography—H.B. 170
by Representative Bernal et al.—Senate Sponsor: Senator Alvarado et al.

It has been noted that individuals with dense breast tissue, cancer survivors, and people with a family history of breast cancer may require diagnostic screening to detect the presence of a tumor and that adequate insurance coverage for these screenings may play an essential role in increasing early detection. This bill:

Requires health benefit plans that provide coverage for a screening mammogram to also provide coverage for a diagnostic mammogram no less favorable than the coverage provided for a screening mammogram.

Non-Face-to-Face Meetings Between Physicians and APRNs—H.B. 278
by Representative Oliverson et al.—Senate Sponsor: Senator Perry

Interested parties contend that the current meeting structure required by a prescriptive authority agreement of physicians and their delegated health practitioners does not correlate with better health outcomes. H.B. 278 revises applicable statutes regarding the frequency and location of certain required meetings. This bill:

Allows certain required periodic meetings between physicians and advanced practice registered nurses to occur other than face-to-face.

Workers’ Compensation Program Paperwork—H.B. 387
by Representative Cortez—Senate Sponsor: Senator Creighton

An advanced practice registered nurse (APRN), such as a nurse practitioner, is a nurse who has a post-graduate nursing degree. Stakeholders have expressed concern that while APRNs may treat
injured workers under the workers' compensation program, APRNS may not sign work status reports, creating delays for patients and burdens for delegating physicians. This bill:

Allows APRNs, in addition to physicians and physician's assistants, to complete and sign work status reports regarding an injured employee's ability to return to work.

**County Health Care Provider Participation Programs—H.B. 651 [VETOED]**

*by Representative Springer et al.—Senate Sponsor: Senator Kolkhorst*

Interested parties have raised concerns regarding health care funding for counties not served by a public hospital or a hospital district. H.B. 651 authorizes a county not served by a hospital district or a public hospital to administer a county health care provider participation program (participation program) to provide additional compensation to hospitals in the county. This bill:

Provides that this act applies only to a county that is not served by a hospital district or a public hospital.

Authorizes a commissioners court of a county to adopt an order authorizing a county to utilize a participation program, requiring mandatory payments by an institutional health care provider.

Requires every institutional health care provider to submit to the county a copy of any financial and utilization data reported to the Department of State Health Services.

Specifies the manner in which a commissioners court must collect, retain, and spend payments received as part of a participation program.

**Telemedicine Medical Services in Rural Trauma Facilities—H.B. 871**

*by Representative Price et al.—Senate Sponsor: Senators Perry and Lucio*

Current regulations require hospitals with Level IV trauma designations to employ a physician able to respond to trauma center crises within 30 minutes. Interested parties contend that this requirement is difficult to meet in certain rural counties. H.B. 871 allows for an on-call physician trained in the care of critically injured patients to provide trauma consultation and treatment. The bill also allows for health facilities located in rural counties to meet Level IV requirements through the use of telemedicine. This bill:

Authorizes health care facilities located in a county with a population of less than 30,000 to satisfy Level IV trauma facility designation requirements through the use of telemedicine, effective January 1, 2020.

Prohibits the executive commissioner of the Health and Human Services Commission from establishing rules requiring the physical presence of a physician with special competency in the care of critically injured patients at a trauma center.
Chronic Kidney Disease Task Force—H.B. 1225
by Representative Guillen et al.—Senate Sponsors: Senator Menéndez and Miles

In 2007, the 80th Legislature established the Chronic Kidney Disease Task Force (task force). The task force was directed to study the problem of chronic kidney disease, report its findings, and make recommendations. H.B. 1225 recreates the task force to ensure that the state continues to address chronic kidney disease. This bill:

Reestablishes the task force and enumerates its specific composition.

Requires the task force to coordinate implementation of the state's plan for prevention, early screening, diagnosis, and management of chronic kidney disease, based on the Kidney Disease Outcomes Quality Initiative Clinical Practice Guidelines for Chronic Kidney Disease.

Requires the task force to submit its findings and recommendations to the governor and the legislature biennially.

First Responders' Immunization Records—H.B. 1256
by Representative Phelan et al.—Senate Sponsor: Senator Kolkhorst

Interested parties have raised concerns relating to first responder access to their immunization records and vaccination status. H.B. 1256 amends current law relating to access by certain persons to a first responder's immunization history. This bill:

Requires the Department of State Health Services (DSHS) to establish a process providing an employer, with the consent of the first responder, with direct access to the first responder's immunization information.

Authorizes DSHS to establish a process to provide first responders with access to their own immunization information.

First Responder Immunization Status—H.B. 1418
by Representative Phelan—Senate Sponsor: Senator Huffman

Interested parties contend that first responders unaware of their vaccine histories cause confusion in times of disaster. During these periods, first responders experience a higher risk of exposure to dangerous communicable diseases. H.B. 1418 requires those who apply for emergency certification to be made aware of their vaccination status. This bill:

Requires the executive commissioner of the Health and Human Services Commission (HHSC) to adopt a system under which HHSC provides first responder applicants with their immunization information.
Requires HHSC to provide information about the specific risks to emergency medical services that immunizations may prevent if the applicant's immunization history is not included in the immunization registry.

**TMB Processing Complaints of CPOM Violations—H.B. 1532**  
*by Representative Meyer—Senate Sponsor: Senator Hughes*

Interested parties note that state law requires chief medical officers of health care organizations to immediately report to the Texas Medical Board (TMB) when a physician's independent medical judgment is compromised or a physician is punished for advocating patient care. The parties contend that, in practice, some chief medical officers have failed to report such matters to TMB and that physicians have been wrongly punished for advocating medical care reasonably for their patients. H.B. 1532 requires TMB to accept and process complaints against health organizations for alleged violations of the prohibition on the corporate practice of medicine. This bill:

- Authorizes TMB, on determinations that a health organization has committed certain violations, to perform specific tasks.
- Requires TMB to accept and process complaints against health organizations.
- Requires health organizations to develop and implement anti-retaliation policies for physicians according to which health organizations may not penalize physicians for specific actions.
- Requires health organizations to file a biennial report with TMB. Enumerates specifics of the biennial report. Requires TMB to publish report information on its Internet website.

**Transportation Services for Medicaid Recipients—H.B. 1576**  
*by Representative Phelan et al.—Senate Sponsor: Senator Buckingham et al.*

Concerns have been raised about a reported gap in transportation services provided under the state Medicaid program in situations where a recipient's need for transportation to and from a health care service appointment cannot be met due to difficulties in scheduling transportation within the required time frame. H.B. 1576 seeks to provide for a more efficient model for the delivery of certain nonmedical transportation services. The bill also creates a new defined category of nonmedical transportation services to be made available under the Texas Medicaid managed care program and reimbursed through managed care organization (MCO) capitation rates. This bill:

- Redefines "medical transportation program" as the program that provides nonemergency transportation services for certain persons, including recipients under Medicaid.
- Requires the Health and Human Services Commission (HHSC) to directly supervise the administration and operation of the medical transportation program. Prohibits emergency medical services personnel and emergency medical services vehicles from providing nonemergency transportation services under the program.
Authorizes HHSC to provide medical transportation program services in a certain manner.

Requires HHSC to require every Medicaid managed care organization to arrange and provide nonemergency transportation services to recipients enrolled in managed care plans.

Requires the executive commissioner of HHSC to adopt rules regarding the manner in which nonmedical transportation services are arranged and provided.

Requires HHSC to designate between three and four managed care service areas within which Medicaid managed care organizations will arrange for the provision of nonmedical transportation services, beginning no later than January 1, 2020. Requires HHSC, beginning no later than September 1, 2020, to require each Medicaid managed care organization to arrange for the provision of nonmedical transportation services.

**Sports Teams Physician Exemptions—H.B. 2299**  
*by Representative Guerra—Senate Sponsor: Senator Flores*

Interested parties have raised concerns about physicians traveling with out-of-state sports teams being unable to practice medicine while in Texas. H.B. 2299 exempts physicians licensed in other states from certain medical license requirements during their stay in Texas while with a sports team. This bill:

Provides an exemption from certain physician licensing requirements if a physician is licensed to practice medicine in their home state and is a sports team physician visiting Texas. Limits the practice of medicine in Texas of such physicians to treating members of the sports team and their families.

**Continuing the Dallas County Health Care Provider Participation Program—H.B. 2326**  
*by Representative Meyer et al.—Senate Sponsor: Senator Hancock*

It has been noted that health care provider participation programs help ensure greater access to health care and reduce uncompensated care provided by certain health care providers. This bill:

Amends the Health and Safety Code to extend the Dallas County Hospital District health care provider participation program to December 31, 2025.

**Adult Stem Cell Treatments—H.B. 3148**  
*by Representative Parker et al.—Senate Sponsor: Senator Bettencourt et al.*

The 85th Legislature enacted a bill allowing patients with certain severe chronic or terminal illnesses to access adult stem cell treatment. Interested parties contend that difficulties in accessing treatment still exist. H.B. 3148 clarifies that the government cannot prohibit qualifying individuals
from receiving adult stem cell treatments unless the adult stem cells to be administered have been deemed adulterated or have been misbranded. This bill:

Requires the Department of State Health Services (DSHS) to establish and maintain an investigational stem cell registry that lists each physician who administers an investigational stem cell treatment under this subchapter. Prohibits DSHS from establishing this registry before September 1, 2027.

Requires the executive commissioner of the Health and Human Services Commission by rule to adopt a form for informed consent.

Prohibits a governmental entity from interfering with an eligible patient's access to or use of an investigational stem cell treatment authorized under this subchapter unless the treatment uses an adult stem cell product that is adulterated or misbranded.

Prohibits this act from being construed to prohibit a physician from using adult stem cells for intended homologous uses.

Hospital Merger Agreements—H.B. 3301  
by Representative Darby et al.—Senate Sponsor: Senators Perry and Nichols

It has been suggested that Texas leads the nation in rural hospital closures and that rural hospitals would benefit from having additional tools to combat challenges and improve health care services. The purpose of this bill is to address this issue by providing for merger agreements among hospitals located in certain counties. This bill:

Provides for a merger agreement among two or more hospitals located within a county containing two or more hospitals with either a population of less than 100,000 not adjacent to a county with a population of 250,000 or more, or with a population of more than 100,000 and less than 150,000 not adjacent to a county with a population of 100,000 or more.

Authorizes two or more hospitals to negotiate and enter into a merger agreement, subject to approval by the Health and Human Services Commission (HHSC), and requires HHSC to issue a certificate of public advantage governing the merger agreement for the agreement to receive immunity under the bill's provisions.

Prohibits an increase in rates for hospital services without prior approval of HHSC; provides for a rate review by HHSC; and sets out conditions under which HHSC must approve, deny, or modify a proposed rate increase.

Requires each hospital to submit an annual report to HHSC and sets out the required contents of the report.
Sickle Cell Task Force—H.B. 3405
by Representative Jarvis Johnson et al.—Senate Sponsor: Senator Miles

Sickle cell disease results from a gene mutation causing red blood cells to become fragile, break down rapidly, and change shape, from a round disc to a sickle shape. H.B. 3405 establishes the sickle cell task force (task force). This bill:

Requires the executive commissioner of the Health and Human Services Commission to establish and maintain a task force to raise awareness of sickle cell disease, and details the composition of the task force as well.

Requires the task force to study and advise the Department of State Health Services on implementing recommendations made in the 2018 Sickle Cell Advisory Committee Report.

Requires the task force to prepare and submit a report to the governor and the legislature annually.

APS Alzheimer's Disease and Dementia Training—H.B. 3428
by Representative Capriglione et al.—Senate Sponsor: Senator Perry

Adult Protective Services (APS) personnel investigate abuse, neglect, and financial exploitation of older adults; among this population, Alzheimer's disease and other forms of dementia are particularly pronounced. Interested parties contend that it is crucial for APS staff to receive training relating to Alzheimer's and other dementias. H.B. 3428 requires certain APS personnel to complete training on identifying and interacting with people with Alzheimer's or other dementias as part of basic training and continuing education. This bill:

Requires the Department of Family and Protective Services to develop a training program for APS employees on identifying and interacting with individuals who have Alzheimer's disease or dementia. Specifies certain requirements of the training program.

Requires an area agency on aging to ensure that the agency's employees or volunteers who provide services directly to elderly individuals receive training on Alzheimer's disease and dementia.

Creating Harris County Health Care Provider Participation Program—H.B. 3459
by Representative Coleman et al.—Senate Sponsor: Senator Miles

Since 2013, Texas hospitals in 20 counties (including most recently Dallas County and Tarrant County) have successfully created local provider participation funds (LPPF) for the purpose of generating parts of the non-federal share of Medicaid payments. With approval from the Texas Legislature, nonpublic hospitals in a particular jurisdiction agree to impose an assessment, not to exceed six percent, on their total net patient revenues. These quarterly assessments are matched with federal Medicaid dollars and paid to the hospitals in the jurisdiction to supplement the below-cost Medicaid payment. This bill:
Provides for a Harris County Hospital District (district) health care provider participation program. Authorizes the board of hospital managers of the district (board) to require a mandatory payment by an institutional health care provider in the district under the program, and authorizes the board to adopt rules relating to the administration of the program, provides for certain institutional health care provider reporting.

Requires the board of the district, as soon as practicable after the expiration of the district's authority to administer and operate a health care provider participation program, to transfer to each institutional health care provider in the district that provider's proportionate share of any remaining funds in any local provider participation fund created by the district.

**Expanding the Texas Compassionate-Use Act—H.B. 3703**  
*by Representative Klick et al.—Senate Sponsor: Senator Campbell et al.*

In 2015, the legislature enacted the Texas Compassionate Use Act, which authorized low-THC cannabis by prescription to treat patients with intractable epilepsy. Advocates have petitioned for expanding legal access to low-THC cannabis for other conditions. H.B. 3703 allows for low-THC cannabis by prescription to specific populations with intractable medical conditions. This bill:

- Authorizes specific physicians to prescribe low-THC cannabis to patients if diagnosed with epilepsy, a seizure disorder, multiple sclerosis, spasticity, amyotrophic lateral sclerosis, autism, terminal cancer, or an incurable neurodegenerative disease.

- Requires the executive commissioner of the Health and Human Services Commission to adopt rules designating which diseases are incurable neurodegenerative diseases.

**Establishment of Health Care Collaboratives by Rural Hospitals—H.B. 3934**  
*by Representative Frank—Senate Sponsor: Senator Perry*

It has been noted that Texas is leading the country in rural and community hospital closures and that health care providers in rural areas are unable to obtain favorable contract rates with insurance companies because they do not have the same patient volume as metropolitan hospitals. The purpose of this bill is to allow rural and community hospitals to engage in collaborative efforts to reach that same critical mass of volume. This bill:

- Amends the Insurance Code to include among the entities that may constitute a health care collaborative an applicable "rural hospital," defined by the bill as a licensed hospital with 75 beds or fewer either located in a county with a population of 50,000 or less or designated by the Centers for Medicare and Medicaid Services as a critical access hospital, rural referral center, or sole community hospital.

- Requires each member of the board of directors of a health care collaborative whose participants are all rural hospitals to be a representative of a participant hospital.
Epinephrine Auto-Injectors in Public Areas—H.B. 4260
by Representative Cortez—Senate Sponsor: Senator Lucio

Food allergies for some people can be potentially fatal. The most effective treatment for anaphylaxis is epinephrine. Currently, public entities are not allowed to keep or administer epinephrine auto-injectors. H.B. 4260 allows specific entities to keep and administer these auto-injectors. This bill:

Provides that this act applies to certain enumerated entities, subject to the discretion of the executive commissioner of the Health and Human Services Commission.

Authorizes an entity deemed able to possess and administer epinephrine auto-injectors to adopt a policy regarding the maintenance, administration, and disposal of those injectors. Authorizes only trained employees or volunteers to administer the drug.

Authorizes a physician or person who has been delegated prescriptive authority to prescribe epinephrine auto-injectors in the name of an entity.

Provides that a person who in good faith takes or fails to take any action under this act is immune from civil or criminal liability or disciplinary action resulting from the action or failure to act.

Treating Patients Outside of Texas Through Telemedicine and Telehealth—H.B. 4455
by Representative Miller—Senate Sponsor: Senator Campbell

Interested parties have raised concerns regarding the adequacy and the appropriate patient access to mental health care. H.B. 4455 expands access to mental health care by allowing Texas health care professionals to provide mental health services through telemedicine or telehealth to patients outside of Texas. This bill:

Authorizes health professionals to provide mental health services within the scope of a professional's license, through telemedicine or telehealth services to patients located outside of Texas, subject to any applicable jurisdictional regulations where a patient is located.

Health Care-Associated Infections Reporting Requirements—S.B. 384
by Senator Nelson—House Sponsor: Representative Sheffield

The current federal and state reporting requirements for health care-associated infections (HAIs) differ, producing both confusion and inefficiency. S.B. 384 aligns federal and state HAI reporting requirements. This bill:

Requires a health care facility to report to the Department of State Health Services (DSHS) each health care-associated infection that occurs in the facility. Requires the federal Centers for Medicare and Medicaid Services (CMS) to mandate facilities participating in the Medicare program report through the federal Centers for Disease Control and Prevention's National
Healthcare Safety Network. Provides that all health care facilities are subject to this requirement, regardless of their involvement in Medicare.

Grants the executive commissioner of the Health and Human Services Commission rulemaking authority regarding implementation of the aligning HAI reporting requirements.

**Liability of Volunteer Health Care Providers—S.B. 752**  
*by Senators Huffman and Lucio—House Sponsor: Representative Oliverson*

During Hurricane Harvey, the need for volunteer health care providers was patent. According to the Federal Emergency Management Agency, 5,359 patients were cared for during rescue and recovery efforts. This extraordinary weather event encouraged volunteers to offer services in many areas, but particularly in health care. However, current law is ambiguous on liability volunteer health care providers, discouraging many from participating in rescue and recovery efforts. Some providers volunteered and put themselves and their facilities at risk, not knowing that their liability coverage did not apply in that environment. This bill:

Extends liability protection for volunteer health care professionals, except in cases of reckless conduct or intentional, willful, or wanton misconduct, and the facilities that sponsor the care of assistance during or in the wake of a man-made or natural disaster. It also clarifies that health care providers and health care institutions are protected under their current limited liability policies during times of natural disaster, despite the location of care.

**Palliative Care—S.B. 916**  
*by Senator Johnson—House Sponsor: Representative Zerwas*

Palliative care provides support and care planning services to patients and families of patients with serious illnesses to improve quality of life. Interested parties contend that "palliative care" had been poorly defined in code. S.B. 916 more clearly defines "supportive palliative care" and requires the Health and Human Services Commission (HHSC) to conduct a study to seek improvements in current supportive palliative care programs. This bill:

Defines "supportive palliative care." Directs references to "palliative care" to mean "supportive palliative care."

Requires HHSC to conduct a study to assess potential improvements to quality of care and to health outcomes, and explore cost savings for supportive palliative care. Requires HHSC to provide results of the study to the Palliative Care Interdisciplinary Advisory Council, established by the legislature in 2015.
Alzheimer's Disease State Plan—S.B. 999
by Senator Campbell et al.—House Sponsor: Representative Zerwas et al.

Texas currently has no state plan to address the treatment of and education about Alzheimer's disease and related disorders. S.B. 999 directs the Department of State Health Services (DSHS) to develop that plan. This bill:

Requires DSHS to work with stakeholders to develop and implement a state plan for education on and treatment of Alzheimer's disease and related disorders.

Requires DSHS to submit to the legislature a biennial report on the development and implementation of the state plan.

Continuing Education Requirements for All Surgical Technologists—S.B. 1239
By Senator Johnson—House Sponsor: Representative Oliverson

A subset of practicing surgical technologists are currently exempt from the requirement of completing 30 hours of continuing education biennially. S.B. 1239 extends the continuing education requirement to all surgical technologists. This bill:

Requires a person employed to practice surgical technology to regularly complete a certain number of hours of continuing education.

Protected Class Status for Antiretroviral Drugs—S.B. 1283
by Senator Miles et al.—House Sponsor: Representative Wu et al.

If administered immediately after contraction of the human immunodeficiency virus (HIV), antiretrovirals greatly diminish the probability of viral transmission. S.B. 1283 codifies the current practice of prescribing antiretrovirals to Texas Medicaid beneficiaries diagnosed with HIV by granting antiretrovirals a protected class status. This bill:

Prohibits the executive commissioner of the Health and Human Services Commission from requiring a clinical, nonpreferred, or other prior authorization for any antiretroviral drug, step therapy, or other protocol that could restrict or delay the dispensing of the drug.

Limited Services Rural Hospitals—S.B. 1621
by Senators Kolkhorst and Seliger—House Sponsor: Representative Price

For many intersectional reasons, rural hospitals have increasingly become financially insolvent. S.B. 1621 designates "limited services rural hospital" as a new hospital licensure, contingent on the federal government creating a payment program for this designation. This bill:

Defines "limited services rural hospital."
Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC), if the United States Congress enacts a bill creating a payment program for limited services rural hospitals or similarly designated hospitals specifically, to adopt rules establishing minimum standards for these facilities.

Requires HHSC to develop and implement a strategic plan to ensure rural access to hospital services. Requires HHSC to submit the strategic plan to the Legislative Budget Board for review and comment.

Requires HHSC to establish the Rural Hospital Advisory Committee.

Authorizes the Midland County Hospital District to adopt, change the rate of, or abolish a sales and use tax at an election held in the district.

**Texas Diabetes Council—S.B. 2151**  
*by Senator Kolkhorst—House Sponsor: Representatives Sheffield and Lucio III*

The Texas Diabetes Council (council) was established in 1983 and addresses issues affecting people with diabetes in Texas. S.B. 2151 updates the council's statute to reflect its functions, purview, and composition. This bill:

Provides for certain representation on the council.

Requires the Department of State Health Services (DSHS) to provide administrative support to the council.

Authorizes the council to establish advisory committees or work groups.

Requires the council to address contemporary issues affecting health promotion services.

Requires the council, in consultation with DSHS and the Texas Education Agency, to develop and make available materials that provide information about diabetes, to be distributed to primary or secondary school students and their guardians.
Reciprocity Agreements Between Air Ambulance Companies—H.B. 463 [VETOED]
by Representative Springer—Senate Sponsor: Senator Perry et al.

Air ambulance services provide necessary emergency medical services during times of crisis. Subscription programs for these services are particularly important in sparsely populated rural areas with limited medical services. Interested parties contend that membership in the program does not guarantee the availability of service when an emergency arises. H.B. 463 establishes requirements for reciprocity agreements between air ambulance companies operating subscription programs. This bill:

Requires an air ambulance company that operates a subscription program to enter into a reciprocity agreement with all other air ambulance companies operating subscription programs in the same service delivery area.

Removing Signs of Nonoperational Freestanding Emergency Rooms—H.B. 1112
by Representatives Sarah Davis and Oliverson—Senate Sponsor: Senator Kolkhorst

Interested parties have raised concerns regarding delays in the removal of outdoor signs at nonoperational, freestanding emergency medical care facilities. H.B. 1112 requires a freestanding emergency room to immediately remove its signs from public view in the event of a closure. This bill:

Requires a freestanding emergency medical care facility that closes or for which the license expires, is suspended, or is revoked to immediately remove any visible signs indicating the facility is in operation.

Authorizes the Department of State Health Services to petition a district court for a temporary restraining order against facilities that fail to remove publicly visible signs after closure.

Biosimilar Reporting Requirement—H.B. 1264
by Representative Senfronia Thompson et al.—Senate Sponsor: Senator Buckingham

The 84th Legislature passed an act that expanded access to biosimilar medications. One provision of that act required pharmacists to report to the prescribing physician when a biosimilar medication was dispensed; however, this requirement is set to expire on September 1, 2019. H.B. 1264 repeals this provision, maintaining the reporting requirement. This bill:

Repeals the expiration date on the reporting requirement relating to pharmacists dispensing biosimilar medications.
Farmers' Market Samples Permit—H.B. 1694  
*by Representative Lambert et al.—Senate Sponsor: Senator Johnson*

Interested parties contend that additional permitting requirements for farmers' markets vendors to provide samples of their goods are too stringent. H.B. 1694 reduces unnecessary requirements imposed on small farmers and food businesses selling at farmers' markets by stating that a local health department may not impose additional permitting requirements on vendors who wish to provide samples. Vendors are however still subject to regulations requiring sanitary handling of samples under Section 437.020, Health and Safety Code. This bill:

- Redefines "food" to include a product made from cottage food producers.
- Prohibits the Department of State Health Services (DSHS) or a local government authority from requiring a person to obtain a permit to provide samples of food at a farm or a farmers' market.
- Authorizes DSHS or a local government authority to perform an inspection to enforce the requirements for preparing and distributing samples of food at a farmers' market, and requires a person to obtain a permit to offer for sale or distribution food cooked at a farm or farmers' market.
- Authorizes a cottage food production operation to provide samples of food only.

Regulation of Freestanding Emergency Medical Care Facilities—H.B. 2041  
*by Representative Oliverson et al.—Senate Sponsor: Senator Taylor*

Concerns have been raised that some patients encounter confusing language at freestanding emergency rooms regarding whether facilities and doctors giving care are in-network providers. This bill:

- Requires that facilities post notice that they or physicians within them may be out-of-network.
- Requires facilities to post the health plans for which they are an in-network provider or post that they are out-of-network for all health plans.
- Requires that patients be provided with a disclosure form stating the facility's health plan network status as well as its observation and facility fees.
- Authorizes facilities to post charges online in lieu of providing a disclosure form.
- Prohibits a facility from stating that it "takes" or "accepts" an insurance plan unless it is in-network.
- Prohibits a facility from advertising with an insurer's logo if the facility is out-of-network with the insurer's plans.
- Requires that facilities that are not in operation remove emergency signage.
Requires freestanding emergency rooms to submit data to the Texas Health Care Information Collection System.

Increases the limits on penalties for violations of the bill’s provisions from $1,000 per day to a maximum of $5,000 per day, with a maximum total penalty of $25,000.

Changes the fund to which an administrative penalty imposed on an independent freestanding emergency medical care facility is deposited from the general revenue fund to the freestanding emergency medical care facility licensing fund. Limits the use of the money collected from those penalties to the administration and enforcement of provisions relating to freestanding emergency medical care facilities by the Department of State Health Services (DSHS).

**Food Regulatory Compliance Information—H.B. 2107**
*by Representative Capriglione et al.—Senate Sponsor: Senator Hughes*

Interested parties note that information relating to food regulatory compliance is not always readily available to farmers and small-scale food producers. H.B. 2107 requires the Department of State Health Services (DSHS) and local health jurisdictions to provide compliance information in a timely manner. This bill:

Requires DSHS or a local health jurisdiction to provide a reasonable and substantial responses to requests for information relevant to the regulation of food, no later than 30 days after receiving a request.

**Requesting a Nursing Peer Review Committee Orally—H.B. 2410**
*by Representative Klick—Senate Sponsor: Senator Perry*

Nurses are allowed to seek protection under peer review protocols if nurses believe they are being required to take, or refrain from taking, certain actions in violation of fundamental standards of care. In order to be protected, nurses are required to fill out a specific form in writing; however, this is not always practicable due to immediate patient care needs. H.B. 2410 provides a mechanism for nurses to request a nursing peer review committee in certain circumstances orally. This bill:

Authorizes a nurse, if the nurse is unable to complete a form required to establish a nursing peer review committee due to immediate patient care needs, to request a nursing peer review committee determination orally. Requires the nurse’s supervisor, after receiving oral notification of a request, to record certain information in writing.
Physician Delegation to Pharmacists in Federally Qualified Health Centers—H.B. 2425

*by Representative Kacal—Senate Sponsor: Senator Schwertner*

Physicians can delegate to a pharmacist the power to implement or modify a patient's drug therapy if the pharmacist practices in certain health care facilities. H.B. 2425 allows a physician to delegate this same authority to pharmacists working in Federally Qualified Health Centers. This bill:

Defines "federally qualified health center."

Adds pharmacists practicing at Federally Qualified Health Centers to a list of pharmacists who may implement or modify a patient's drug therapy.

Hearing Instrument Fitters and Dispensers Program—H.B. 2699

*by Representative Goldman—Senate Sponsor: Senator Zaffirini*

Interested parties contend that statute relating to the hearing instrument fitters and dispensers program is outdated. H.B. 2699 makes technical cleanups to the relevant statutes. This bill:

Requires the Texas Department of Licensing and Regulation (TDLR) to develop an examination that may include written or practical elements.

Requires TDLR or TDLR's authorized representative to give each applicant due notice of the date and place of the examination and the subjects, areas, and skills tested by the examination.

Authorizes an applicant who previously failed an examination to retake it. Provides that an applicant who previously failed may be retested only on those portions of the practical test the applicant failed.

Requires TDLR to issue an apprentice permit to fit and dispense hearing instruments to a temporary training permit holder who has met certain requirements.

Authorizes the applicant to take a practical and a written test of Texas law, administered by TDLR or TDLR's authorized representative, if TDLR approves an application.

Repeals a requirement that the examination be administered at least twice a year.

Hospital Liens—H.B. 2929

*by Representative Leach—Senate Sponsor: Senator Hancock*

It has been suggested that state law relating to hospital liens may be interpreted in more than one way in relation to whether emergency room admission constitutes hospital admission. This lack of clarity has led to Texas hospitals facing unexpected legal challenges. This bill:
Clarifies that the lien law applies regardless of which hospital department provides care. Revises the amount of certain hospital liens.

**Deregulations on Medicaid Telemedicine and Telehealth Services—S.B. 670**
*by Senator Buckingham—House Sponsor: Representative Price et al.*

In 2017, the Texas Legislature created a streamlined regulatory system for the provision of telemedicine and telehealth services at the Texas Medical Board (TMB). Interested parties contend that additional concurring changes are necessary in order to remove burdensome regulatory provisions from the program. S.B. 670 seeks to deregulate certain aspects of telemedicine and telehealth services provided through Texas Medicaid to ensure that patients and providers have access to a full array of choices when participating in virtual health care. This bill:

- Defines "Medicaid managed care organization" (MCO) and "platform."
- Requires the Health and Human Services Commission (HHSC) to encourage health care providers and health care facilities themselves to provide telemedicine medical services and telehealth services in the health care delivery system, rather than requiring HHSC to do so. Prohibits HHSC from requiring that a service be provided to a patient through telemedicine medical services or telehealth services, rather than prohibiting HHSC from requiring that a service be provided to a patient through telemedicine medical services or telehealth services when the service can reasonably be provided by a physician through a face-to-face consultation in the community in which the patient resides or works. Deletes existing text providing that this subsection does not prohibit the authorization of the provision of any service to a patient through telemedicine medical services or telehealth services at the patient's request.

- Requires HHSC to ensure that a Medicaid MCO does not deny reimbursement for a covered health care service or procedure delivered by a health care provider with whom the MCO contracts as a telemedicine medical service or a telehealth service to a Medicaid recipient solely because the covered service is not provided through an in-person consultation. Requires HHSC to ensure that an MCO does not limit, deny, or reduce reimbursement for a covered health care service or procedure based on the health care provider's choice of service platform.

- Stipulates certain conditions necessary in order for Medicaid recipients to receive telemedicine or telehealth services from a provider other than the primary care physician or provider.

- Requires HHSC to develop, document, and implement a monitoring process to ensure that an MCO's uses of telemedicine or telehealth services are patient-centered.

- Requires the executive commissioner of HHSC (executive commissioner) by rule to ensure that a federally qualified health center may be reimbursed for the originating site facility fee or the distant site practitioner fee for a covered telemedicine or telehealth service.

- Deletes existing statutory language requiring HHSC to ensure that Medicaid reimbursement is provided to a physician for a telemedicine service provided by the physician, even if the physician
is not the patient's primary care physician or provider, if a health professional is present with the patient during the treatment.

Aligns Medicaid telemedicine and telehealth service costs with the costs associated for the same in-person medical service.

Prohibits HHSC from limiting a physician's choice of platform for providing a telemedicine or telehealth service.

Requires the Texas State Board of Pharmacy to adopt certain rules regarding the use of telepharmacy.

Repeals certain patient site presenter requirements for school-based clinics; repeals requirements relating to consulting with the Department of State Health Services on telemedicine services; repeals annual reviews of what services are and are not appropriate for telemedicine or telehealth Medicaid reimbursement; repeals HHSC authority to regulate certain minimum technology standards for telemedicine and telehealth; repeals mandatory requirements for facility fee splitting and consulting with the federal Centers for Medicare and Medicaid Services; and repeals provisions aligning Texas Medicaid telemedicine reimbursement policy with Medicare reimbursement policy.

**Pharmacy Practice Act Cleanup Bill—S.B. 683**

*by Senator Buckingham—House Sponsor: Representative Allison*

S.B. 683 makes several nonsubstantive changes to the Pharmacy Practice Act, as recommended by the Texas State Board of Pharmacy (TSBP), in order to eliminate inconsistencies. This bill:

Amends current law relating to the licensing and regulation of pharmacists and pharmacies.
Expedited Inspection Process for Assisted Living Facilities—H.B. 823
by Representative Yvonne Davis et al.—Senate Sponsor: Senator Johnson

Currently, some assisted living facilities face extensive wait times when seeking to secure or renew a license. Advocates contend that an expedited process is called for. H.B. 823 requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to create that process. This bill:

Requires the executive commissioner to adopt rules to implement an expedited inspection process for assisted living facilities.

Antimicrobial Stewardship Monitoring—H.B. 1848
by Representative Klick et al.—Senate Sponsor: Senator Buckingham

Long-term care facilities are currently required to establish and maintain infection prevention and control programs. The Department of State Health Services (DSHS) has made combatting multidrug-resistant organisms in these facilities a priority. H.B. 1848 facilitates this priority by requiring long-term care facilities to monitor specific infectious agents. The bill also establishes collaborative regional advisory committees to improve antimicrobial stewardship. This bill:

Requires every long-term care facility's infection prevention and control program to include monitoring of key infectious agents and procedures for making rapid influenza diagnostic tests available to facility residents.

Requires DSHS to establish a regional advisory committee in each public health region to address and improve antimicrobial stewardship in long-term care facilities.

Administration of Certain Antipsychotic Drugs in Nursing Homes—H.B. 2050
by Representatives Paddie and Price—Senate Sponsor: Senator Kolkhorst

Advocates contend that nursing home residents may be receiving medically unnecessary antipsychotic or neuroleptic medications, and that these medications are sometimes administered without residents' consent. H.B. 2050 revises consent requirements for the prescription of these medications. This bill:

Provides that consent to the prescription of psychoactive medication given by a resident or authorized individual is valid only if the person prescribing the medication, that person's designee, or the facility's medical director provides certain information to the resident.

Provides that consent to the prescription of an antipsychotic or neuroleptic medication is valid only if consent is given in writing by a resident or by a person authorized to consent on behalf of the resident.
Long-Term Care Informal Dispute Resolution Processes—H.B. 2205  
*by Representative Clardy—Senate Sponsor: Senator Buckingham*

Interested parties note calls to ensure fairness in the informal dispute resolution process for disputes between the Health and Human Services Commission (HHSC) and long-term care facilities. H.B. 2205 addresses those calls by requiring surveyors of the facilities to answer questions related to the facility or the compliant, requiring review of the dispute resolution request to be conducted by a registered nurse with long-term care experience, and requiring facility management be immediately notified when certain violations are identified in an inspection. This bill:

Requires the informal dispute resolution process for a statement of violations prepared by HHSC, in connection with a survey conducted by HHSC, of long-term care facilities to require that surveyors answer relevant questions. Requires HHSC's review of the institution's or facility's informal dispute resolution request to be conducted by a registered nurse with long-term care experience.

Provides that if HHSC or a surveyor identifies violations constituting immediate jeopardy to the health or safety of a resident, the facility's management must be immediately notified. Requires an HHSC representative to remain or be accessible to the facility until HHSC has received, in response to a violation, the facility's plan of removal.

Disposing of Controlled Substances in Hospice Care—H.B. 2594  
*by Representative Holland et al.—Senate Sponsor: Senator Paxton*

Concerns have been raised about the improper disposal of controlled substance prescription medication after patients die in hospice care. H.B. 2594 addresses these concerns by authorizing a home and community support services agency to adopt written policies and procedures related to the disposal of unused controlled substance prescription drugs. This bill:

Authorizes a license holder to adopt written policies and procedures related to the disposal of a deceased patient's unused controlled substance prescription drugs. Requires agencies that adopt such policies to inform and discuss them with patients and their families.

Authorizes a home and community support services agency to provide training to employees regarding the secure and responsible disposal of controlled substance prescription drugs.

Authorizes a health care professional employee who has completed training to confiscate and dispose of a patient's controlled substance prescription drugs. Requires the health care professional to document such actions.
HHSC Investigations of Hospice Care Violations—H.B. 3079  
*by Representatives Noble and Guillen—Senate Sponsor: Senators Zaffirini and West*

Current law does not delegate to a specific agency the responsibility to investigate allegations of abuse, neglect, or exploitation against persons in inpatient hospice facilities not enrolled in Medicaid. H.B. 3079 codifies the current practice of the Health and Human Services Commission (HHSC) when investigating these complaints. This bill:

Requires HHSC to investigate allegations of abuse, neglect, or exploitation of a client of a home and community support services agency of any age if the alleged perpetrator is employed or otherwise affiliated with the services agency.

Review of ICF-IID Facility Bed Capacity—H.B. 3117  
*by Representative Schaefer—Senate Sponsor: Senator Hughes*

The Health and Human Services Commission (HHSC) develops a two-year long-term care plan to determine the need for beds at intermediate care facilities for individuals with intellectual and developmental disabilities (ICF-IID). It has been suggested that HHSC is not explicitly required to take into account the specific needs of a given community when determining the number of ICF-IID beds for a particular region, a situation which can lead to facilities not having licensed beds needed to meet care demands, despite sufficient capacities. H.B. 3117 requires a review of the statewide ICF-IID bed capacity and the development of a process to reallocate beds held in suspension. This bill:

Requires HHSC to review the statewide bed capacity of community ICF-IID facilities for individuals with an intellectual disabilities or related conditions and develop a process to reallocate beds held in suspension by HHSC.

HCSSA Licenses—H.B. 3193  
*by Representative Hinojosa et al.—Senate Sponsor: Senator Johnson et al.*

Home and community support services agencies (HCSSAs) provide home health, hospice, or personal assistance services to people in residence or independent-living environments. HCSSAs are licensed by the Health and Human Services Commission (HHSC). Currently, there are discrepancies between federal and state guidelines related to HCSSA licensure. H.B. 3193 aligns state HCSSA licensing guidelines with federal ones. This bill:

Provides that a license issued to an HCSSA expires after three years.

Requires the executive commissioner of HHSC to set license fees for HCSSAs between $600 and $2,625.
Services Provided by Assisted Living Facilities—H.B. 3329
by Representatives Frank and Klick—Senate Sponsor: Senator Buckingham

Interested parties note that current statute is ambiguous regarding the types of services permitted at licensed assisted living facilities. H.B. 3329 creates a mechanism to clarify what services can be provided. This bill:

Requires the executive commissioner of the Health and Human Services Commission to adopt rules and guidelines on the range of services that assisted living facilities are authorized to provide.

Penalty Cap for Intermediate Care Facilities—H.B. 3803
by Representatives Guillen and Klick—Senate Sponsor: Senator Zaffirini

Interested parties have raised concerns relating to monetary penalties that can accrue for small, intermediate care facilities caring for persons with intellectual or developmental disabilities. H.B. 3803 caps the total administrative penalty amount assessed for each day a violation occurs, based on the size of a facility. This bill:

Prohibits the total amount of daily penalties assessed from exceeding $5,000 for facilities with fewer than 60 beds and $25,000 for facilities with 60 or more beds.

Long-Term Care Medicaid Services Carve-In—H.B. 4533
by Representatives Klick and Raymond—Senate Sponsor: Senator Kolkhorst

The carve-in of long-term care Medicaid services into a managed care model has repeatedly been delayed. H.B. 4533 directs the Health and Human Services Commission (HHSC) to implement a pilot program to determine the best method for finally carving these services into managed care. This bill:

Requires HHSC to implement a Medicaid provider management and enrollment system and, following that implementation, to use only a national provider identifier number to enroll a provider in Medicaid.

Requires HHSC to standardize Medicaid grievance data reporting tracking and to establish a procedure for expedited grievance resolution.

Requires HHSC to make available to the public on HHSC’s Internet website data relating to the quality of health care received by Medicaid recipients.

Requires HHSC to provide certain information to enrollees when denying coverage for services.

Requires HHSC to determine the feasibility of providing Medicaid benefits to children enrolled in the STAR Kids managed care program under an accountable care organization model. Requires HHSC to prepare and submit a written report to the legislature not later than December 1, 2022.
Requires the STAR Kids Managed Care Advisory Committee to advise HHSC on the operation of STAR Kids. Provides that the advisory committee is abolished on December 31, 2023.

Requires HHSC to design and implement an acute care services and long-term services and supports system for individuals with an intellectual or developmental disability.

Requires HHSC to develop and implement a pilot program through the STAR+PLUS Medicaid managed care program to test the delivery of long-term services and supports to individuals participating in the pilot program. Requires the executive commissioner of HHSC to establish a pilot program workgroup to provide assistance in the development and operation of the pilot program. Provides certain specifications for the pilot program.

Requires HHSC to implement the pilot program on September 1, 2023. Requires the program to operate for at least 24 months.

Provides that an individual who is eligible for the pilot program will be enrolled automatically and the decision whether to opt out of participation in the pilot program may be made only by the individual or the individual's legally authorized representative.

Establishes September 1, 2025, as the Sunset date for the pilot program.

**Improving Residential Treatment Centers—S.B. 781**

*by Senator Kolkhorst—House Sponsor: Representative Leman*

Residential treatment centers (RTCs) are congregate care facilities that provide around-the-clock supervision and treatment exclusively to children with emotional disorders. The federal Family First Prevention Services Act (FFPSA) radically changes funding for the foster care system. Texas facilities do not currently meet standards necessary to qualify for FFPSA funding. S.B. 781 makes certain changes necessary to bring RTCs in line with federal requirements. This bill:

Requires the Department of Family and Protective Services (DFPS) to establish trauma-informed strategies to reduce the cases in which a child runs away from an RTC.

Requires DFPS to maintain and improve the quality of residential child-care services utilized by DFPS.

Requires DFPS to develop a strategic plan to meet federal requirements for FFPSA funding.

Transfers certain duties from DFPS to the Health and Human Services Commission (HHSC).

Prohibits DFPS from issuing a license, listing, registration, or certification under certain conditions.

Requires a person applying for a license to operate a general residential operation to submit a proposed operational plan to HHSC.
Requires DFPS to collaborate with the Texas Education Agency to determine best practices for educational services in RTCs.

Prior Authorization for MDCP Enrollees—S.B. 1096
by Senator Perry et al.—House Sponsor: Representative Oliverson et al.

The Medically Dependent Children Program (MDCP) offers community-based services for children with disabilities who require nursing facility levels of care. Advocates contend that certain prior authorization requirements force recipients to incur unnecessary burdens, costs, and delays. S.B. 1096 ensures that a drug prescribed to an MDCP enrollee be approved if that drug appears on the formulary, without additional barriers, regardless of whether the drug is designated as preferred. This bill:

Requires the STAR Kids Managed Care Advisory Committee (advisory committee) to explore the feasibility of adopting a private duty nursing assessment for use in the STAR Kids managed care program.

Requires a contract between a managed care organization (MCO) and the Health and Human Services Commission (HHSC) to require that the organization review and issue determinations on prior authorization requests with respect to recipients hospitalized at the time of the request.

Requires HHSC to conduct a utilization review at least every two years on a sample of cases for children enrolled in STAR Kids.

Requires a contract between an MCO and HHSC to require that the MCO review and issue determinations on prior authorization requests recipients hospitalized at the time of the request, subject to specific time frames.

Requires a contract between an MCO and HHSC for the MCO to provide health care services to recipients to contain specific items, including developing a monitoring program and developing outpatient pharmacy benefit plans.

Laundry Services for Hospitals—S.B. 1234
By Senator Buckingham—House Sponsor: Representative Murr

Interested parties contend that state hospitals and state supported living centers (SSLCs) rely on constant laundry operations. Finding a provider willing to assume the necessary workload is often difficult and expensive. S.B. 1234 allows regional laundry service centers to establish reciprocal relationships with other public entities to provide laundry services in certain situations. This bill:

Authorizes a regional laundry center operated by the Health and Human Services Commission providing laundry services to department facilities to contract with federal agencies, other state agencies, or local political subdivisions to provide or receive laundry services.
Requires the local mental health authority to contract with Kerrville State Hospital to provide similar services.

**Re-Establishing the Long-Term Care Facilities Council—S.B. 1519**

*by Senator Kolkhorst—House Sponsor: Representative Clardy*

Texas has an aging population that is increasing in number. Advocates contend that in order to accommodate this growth, Texas requires high quality long-term care facilities. S.B. 1519 re-establishes the Long-Term Care Facilities Council (council) in order to better prepare and care for the aging population. This bill:

Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) to establish the council as a permanent advisory committee to HHSC.

Requires the council to study and make recommendations regarding a consistent survey and informal dispute resolution process for long-term care facilities. Requires the council to submit a report to the executive and the legislature detailing its findings and recommendations biennially.

Requires the council to assess the impact on long-term care facilities of having certain Medicaid recipients reside in nursing facilities through the STAR+Plus Medicaid managed care program.
Medical Transportation for Pregnant Women and New Mothers Pilot Program—H.B. 25

by Representative Mary González et al.—Senate Sponsor: Senator Zaffirini et al.

Transportation is a significant barrier for many people who most need postpartum medical services. The Medical Transportation Program (MTP), under the direction of the Health and Human Services Commission (HHSC), provides nonemergency medical transportation services to Medicaid recipients to and from covered health care services. However, advocates contend that certain MTP regulations, such as a prohibition on more than one child from being transported with their mother, present practical challenges for women seeking to utilize the service. H.B. 25 creates a pilot program to allow pregnant and postpartum women using MTP to travel with their children to pregnancy-related appointments. This bill:

Requires HHSC, in collaboration with the Maternal Mortality and Morbidity Task Force (task force), to develop and implement a pilot program allowing for medical transportation for both women enrolled in the STAR Medicaid managed care program and their children.

Requires HHSC to report to the legislature on the implementation of the pilot program.

Postpartum Depression Strategic Plan—H.B. 253

by Representative Farrar et al.—Senate Sponsor: Senators Kolkhorst and Zaffirini

Interested parties contend that women’s access to postpartum depression screening, referral, treatment, and support services is lacking. H.B. 253 seeks to address these concerns by providing for the development and implementation of a five-year strategic plan improving access to those services. This bill:

Requires the Health and Human Services Commission to develop and implement a five-year strategic plan to improve access to postpartum depression screening, referral, treatment, and support services.

The Right to Express Breast Milk—H.B. 541

by Representative Mary González et al.—Senate Sponsor: Senator Zaffirini

While current statute protects the right of mothers to breastfeed, it does not explicitly protect the expression of breast milk in public. This makes for confusion among employees and employers as to whether pumping is protected by law. This bill:

Entitles a mother to express breast milk in any location in which the mother's presence is otherwise authorized.
**Addressing Opioid Use Disorders Among Pregnant and Parenting Women—S.B. 436**  
*by Senator Nelson et al.—House Sponsor: Representative Price et al.*

Drug overdose is one of the leading causes of maternal deaths in Texas, with most cases attributed to opioid use disorder. S.B. 436 directs the Department of State Health Services (DSHS) to work with the Maternal Mortality and Morbidity Task Force (task force) to develop tools and best practices necessary to assess and treat opioid use disorders among pregnant women and to prevent opioid-related overdoses among pregnant and postpartum women. This bill:

Requires DSHS, in collaboration with the task force, to develop and implement initiatives to improve screening procedures and continuity of care for women with opioid use disorders; optimize health care provided to pregnant and postpartum women, as well as newborns diagnosed with neonatal abstinence syndrome; increase access to medication-assisted treatment during pregnancy and postpartum; and reduce the number of opioid drugs prescribed before, during, and following delivery.

Authorizes DSHS to conduct a limited pilot program prior to implementing the aforementioned initiatives.

Requires DSHS to prepare and submit to the legislature a written report evaluating the success of the initiatives no later than December 1, 2020.

**NICU Level of Care Designations—S.B. 749**  
*by Senator Kolkhorst—House Sponsor: Representatives Price and Allison*

In 2013, the 83rd Legislature, in consultation with the Perinatal Advisory Council (PAC) and the Department of State Health Services (DSHS), established various designation levels for neonatal intensive care units (NICUs) and maternal care. S.B. 749 seeks to improve the current designations process by allowing a hospital to appeal its level of designation to an independent third party. The bill also provides a waiver process from certain designation rules. This bill:

Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) to adopt rules requiring payment to be based on services provided by the facility, regardless of the hospital's care designation.

Requires the executive commissioner to adopt rules to establish a process through which a hospital is authorized to obtain a follow-up survey by an independent third party to appeal the level of care designation assigned to the hospital.

Clarifies the role of telemedicine medical services.

Directs DSHS to create a waiver from level of care designation requirements for certain facilities.

Aligns PAC's Sunset date with that of DSHS.
Maternal and Newborn Health Care—S.B. 750

by Senators Kolkhorst and Lucio—House Sponsor: Representative Button et al.

In 2017, the 85th Legislature directed the improvement of maternal health data, directed the development of strategies to address high maternal mortality and morbidity rates in Texas, and reauthorized the Maternal Mortality and Morbidity Task Force (task force) until 2023. S.B. 750 expands on this framework by implementing certain findings from the Health and Human Services Commission (HHSC) and the task force's report. This bill:

Requires HHSC to apply for certain federal grants to improve the quality and accessibility of care for pregnant women with opioid use disorders.

Requires HHSC to develop and implement cost-effective, evidence-based, and enhanced prenatal services for high-risk pregnant women covered under the medical assistance program.

Enhances postpartum care services for certain women in the Healthy Texas Women program.

Enhances continuity of care for certain women enrolling in the Healthy Texas Women program.

Requires HHSC to develop or enhance statewide initiatives to improve the quality of maternal health care services and outcomes for women.

Renames the task force as the Texas Maternal Mortality and Morbidity Review Committee.

HTW Enrollment Information—S.B. 2132

by Senators Powell and Hinojosa—House Sponsor: Representative Button et al.

In its 2018 report, the Maternal Mortality and Morbidity Task Force recommended increased access to health care for the year after a pregnancy and throughout the interconception period. S.B. 2132 attempts to help increase access to care for women enrolled in the Healthy Texas Women (HTW) program after their Medicaid for Pregnant Women coverage expires by alerting eligible women of their enrollment into HTW and the services provided through the program. This bill:

Requires the Health and Human Services Commission (HHSC) to provide a woman automatically enrolled in HTW (after no longer qualifying for Medicaid for Pregnant Women) with information about the program and a list of health care providers who participate in the program located in the same geographical area in which the woman resides.

Provides that this act only applies to a woman automatically enrolled in the program on or after January 1, 2020.
Mental Health Care Personnel in Schools—H.B. 19

by Representative Price et al.—Senate Sponsor: Senators Watson and Menéndez

In response to increasing gun violence in schools, Governor Abbott held a series of roundtable discussions to explore plans to make schools safer. Out of these discussions, Governor Abbott produced a School and Firearm Safety Action Plan. One of the predominant tenets of this plan was to increase mental health resources within schools. To that end, H.B. 19 creates opportunities for schools to partner with local mental health authorities (LMHAs) to house a non-physician mental health professional at the regional educational service center. This professional is tasked with providing assistance in mental health awareness. This bill:

Requires an LMHA to employ a non-physician mental health professional to serve as a resource for school districts located in the region served by the LMHA.

Requires a memorandum of understanding between the LMHA and the relevant education service center.

Requires the employed non-physician mental health professional to work collaboratively with the education service center and to act as a resource for school district personnel.

Requires that each LMHA that employs and supervises a non-physician mental health professional under this act prepare and submit a report to the Health and Human Services Commission (HHSC). Requires HHSC to submit the report to the legislature and the Texas Education Agency no later than January 31 of the following calendar year.

Report Relating to Mental Health First Aid Training for LMHA Employees—H.B. 1070

by Representative Price et al.—Senate Sponsor: Watson

Interested parties contend that data currently reported to the Department of State Health Services (DSHS) by local mental health authorities (LMHAs) is not sufficient to accurately determine which categories of school personnel have received mental health first aid training. H.B. 1070 requires DSHS to compile and report more complete data related to LMHA personnel first aid training. This bill:

Requires LMHAs to provide to DSHS specific information relating to employees trained in mental health first aid. Requires DSHS to compile the information and submit a report to the legislature annually.

Disclosure of Certain Mental Health Records —H.B. 1901

by Representative Greg Bonnen—Senate Sponsor: Senator Taylor

Concerns have been raised regarding the time-consuming process of accessing certain mental health records of long-deceased state hospital patients. This bill:
Addresses these concerns by authorizing such a disclosure, to the extent permitted by federal law, to a patient's descendant, under specified circumstances.

**Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council—H.B. 2783**  
*by Representative Wilson et al.—Senate Sponsor: Senator Buckingham*

Pediatric acute-onset neuropsychiatric syndrome is a condition characterized by the sudden onset of neuropsychiatric symptoms such as obsessive-compulsive behaviors or severe eating restrictions. It is of ongoing concern that this condition can often go undetected or unreported or be misdiagnosed or dismissed by physicians. H.B. 2783 supports efforts to inform policymakers about the syndrome by establishing the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council (advisory council). This bill:

Establishes the advisory council to advise the Health and Human Services Commission (HHSC) and the legislature on research, diagnosis, treatment, and education related to pediatric acute-onset neuropsychiatric syndrome. Specifies the composition of the advisory council.

Requires the advisory council to prepare and submit to the governor, legislature, and HHSC a report that includes recommendations on certain enumerated topics annually.

**Statewide Behavioral Health Coordinating Council—H.B. 2813**  
*by Representatives Price and Raymond—Senate Sponsor: Senator Nelson*

The Statewide Behavioral Health Coordinating Council (council) was established in the General Appropriations Act of the 84th Legislature. Concerns have been raised regarding the council's functions not being codified in general law. H.B. 2813 codifies the council. This bill:

Provides that the council is established to ensure a strategic statewide approach to behavioral health services.

Enumerates the composition and duties of the council.

**State Summary of Suicides—H.B. 3980**  
*by Representative Hunter—Senate Sponsor: Senator Menéndez*

Suicide prevention and intervention is currently addressed through a patchwork of laws, policies, programs, and initiatives that vary across agencies. Interested parties contend that this patchwork makes it difficult for state agency policymakers and the legislature to have a clear picture of the statewide impact of suicide. H.B. 3980 directs the Health and Human Services Commission (HHSC) and the Department of State Health Services (DSHS) to produce a summary report of available data on the prevalence of suicide-related events in Texas and on state statutes, rules, policies, and initiatives related to suicide. The bill also requires the Texas Behavioral Health Coordinating Council (council) to produce a legislative report relating to suicide. This bill:
Provides that the legislature finds suicide to be a public health crisis and that policymakers require a better understanding of the issue to determine appropriate efforts necessary to decrease suicide rates.

Requires HHSC, in coordination with DSHS, to prepare a summary report on the prevalence of suicide in Texas and state policies and programs adopted across state systems and agencies to prevent suicides.

Requires HHSC to provide a copy of the summary report to the governor, the legislature, and the council.

Requires the council to prepare a legislative report on suicide that identifies opportunities and makes recommendations for state agencies. Requires the council to submit a copy of the legislative report to the governor and the legislature not later than November 1, 2020.

Mental Health First Aid Training for Veterans—H.B. 4429
by Representative Blanco—Senate Sponsor: Senator Menéndez et al.

Mental health disorders, specifically suicidal ideations, are particularly pronounced in the veteran community. Interested parties contend that mental health first aid training can help veterans improve access to treatment. H.B. 4429 seeks to improve veteran awareness of mental health treatment options. This bill:

Requires the Texas Veterans Commission to take certain actions, including coordinating local delivery of mental health first aid training to veterans and their families.

Requires local mental health authorities to provide to the Department of State Health Services (DSHS) specific information relating to mental health first aid training. Require DSHS to prepare and submit a report to the legislature.

Requires DSHS to develop a mental health intervention program for veterans.

Court-Ordered Mental Health Services—S.B. 362
by Senator Huffman et al.—House Sponsor: Representative Price

After a review of the interactions between courts and individuals with mental health conditions, interested parties have recommended several improvements to the Health and Safety Code. This bill puts into law best practices in mental health treatment and provides a mechanism to divert individuals with mental health conditions from the criminal justice system and the inpatient mental health treatment system. This bill:

Clarifies standards for court-ordered mental health services and separates standards for inpatient and outpatient commitment, making distinct sections for extended and temporary court-ordered treatment and expanding the ways nonviolent individuals with mental health issues can be diverted.
from the criminal justice system and from inpatient facilities to receive mental health services at outpatient facilities. Includes a mental health judicial education component.

**Law Enforcement Representation on LMHAs—S.B. 632**  
*by Senators Kolkhorst and Creighton—House Sponsor: Representative Price et al.*

Increasingly, local law enforcement is required to conduct extensive screenings related to mental health issues, despite being unaware of or unable to access mental health services offered by local mental health authorities (LMHAs). S.B. 632 seeks to promote cooperation and coordination between local law enforcement and LMHAs by giving local law enforcement representation on LMHA governing bodies. This bill:

- Requires the governing body of LMHAs, if applicable, to include relevant representation of sheriffs as ex officio nonvoting members.
- Requires the local authority, if an LMHA does not have a governing body, to consult with relevant sheriffs.
- Requires LMHAs to solicit certain information from local law enforcement agencies.
- Creates sheriff ex officio nonvoting positions on community centers' boards of trustees.

**Rural LMHA Regional Grouping—S.B. 633**  
*by Senator Kolkhorst et al.—House Sponsor: Representatives Lambert and Guillen*

Public mental health services are primarily provided through the Health and Human Services Commission's (HHSC) contracts with local mental health authorities (LMHAs). LMHAs provide or arrange crisis services, community mental health services, jail assessments, substance use services, and services for individuals with intellectual and developmental disabilities. These entities must plan, develop, and coordinate local policy, resources, and services for mental health care. Interested parties contend that broader regional planning and inter-LMHA collaboration is currently lacking, and that LMHAs have had difficulty building capacity and establishing successful contracts for services, particularly in rural regions. S.B. 633 seeks to address these challenges by requiring HHSC to organize rural LMHAs into regional groups and develop a capacity plan for each region. This bill:

- Defines "local mental health authority group."
- Requires HHSC, no later than January 1, 2020, to assign certain rural LMHAs to regional groups of at least two authorities and notify relevant LMHAs of the groupings.
- Requires HHSC, using existing resources, to develop a mental health services development plan for each LMHA group to increase the capacity of authorities to provide access to services.
the plan to focus on reducing costs, excessive transportation, incarceration of persons with mental illness, and the number of hospital emergency room visits by persons with mental illnesses.

Requires HHSC to compile and evaluate the cost-effectiveness of mental health services development plans, and publish on the HHSC Internet website a report containing certain information, no later than December 1, 2020.

**Community-Based Mental Health Treatment Options—S.B. 1177**
*by Senator Menéndez—House Sponsor: Representative Rose*

Interested parties contend that there are certain intensive, evidence-based practices that exhibit positive outcomes for children and youth with the greatest mental health needs that are not covered under Medicaid. Additionally, advocates state that there are currently few community-based treatment options for children and youth with intensive needs. S.B. 1177 addresses these gaps in availability by updating managed care contracts to include evidence-based mental health practices "in lieu of" other services. This bill:

Requires a contract between a managed care organization (MCO) and the Health and Human Services Commission containing language permitting an MCO to offer medically appropriate, cost-effective, evidence-based services, from an approved list, in lieu of mental health or substance use disorder services specified in the state Medicaid plan.

**Reducing Wait Times for Inpatient Mental Health Services—S.B. 1238**
*By Senator Johnson—House Sponsor: Representative Rose et al.*

Current law requires patients, prior to being admitted for voluntary inpatient mental health treatment, to undergo both a state-mandated and a federally mandated examination. S.B. 1238 seeks to reduce the wait time for an individual to receive treatment by allowing physicians the option of examining a patient up to 72 hours before admission or immediately after admission. This bill:

Requires a prospective patient for voluntary inpatient mental health services be administered a physical and psychiatric examination within 72 hours before admission or within 24 hours after admission.

Requires a person who is admitted to a facility before the performance of the required physical and psychiatric examination to be immediately discharged if the patient does not to meet the clinical standards necessary to receive inpatient mental health services.
Life Skills Training for Foster Youth—H.B. 53
by Representative Minjarez et al.—Senate Sponsor: Senators Powell and Alvarado

Advocates contend that it is important for foster youth to receive useful, real-world training. H.B. 53 expands the Life Skills Training Program to include information on filing taxes, applying for insurance, and other life skills. This bill:

Requires foster care providers to assist foster youth in obtaining training on financial literacy, insurance, and civic engagement. Requires the Department of Family and Protective Services to require transitional living service providers to assist foster youth in obtaining mental health services, in addition to the aforementioned training.

Medicaid Benefits for Former Foster Care Children—H.B. 72
by Representative White et al.—Senate Sponsor: Senator Paxton

Children with disabilities and severe medical needs are disproportionately represented in the Texas foster care system. Interested parties contend that these children are less likely to be adopted because prospective parents may not have the means to support the child's medical needs. Children adopted out of care frequently lose medical services they had access to while in state custody. H.B. 72 seeks to provide a means by which Medicaid benefits may be retained by children formerly in foster care after adoption or entrance into permanency care assistance agreements. This bill:

Requires the Department of Family and Protective Services (DFPS) to pay a subsidy for a child if the child meets certain criteria.

Requires the Health and Human Services Commission (HHSC) to ensure that each child who lives in Texas eligible for certain services remains or becomes enrolled in the STAR Health program until the child is enrolled in another Medicaid managed care program.

Authorizes a child who receives Supplemental Security Income (SSI) to receive Medicaid benefits in accordance with the program.

Requires HHSC, in consultation with DFPS, to develop and implement a program allowing the legal guardian of a child to elect the child continue receiving Medicaid benefits under the STAR Health program or the STAR Kids managed care program. Requires HHSC to protect the continuity of care for foster youth.

Personal Identification Documents for Foster or Homeless Youth—H.B. 123
by Representative White et al.—Senate Sponsor: Senator Watson

Interested parties contend that foster children and homeless youth often find it difficult to obtain crucial forms of identification. H.B. 123 amends current law to expand access to personal identification documents for foster or homeless youth. This bill:
Requires the state registrar, local registrar, or county clerk, at the request of a foster or homeless youth, to issue a certified copy of the youth's birth record, without fee or parental consent.

Requires HHSC to report to the legislature on the implementation of the pilot program.

Authorizes a foster or homeless youth to provide a copy of the youth's birth certificate as proof of identity when applying for a personal identification certificate. Authorizes homeless youth to use the regional office address where the youth's DFPS caseworker is based, contingent on the youth providing a letter certifying homeless status.

Authorizes a child or youth described by this act to apply for a personal identification certificate without the signature, presence, or permission on a parent or guardian. Authorizes the Department of Public Safety of the State of Texas to issue a free personal identification certificate under these circumstances.

Creates an identification fee exemption account in the general revenue fund.

Child Rearing Information for Pregnant and Parenting Foster Youth—H.B. 475
by Representatives Howard and Wu—Senate Sponsor: Senator Watson

Interested parties contend that pregnant and parenting foster youth do not receive adequate information or support relating to the rearing of children. H.B. 475 seeks to fill this educational gap by providing appropriate information and support. This bill:

Requires the Department of Family and Protective Services to ensure that pregnant and parenting youth in the conservatorship of the state receive specific information and support regarding providing safe environments for children.

Suit Affecting the Parent-Child Relationship—H.B. 553
by Representative Senfronia Thompson—Senate Sponsor: Senator Rodríguez

Under current law, a possessory conservator may designate a 30-day period during the summer for "extended summer visitation" with the child. The managing conservator may designate one weekend visitation time with the child during the possessory conservator’s previously designated 30-day period of "extended summer visitation." For the managing conservator to exercise this weekend option, the managing conservator must pick the child up and return him or her to the possessory conservator where the possessory conservator and children will be during the selected weekend. This bill:

Amends the Family Code to require a possessory conservator to give 15 days written notice to the managing conservator spelling out the location at which the managing conservator must pick up and return the child.
Temporary Orders During the Pendency of an Appeal in a Suit—H.B. 554
by Representative Senfronia Thompson—Senate Sponsor: Senators Huffman and Rodríguez

It has been noted that recently enacted legislation inadvertently used the wrong term to refer to parties appealing a specific temporary order in lawsuit affecting the parent-child relationship. This bill:

Amends current law relating to temporary orders during the pendency of an appeal in a suit affecting the parent-child relationship.

Rights of a Sole Managing Conservator Regarding a Child's Passport—H.B. 555
by Representative Senfronia Thompson—Senate Sponsor: Senator Rodríguez

Under current law, the rights and duties of a person named sole managing conservator are listed in two parts of the Family Code, but the statute is silent as to which parent has the right to control a child's passport. This silence creates ambiguities regarding the right of the sole managing conservator to travel with the child, or authorize the child to travel, internationally. This ambiguity can also create unnecessary conflicts between the sole managing conservator and the other parent. This bill:

Recognizes that control of a child's travel is consistent with the status of being a sole managing conservator and clarifies that, absent a contrary court order, the sole managing conservator's role includes applying for, maintaining, and possessing the child's passport.

Special Needs Trusts—H.B. 558
by Representative Senfronia Thompson—Senate Sponsor: Senator Rodríguez et al.

It is common practice for child support payments to be made for children with disabilities by means of a special needs trust. This practice prevents the child's income from surpassing the threshold necessary to qualify for supplemental security income, as well as a multitude of other benefits. Interested parties contend, however, that certain courts decline to approve child support orders designating a special needs trust as recipient due to unclear statutory language. H.B. 558 creates explicit statutory language. This bill:

Authorizes a special needs trust to directly receive support payments for the benefit of adult children with disabilities.

Training Certain Personnel to Communicate With Persons With Autism—H.B. 1386
by Representative Senfronia Thompson—Senate Sponsor: Senators Zaffirini and Lucio

Advocates contend that school, medical, law enforcement, and Department of Family and Protective Services (DFPS) personnel should receive evidence-based training regarding
communicating with persons with autism and other pervasive developmental disorders. H.B. 1386 directs the Health and Human Services Commission (HHSC) to implement this training. This bill:

Requires HHSC to conduct training and development activities for persons who may interact with an individual with autism or another pervasive developmental disorder, including school, medical, law enforcement, and DFPS personnel.

Requires HHSC to ensure that the training and development activities are evidence-based. Requires HHSC to revise the materials and methods used for training at least once every five years.

**Special Education Surrogate Parents—H.B. 1709**

*by Representatives Mary González and Frank—Senate Sponsor: Senator Menéndez*

Advocates argue that there are gaps in assigning surrogate parents to youth in the conservatorship of the state without a caregiver willing to make decisions regarding special education. H.B. 1709 clarifies that state employees are only prohibited from acting as surrogates if they are employed by agencies involved in the education or care of the child, and it also requires school districts to notify DFPS when surrogates are appointed. This bill:

Requires the Texas Education Agency (TEA) to assist the transition of students who are homeless or in substitute care from one school to another by requiring educational parties to provide notice to the child's education decision-maker and caseworker regarding events that may significantly impact the education of a child, including the appointment of a surrogate parent for the child.

Prohibits a surrogate parent appointed by the school district from being an employee of TEA, the school district, or any agency involved in the education or care of the child.

Requires the school district to consult with the Department of Family and Protective Services (DFPS) if the school district determines that a surrogate parent for a child with a disability is not adequately serving the child. Requires DFPS, if DFPS agrees with the school district's assessment, to promptly notify the court of the agreement.

**Good-Faith Parental Efforts in TMC Cases—H.B. 1780**

*by Representatives Miller and Frank—Senate Sponsor: Senator Kolkhorst*

The Department of Family and Protective Services (DFPS) found that the vast majority of recent neglect in supervision cases involved adult drug use. Current statute requires DFPS to resolve temporary managing conservatorship (TMC) cases within one year; however, under "extraordinary circumstances," the court may grant a six-month case extension. Interested parties contend that there is not a universal definition of "extraordinary circumstances," causing inconsistencies in TMC case extension decisions. H.B. 1780 requires the court to consider, in cases of child neglect stemming from drug abuse, a parent's good faith efforts to complete a substance abuse treatment program. This bill:
Requires the court, when considering granting an extraordinary circumstances six–month extension in DFPS TMC cases, to consider whether the parent made a good faith effort to successfully complete a substance abuse treatment program, if relevant.

**Information for Relative Placements in CPS Cases—H.B. 1884**  
*by Representatives Minjarez and Miller—one Senate Sponsor: Senators Alvarado and West*

Interested parties contend that providing additional information to kin placements in Child Protective Services cases can offer these caregivers certain benefits to better care for the affected youth. H.B. 1884 seeks to better inform relative placements about specific funding opportunities. This bill:

Requires information manuals provided by the Department of Family and Protective Services (DFPS) to be in both English and Spanish and include specific information related to the option for relative or designated caregiver to become verified by a licensed child-placing agency to operate an agency foster home.

Requires courts and DFPS to inform relative placements of the option to become verified to operate as a foster home and the permanency care assistance program.

**Requiring Detailed Reporting on Incarcerated Juveniles in Foster Care—H.B. 2229**  
*by Representative Jarvis Johnson—one Senate Sponsor: Senator Whitmire*

Some reports indicate that many individuals who have entered into a foster care system at least once will later enter a federal or state correctional system. However, concerns have been raised regarding the lack of accessible data concerning those in the Texas Juvenile Justice Department (TJJD) who were, or are currently, in the state foster care system. This bill:

Requires TJJD to include in its report to the legislature data on how many children in its custody have been in the foster care system, disaggregated by age, sex, race, conduct for which a child was committed to TJJD, and whether a child is entering TJJD for the first time.

**Permitting Certain Foster Homes to Store Firearms—H.B. 2363**  
*by Representative Harris et al.—Senate Sponsor: Senator Birdwell*

Concerns have been raised that the minimum standards relating to the proper storage and safety of firearms and ammunition in certain foster homes are too restrictive. It has been suggested that these restrictions could dissuade certain gun owners from serving as foster parents. This bill:

Requires minimum firearm storage standards to allow firearms and ammunition to be stored separately or be stored together in the same locked location, if the firearms are stored with a trigger locking device attached.
Appointment of Child Custody Evaluation Conductors—H.B. 2514
by Representative Martinez—Senate Sponsor: Senator Zaffirini

There are concerns about a shortage of qualified individuals to perform a child custody evaluation in certain counties in the Rio Grande Valley. This bill:

Expands the applicability of a provision authorizing a court to appoint a child custody evaluator that does not meet applicable minimum qualifications, if an evaluator who meets those qualifications is unavailable.

Judicial Guidance Related to Child Protective Services and Juvenile Cases—H.B. 2737
by Representative Wu et al.—Senate Sponsor: Senator Johnson

It has been reported that, because persons elected to judicial office are not required to have previous training on certain sensitive issues such as child abuse or trauma contributing environmental factors in cases involving children, there may be disparities in the handling of child protective services and juvenile justice cases. This bill:

Amends the Government Code to require the Supreme Court of Texas to annually provide guidance to judges who preside over child protective services or juvenile cases.

Expanding Access to Becoming a Foster Parent—H.B. 2764
by Representative Frank et al.—Senate Sponsor: Senators Hughes and Paxton

The Texas foster care system suffers from a lack of foster homes. Interested parties contend that this is in part due to onerous training requirements related to becoming a foster parent. H.B. 2764 provides a cap on the total number of training hours required and provides a process for greater flexibility in the application of minimum standards to licensed child-placing agencies, agency foster homes, and adoptive homes. This bill:

Requires the Health and Human Services Commission to create and implement a process to simplify and make more flexible the application of minimum standards to licensed child-placing agencies, agency foster homes, and adoptive homes, with the goal of increasing the number of foster and adoptive homes.

Requires the Department of Family and Protective Services (DFPS) to include a provision in each contract with agencies where children in the managing conservatorship of DFPS are placed requiring agencies to provide competency-based, preservice training to caregivers before the agency approves an adoptive home. Prohibits the amount of required training from exceeding 35 hours.
Perpetual Care Trust Funds—H.B. 2950
by Representative Guillen—Senate Sponsor: Senator Zaffirini

Concerns have been raised about the clarity of state law regarding master trust funds for multiple perpetual care trust funds. The purpose of this bill is to address these concerns by clarifying the relevant provisions of the Health and Safety Code. This bill:

Authorizes the trustors of two or more perpetual care trust funds to establish a master trust account.

Finding Designated Caregivers for DFPS Cases—H.B. 3390
by Representative Sanford et al.—Senate Sponsor: Senator Paxton

It is considered a best practice for a child in the conservatorship of the state to be placed with either relatives or with fictive kin. H.B. 3390 establishes provisions that seek to ensure children in the conservatorship of the state provide the names of any adult who could be a relative or a designated caregiver. This bill:

Redefines "designated caregiver" as an individual with a longstanding and significant relationship with a child or with the family of a child.

Requires guardians ad litem appointed to youth in the conservatorship of the state to seek the name of any potential relatives or fictive kin of wards and report that information to the Department of Family and Protective Services (DFPS).

Requires DFPS, if it determines that the removal of a child is warranted, to provide legal guardians with a proposed child resources form, where the guardian must identify at least three individuals as potential caregivers. Requires DFPS to ask children to similarly list any potential caregivers.

Requires the court conducting a review of a placement of a child currently in the managing conservatorship of DFPS to include whether DFPS had asked the child about potential caregivers, and whether the child has the option of being placed with one of those caregivers.

Requires DFPS to perform a background and criminal history check on potential caregivers prior to a full adversary hearing.

Requires the court, at each permanency hearing before a final order is rendered, to review the efforts of DFPS and of other parties to assist parents in providing information on potential caregivers for a child. Requires the court to review the permanency progress report.

Establishing a Guardianship Abuse Deterrence Program—S.B. 31
by Senator Zaffirini et al.—House Sponsor: Representatives Smithee and Guillen

Texas courts have 51,000 open guardianship cases involving $5 billion, and those numbers will increase as the population ages: by 2030, the number of Texans 65 or older is predicted to double.
to at least six million. These substantial assets and the potential for more guardianship needs in the future requires Texas to take steps to ensure courts have sufficient support and resources to monitor these cases.

Courts supervise legal guardians who are entrusted the physical and financial well-being of persons who lack capacity to look after their own affairs. Guardians are required by law to file with the court a bond to cover one year of revenue to the estate, plus the value of the personal property of the person with a guardian; an initial inventory detailing the assets in the estate; an annual report of the well-being of the person with a guardian; and an annual accounting detailing financial transactions. Unlike most types of cases, guardianships remain in the courts for many years—sometimes decades—until the rights of the person under guardianship are restored or he or she passes away.

These cases are resource intensive as the reports require specialized auditing and court visits are sometimes warranted to ensure the person's well-being. Data show that many Texas courts, especially in rural areas, lack necessary resources to effectively oversee guardianships. Specifically, a review of nearly 30,000 guardianship files by the Office of Court Administration (OCA) found that 41 percent of audited cases were out of compliance with statutory requirements. In one particularly egregious case, the whereabouts of a person needing help were unknown for years. In another, no reports or accounts were ever filed for a $4 million estate. And in thousands of other cases, records of deceased persons have remained under the control of the courts. This bill:

Creates a guardianship abuse, fraud, and exploitation deterrence program within the Office of Court Administration to monitor guardianships and help protect those under guardianship from abuse.

Collecting Drug-Related Data for Children in State Conservatorship—S.B. 195

by Senator Perry—House Sponsor: Representative Parker

In 2013, the legislature mandated that the Department of Family and Protective Services (DFPS) and the Department of State Health Services (DSHS) conduct a study on alcohol and controlled substances statistics; however, the departments determined that the study could not be completed due to inadequate data tracking. S.B. 195 updates the DFPS case tracking system to better allow DFPS keep statistics regarding alcohol and controlled substances, pending sufficient appropriations from the state. This bill:

Requires DFPS to collect information and update its automated case tracking and information management system to allow caseworkers to record the number of children reported to DFPS who tested positive at birth for the presence of alcohol or a controlled substance; the controlled substances for which the children tested positive; the number of children who were removed from their homes and have been diagnosed as having a disability or chronic medical condition resulting from the presence of alcohol or controlled substances; and the number of parents who test positive for the presence of a controlled substance during a DFPS investigation of a report of child abuse or neglect.
Requires DFPS to prepare a report containing the aforementioned information together with data collected under Section 531.02143, Government Code, as well as posting a copy of the report on DFPS's Internet website and electronically submitting a copy of the report to the legislature.

Requires the commissioner of DFPS (commissioner) to adopt rules necessary to implement the collection of data.

Requires the health history of a child to include information about the child's birth, neonatal, and other medical, psychological, psychiatric, and dental history information, including, to the extent known by DFPS, already gathered data.

Requires DFPS to implement the collection of data in a state fiscal biennium only if the commissioner determines that the legislature has specifically appropriated an amount sufficient to update DFPS's automated case tracking and information management system; otherwise, requires DFPS to implement this section not later than DFPS's next update of the automated case tracking and information management system.

Requires the Health and Human Services Commission to collect hospital discharge data for Medicaid recipients on treatment of a newborn child for prenatal exposure to alcohol or a controlled substance, and to provide this data to DFPS.

Strategic State Plan for Aligning Texas With FFPSA Guidelines—S.B. 355
by Senator West et al.—House Sponsor: Representative Klick

In 2018, the federal Family First Prevention Services Act (FFPSA) was signed into law. Although federal Title IV-E funding had historically been available only to children in the foster care system, FFPSA expanded that funding for evidence-based prevention services with the goal of preventing youth from ever entering the foster care system. Currently, Texas does not meet the requirements necessary to receive FFPSA funding, nor does it have an immediate plan to do so. S.B. 355 strives to provide a mechanism for implementing changes necessary to qualify for FFPSA funding. This bill:

Requires the Department of Family and Protective Servies (DFPS) to develop a strategic plan for the coordinated implementation of community-based care and foster care prevention services.

Requires the strategic plan to identify a network of services providers for mental health, substance use, and in-home parenting support services. Requires the strategic plan to identify methods to leverage federal resources available under FFPSA, apply for other available federal and private funds, reduce duplication of services by state agencies, and streamline procedures for determining eligibility for such services.

Requires DFPS to conduct a study to evaluate whether DFPS provides foster parents with adequate resources to ensure that foster parents are able to comply with regulations relating to providing care for a child in the conservatorship of the state.
Associate Judges for Guardianship Proceedings—S.B. 536 [VETOED]

by Senator Zaffirini—House Sponsor: Representative Murr

It has been noted that since statutory probate courts are available in only a few Texas counties, a significant proportion of guardianship cases are handled by courts lacking specialized resources for these cases. There have been calls to implement a court model similar to existing specialized child protection courts to give statewide access to appropriate expertise and resources. This bill:

Establishes a system of regional specialized guardianship courts with associate judges and appropriate staffing.

State Plan Relating to CPS Attorney Costs—S.B. 560

by Senator Kolkhorst—House Sponsor: Representative Smithee

Interested parties contend that court-appointed attorney costs in Child Protective Services (CPS) cases have increased over the years. Counties are not currently required to report expenditures on attorneys involved with CPS cases, however, so wholly accurate date does not exist. S.B. 560 requires the Texas Judicial Council (TJC) to develop a statewide plan to address this information gap. This bill:

Requires TJC to develop a statewide plan mandating that counties and courts report information on court-ordered representation for appointments made in suits affecting parent-child relationships.

Requires TJC, in developing the plan, to consider the costs to counties of implementing the plan and endeavor to reduce redundant reporting.

Requires certain county officials to prepare and send a report to TJC detailing methods and costs associated with appointing representation in CPS cases.

Requires TJC to annually compile and submit a report to the governor, lieutenant governor, and speaker of the House of Representatives, as well as to electronically publish the report.

Child-Care Facilities and Family Homes Regulations—S.B. 568

by Senator Huffman—House Sponsor: Representatives Greg Bonnen and Collier

Interested parties contend that there are an alarming number of incidents of abuse, neglect, and exploitation of youth at licensed child-care facilities. S.B. 568 is a multifaceted bill that seeks to reduce these types of incidents. This bill:

Creates a safety training account as a dedicated account in the general revenue fund, to be used only by the Health and Human Services Commission (HHSC) to provide training materials to a licensed child-care facility or a registered family home. Authorizes HHSC to contract with a third party to create the training materials.
Requires the executive commissioner of HHSC (executive commissioner) to adopt rules to establish safe sleeping standards for licensed facilities and registered family homes.

Requires the licensed facility or registered family home, upon violation of a safe sleeping standard, to provide written notice to the legal guardian of each child attending the facility or home.

Requires HHSC to establish a computerized database containing relevant inspection information on all licensed facilities and registered family homes obtained from other state agencies and political subdivisions of the state for at least the last five years; day-care centers and licensed group day-care homes are exempt from this database.

Requires registration holders among other relevant entities to maintain liability insurance coverage in the amount of $300,000 for each occurrence of negligence.

Transfers rulemaking authority from the Department of Family and Protective Services to HHSC.

**Regulations for Listed Family Homes—S.B. 569**

*by Senator Huffman—House Sponsor: Representative Greg Bonnen*

Interested parties contend that the rate of abuse, neglect, and exploitation of children attending licensed child-care facilities is unconscionable. S.B. 569 creates specific regulations for child-care operations to reduce child abuse or neglect at these operations. This bill:

Requires the executive commissioner of the Health and Human Services Commission (HHSC) to adopt minimum standards for listed family homes.

Authorizes a representative of HHSC to visit regulated facilities or registered or listed family homes during operating hours.

Requires HHSC to provide with inspection data a minimum of five years of investigative data for listed family homes.

Requires applicants to operate family homes to submit proof of successful completion of safe sleep training.

Requires a listed family home to maintain liability insurance coverage in the amount of $300,000 for each occurrence of negligence. Requires a listed family home, if unable to secure an insurance policy, to provide written notice to the guardians of each child attending the home.

Provides that the minimum standards and liability insurance requirement does not apply to family homes listed under relative child-care providers.
Probate and Guardianship Matters—S.B. 667 [VETOED]

by Senator Zaffirini—House Sponsor: Representative Senfronia Thompson

There have been calls to update the law regarding guardianships, management trusts, and other procedures for incapacitated persons. This bill:

Amends current law relating to probate and guardianship matters and certain procedures for persons who are incapacitated or have a mental illness; it is an omnibus guardianship bill prepared by the Real Estate Probate and Trust Law Section of the Texas Bar.

HHSC Division Detecting Devious Daycares in Domiciles—S.B. 706

by Senator Watson—House Sponsor: Representative Guerra

Illegal child care operations, typically based in an operator's home, are not subject to state regulation. Consequently, these operations tend to be considerably less safe; 42 child deaths have occurred in illegal child care operations over the past decade. The Health and Human Services Commission's Child-Care Licensing Division (HHSC; CCL) requested funding to reopen a dedicated unit to root out illegal child care operations. S.B. 706 creates this investigative unit. This bill:

Requires the executive commissioner of HHSC to maintain a unit within CCL consisting of investigators whose primary responsibility is to identify child-care facilities operating without licenses, certifications, registration, or listing, and to initiate appropriate enforcement actions against those facilities.

Children's Advocacy Centers Code Update—S.B. 821

by Senator Nelson—House Sponsor: Representative Price

Children's advocacy centers (CACs) were codified in statute in 1995. Since their inception, CACs have become more sophisticated and widespread. S.B. 821 updates the Texas Family Code to more clearly align statute with current practices, standards, services, and operations of CACs. This bill:

Requires CACs to enter into a memorandum of understanding (MOU) in the multidisciplinary team response, rather than having a center's establishment being contingent upon an existing MOU. Requires the MOU to be re-executed at least every three years.

Requires CACs to adopt a multidisciplinary team working protocol. Requires the working protocol to be re-executed at least every three years.

Requires the Department of Family and Protective Services (DFPS) to refer cases of child neglect to an appropriate CAC.

Requires DFPS to contract with certain statewide organizations.
Makes other nonsubstantive, conforming changes.

**Regulating Nutritional Standards in Child Care Facilities—S.B. 952**  
*by Senators Watson and Lucio—House Sponsor: Representatives Lucio III and Miller*

Texas has seen a rise in childhood obesity, which is linked to certain long-term health impacts. S.B. 952 requires child care facilities to adhere to certain nutritional food standards as well as certain standards for activity and screen time. This bill:

Requires the minimum standards for a day-care center or a registered family home to be consistent with American Academy of Pediatrics standards for physical activity and screen time and the nutrition standards in the Child and Adult Care Food Program, administered by the Department of Agriculture.

Provides that a day-care center or registered family home is not required to participate in or comply with the reporting requirements associated with the Child and Adult Care Food Program.

**Compensation to Guardians of Certain Medicaid Recipients—S.B. 1784**  
*by Senator Zaffirini—House Sponsor: Representative Leach*

Current law provides up to $175 per person per month for indigent guardianship services through Medicaid applied income. The cost of providing guardianship services, however, has increased since that amount was codified. Accordingly, counties served by nonprofit guardianship programs decreased from 138 counties in 2006 to 69 counties in 2018. This bill:

Provides up to $250 per person per month to encourage the provision of guardianship services throughout the state.
Prohibition on Selling Dextromethorphan to Minors—H.B. 1518
by Representative Coleman—Senate Sponsor: Senator Seliger

Interested parties note that concerns have been raised about minors abusing the cough suppressant dextromethorphan, which is contained in several over-the-counter medications. H.B. 1518 prohibits the sale of over-the-counter dextromethorphan to minors. This bill:

- Defines "dextromethorphan."
- Prohibits dispensing, distributing, or selling dextromethorphan to a customer under 18 years of age. Provides that this prohibition does not apply to the sale of any product dispensed in accordance with a valid prescription.
- Creates a civil penalty for businesses that violate this act.

Information Related to Schedule II Drugs Take-Back Locations—H.B. 2088
by Representative Dean et al.—Senate Sponsor: Senator Hughes

The abuse of opioids has risen dramatically in recent years. Interested parties contend that one method of combatting this epidemic is to raise awareness of take-back locations, places where Schedule II controlled substance prescription drugs are accepted for safe disposal. H.B. 2088 creates a mechanism to provide information about take-back locations to persons prescribed Schedule II drugs. This bill:

- Requires a person dispensing a Schedule II controlled substance to provide written notice on the safe disposal of controlled substance prescription drugs, unless the dispenser itself provides specific mechanisms for their disposal.
- Requires the Texas State Board of Pharmacy (TSBP) to adopt rules to prescribe the form of the safe disposal written notice.
- Authorizes TSBP to take disciplinary action against a person who fails to comply with this act.

Protections Against Opioid Prescription Misuse—H.B. 2174
by Representative Zerwas et al.—Senate Sponsor: Senator Kolkhorst

The opioid epidemic is increasingly becoming a national emergency; in 2015, nearly half of all opioid overdose deaths in Texas involved opioids obtained by prescription. H.B. 2174 implements several changes to the legal prescription of opioids in order to curb misuse of these drugs. This bill:

- Prohibits, except in an emergency, the dispensing or administering of a controlled substance without an electronic prescription.
Provides that the partial filling of a prescription for a Schedule II drug is permissible in accordance with applicable federal law.

Authorizes the prescription of Schedule II drugs for patients in long-term care facilities or in hospice.

Prohibits a person from dispensing a Schedule III or Schedule IV drug without a prescription, with the exception that practitioners may dispense substances directly to patients.

Delineates requirements for prescriptions.

Provides that a prescription for a controlled substance is normally required to be issued electronically and may be issued in writing if the prescription is filled by certain enumerated persons for specific reasons.

Requires a person authorized to receive specific information from the Texas State Board of Pharmacy to complete two hours of professional education related to approved procedures of prescribing and monitoring controlled substances.

Prohibits a practitioner, in the treatment of acute pain, from issuing a prescription for an opioid in amounts that exceed a 10-day supply or for providing refills of an opioid.

Requires HHSC to provide medical assistance reimbursement for medication-assisted opioid or substance use disorder treatment without requiring patients to obtain prior authorization for the treatment.

Requires HHSC to authorize Medicaid medical benefits reimbursement for buprenorphine to treat opioid use disorders by advanced practice registered nurses.

**Effective Pain Management Relating to Opioids CME—H.B. 2454**

*by Representative Price et al.—Senate Sponsor: Senators Hughes and Miles*

Interested parties contend that health care professionals should be well-informed regarding pain management and opioid abuse. H.B. 2454 requires physicians, advanced practice registered nurses, physician assistants, and dentists to receive continuing education on safe and effective pain management related to the prescription of opioids and other controlled substances. This bill:

Requires a physician who practices direct patient care, as part of relicensing, to complete at least two hours of continuing medical education regarding safe and effective pain management in the prescription of opioids and other controlled substances. Requires a physician to complete required hours in a specified manner.

Requires the Texas Medical Board, the Texas Board of Nursing, and the Texas Physician Assistant Board to jointly develop a process ensuring that each advanced practice registered nurse or physician assistant entering into a prescriptive authority agreement authorizing the prescription of...
opioids be required to complete not less than two hours of continuing education annually on safe and effective pain management in the prescription of opioids and other controlled substances.

Requires the Texas State Board of Dental Examiners to require a licensed direct patient care dentist to complete at least two hours of continuing education on safe and effective pain management in the prescription of opioids and other controlled substances.

**TSBP Information Protections—H.B. 3284**

*by Representative Sheffield et al.—Senate Sponsor: Senators Nelson and Schwertner*

The 86th Texas Legislature passed a number of bills aimed at addressing the growing opioid crisis. H.B. 3284 is one of those bills. In particular, H.B. 3284 provides for better prescription monitoring and information protection. This bill:

- Prohibits the Texas State Board of Pharmacy (TSBP) from permitting access to dispensing pharmacist information submitted to TSBP, with specific exceptions.
- Entitles a patient or legal guardian, if applicable, to a copy of the patient's prescription record.
- Requires TSBP to establish an advisory committee to make recommendations regarding information submitted to TSBP and appropriate access to that information.
- Prohibits a person authorized to receive information from disclosing or using information in a manner not authorized by this act. Creates an offense if the person discloses or uses the information in an unauthorized manner.
- Requires the Texas Board of Veterinary Medical Examiners to require that veterinarians complete two hours of continuing education related to opioid abuse and controlled substance diversion, inventory, and security.

**Comprehensively Combatting Opioid Use Disorders—H.B. 3285**

*by Representative Sheffield et al.—Senate Sponsor: Senator Huffman et al.*

H.B. 3285 enacts various programs and initiatives to address the opioid epidemic in Texas comprehensively, with a focus on preventing opioid addiction, misuse, and abuse. This bill:

- Requires an institution of higher education imposing mandatory training requirements on residential advisers or officers of student organizations to ensure that overdose awareness and appropriate response training is included with that training.
- Requires the Texas Higher Education Coordinating Board to encourage health-related institutions to conduct research regarding substance use disorders and addiction issues involving prescription drugs.
Requires the executive commissioner of the Health and Human Services Commission (HHSC) to establish a program to expand access to telehealth treatment for substance use disorders.

Requires the criminal justice division to establish and administer a grant program to provide financial assistance to law enforcement agencies seeking to provide opioid antagonists to personnel likely to come into contact with opioids or to persons suffering from opioid-related drug overdoses. Authorizes law enforcement agencies to apply for grants.

Requires the Statewide Behavioral Health Coordinating Council to incorporate strategies regarding substance abuse issues in its statewide behavioral health strategic plan.

Requires the executive commissioner to develop and the Department of State Health Services to operate a statewide public awareness campaign to deliver public service announcements explaining risks related to opioid misuse.

Requires the executive commissioner to operate a program to provide opioid antagonists for the prevention of opioid overdoses.

Requires those who prescribe or dispense opioids to annually attend at least one hour of continuing education related to best practices, alternative treatment options, and multi-modal approaches to pain management.

Requires the executive commissioner to ensure that data is collected by DSHS tracking opioid overdose deaths, related substance use disorders, and mental illness.

Requires HHSC to provide medical assistance reimbursement for medication-assisted opioid or substance use disorder treatment without requiring recipients obtain prior authorization.

Requires the Texas State Board of Pharmacy to encourage pharmacists to participate in a program that provides a comprehensive approach to the delivery of early intervention and treatment series for those with substance use disorders.

**Substance Use Satellite Facilities Licensing—H.B. 4298**

*by Representative Murr—Senate Sponsor: Senator Zaffirini*

Interested parties contend that current substance use facility licensure practices are overly restrictive and create significant challenges to health care providers. H.B. 4298 allows licensed outpatient treatment providers to operate secondary or satellite services in communities where it may not be economically feasible to open, maintain, and operate separately licensed facilities. This bill:

Creates specific licensing exemptions for certain substance use services satellite offices.
Monitoring Opioids in Veterinarian Practices—S.B. 1947

by Senators Watson and Kolkhorst—House Sponsor: Representatives Sheffield and Charles "Doc" Anderson

Interested parties raised concerns regarding prescription monitoring program (PMP) reporting requirements for veterinarians. S.B. 1947 amends current law relating to the monitoring of certain controlled substances by veterinarians. This bill:

Requires the Texas State Board of Pharmacy (TSBP) to make certain information available to the Texas State Board of Veterinary Medical Examiners for the purpose of routine inspections and investigations.

Requires TSBP to require a veterinarian to complete two hours of continuing education related to opioid abuse and controlled substance diversion, inventory, and security every two years.
Prohibiting Instruction on Memorial Day—H.B. 109 [VETOED]  
*by Representative Martinez—Senate Sponsor: Senator Hinojosa*

Memorial Day is one of the most important American holidays, honoring men and women who died while serving in the armed forces. This bill:

Prohibits a school district or open-enrollment charter school from providing student instruction on Memorial Day. Requires that if a school must provide instruction on Memorial Day to compensate for lost instructional minutes due to school closure because of disaster, flood, weather conditions, or other calamity, the commissioner of education shall approve the instruction for fewer than 75,600 minutes.

**Designating March 30 as Master Sergeant Jonathan J. Dunbar Day—H.B. 295**  
*by Representative Cain et al.—Senate Sponsor: Senator Watson*

There have been calls to recognize the contribution and service of Master Sergeant Jonathan J. Dunbar, a native Texan and member of the United States Army who was killed in Syria in 2018 while supporting the military intervention against ISIS. This bill:

Designates March 30 as Master Sergeant Jonathan J. Dunbar Day.

Requires Master Sergeant Jonathan J. Dunbar Day to be regularly observed by appropriate ceremonies.

**Designating June as Neonatal Abstinence Syndrome Awareness Month—H.B. 405**  
*by Representative Minjarez et al.—Senate Sponsor: Senator Kolkhorst*

It has been noted that opioids have become one of the most commonly abused substances in Texas and that increased use of opioids among pregnant women has led to an increase in the incidence of neonatal abstinence syndrome. H.B. 405 seeks to raise awareness of the syndrome by designating June as Neonatal Abstinence Syndrome Awareness Month. This bill:

Designates June as Neonatal Abstinence Syndrome Awareness Month to increase awareness of neonatal abstinence syndrome and to encourage certain activity relating to such awareness.

**Designating May 4 as Texas Firefighters Day—H.B. 1064**  
*by Representative Ashby et al.—Senate Sponsor: Senators Birdwell and Alvarado*

Interested parties note that there is no day designated to honor the service and bravery of current firefighters, or the memory of those who have lost their lives performing this courageous service. Further, these parties note that should such a day exist, the date chosen should be linked to the day of the patron saint for firefighters, St. Florian. St. Florian was the first known commander of a
firefighting squad in the Roman Empire. May 4 marks a "Day of Fire Service" for most European countries and is recognized as St. Florian's Day worldwide. This bill:

Designates May 4 as Texas Firefighters Day in honor of the bravery, determination, and service of Texas firefighters, many of whom are volunteers, and authorizes the day to be regularly observed by appropriate ceremonies and activities.

**Bleeding Disorders Awareness Month—H.B. 1508**  
*by Representative Oliversen et al.—Senate Sponsor: Senator Lucio*

In Texas, bleeding disorders affect approximately one percent of the population. There are over 2,000 people with hemophilia and over 200,000 with Willebrand disease. Medications to manage these disorders are expensive, introducing barriers to accessible care. This bill:

Designates March as Bleeding Disorders Awareness Month to increase awareness of genetic disorders preventing blood from clotting properly and to encourage research for treatments and advocacy on behalf of persons with bleeding disorders.

**Designating January 28 as Sexual Assault Survivors Day—H.B. 2298**  
*by Representative Parker et al.—Senate Sponsor: Senator West*

According to the most recent data from the Department of Public Safety of the State of Texas, there were more than 18,000 sexual assaults reported in Texas in 2017. Interested parties have expressed a need for increased statewide efforts to promote awareness of sexual abuse prevention efforts. This bill:

Establishes January 28 as Sexual Assault Survivors Day to bring awareness to the issue of sexual assault and to recognize the courage of survivors throughout the state.

**Designating Veterinary Technician Week—H.B. 2471**  
*by Representative Kacal—Senate Sponsor: Senator Schwertner*

Veterinary technicians are credentialed professionals who are primarily responsible for the day-to-day operations of veterinary clinics, hospitals, laboratories, and humane societies. They also provide great assistance to state colleges and universities as students prepare for careers within the veterinary field. Without these professionals, animals in Texas would not receive the same high standard of care. Texas has the highest veterinarian technician employment level nationwide; interested parties note that there is not an official week or day to honor these individuals who are so crucial to the strength of our workforce and overall economy. This bill:

Establishes the week including the third Saturday in October as Veterinary Technician Week in recognition of the critical role veterinary technicians play in the day-to-day functions of veterinary practices and for their vital role in preserving animal health and welfare.
**Designating May 17 as Diffuse Intrinsic Pontine Glioma Awareness Day—H.B. 2597**  
*by Representatives Cyrier and Talarico—Senate Sponsor: Senator Fallon*

Diffuse Intrinsic Pontine Glioma (DIPG) is the leading cause of childhood death due to brain tumors and typically strikes school-age children between the ages of four and eleven. The "DIPG Across the Map Initiative" coordinated families and foundations across the country to elevate awareness of this devastating childhood cancer. As a result, over 20 states currently recognize May 17th as Diffuse Intrinsic Pontine Glioma Awareness Day. This bill:

Provides that May 17 is Diffuse Intrinsic Pontine Glioma Awareness Day to raise awareness about the prevalence and deadliness of diffuse intrinsic pontine glioma, a pediatric brain tumor.

**Designating July 20 as Space Exploration Day—H.B. 3084**  
*by Representative Cyrier et al.—Senate Sponsor: Senator Taylor*

There have been calls to recognize the state's significant contributions to space exploration and innovation, including the Apollo 11 mission that landed on the moon on July 20, 1969. This bill:

Provides that July 20 is Space Exploration Day in honor of the heroes of Apollo 11 and those who continue to pursue innovation and exploration.

**Texas Girls in Science, Technology, Engineering and Mathematics Day—H.B. 3435**  
*by Representative Bowers—Senate Sponsor: Senator Johnson*

Women in the United States make up 48 percent of the workforce but only 24 percent of the science, technology, engineering, and mathematics (STEM) workforce. Concerned parties have noted that ongoing efforts to engage more women and girls in STEM fields have not led to gender equality in associated workforces. This bill:

Designates March 1 as Texas Girls in STEM Day to celebrate and encourage girls to participate in STEM-related fields.

Requires that Texas Girls in STEM Day be observed annually by appropriate ceremonies and activities, and programs be instituted in public schools and institutions of higher education to encourage girls to consider STEM careers and to honor Texas women who have excelled in those fields.

Allows a school district to include appropriate instruction, activities, and programs during the month of March to celebrate women in STEM-related careers, including finance, information technology, and cybersecurity.
Designating June 13 as Blue Tie Day—S.B. 430
by Senator Lucio—House Sponsor: Representative Dominguez

Every year, nearly 45,000 men in Texas lose their lives to cancer, most commonly prostate cancer, lung cancer, and colorectal cancer. In order to raise public awareness about the importance of male health and to encourage men to live longer and healthier lives through early detection and treatment of diseases, National Men's Health Month is observed each year in June and Men's Health Awareness Week is the week leading up to Father's Day. In the summer of 2018, Cameron County passed a resolution that declared the Friday before Father's Day as Blue Tie Day. Designating this day will help raise awareness of the importance of men's health and encourage regular checkup visits to the doctor and getting educated on the diseases that can affect their lives, such as cancer, diabetes, and heart disease. This bill:

Provides that June 13 is Blue Tie Day to promote men's health awareness and encourage men to live healthier, longer lives through early detection and treatment of common diseases.

Military Spouse Appreciation Day—S.B. 1819
by Senator Campbell—House Sponsor: Representative Minjarez

Some have pointed to the need to commemorate the sacrifices made by military spouses and the support they provide to military service members. This bill:

Provides that May 8 is Military Spouse Appreciation Day.

Requires Military Spouse Appreciation Day to be regularly observed by appropriate programs and activities coordinated by the Texas Veterans Commission.

Holocaust Remembrance Day—S.B. 1828
by Senator Menéndez et al.—House Sponsor: Representative Raymond

Over 40,000 concentration camps and ghettos existed in Europe during World War II, but 45 percent of American millennials cannot name a single camp. According to a 2019 Forbes article, nearly one-quarter of Generation Z and millennials in the United States and Canada were unaware of the Holocaust.

This year marked the 74th anniversary of the liberation of Auschwitz-Birkenau, the largest German Nazi concentration camp and extermination center. As each year passes, the number of survivors of this camp is declining, making it imperative to educate younger generations on the events of the Holocaust to ensure that history does not repeat itself. This bill:

Requires that the governor designate a week to be known as Holocaust Remembrance Week in public schools. Requires that Holocaust Remembrance Week include age-appropriate instruction, including information about the history of the Holocaust and lessons to be learned from it, and
participation in learning projects. Requires that instructional materials be developed or approved by the Texas Holocaust and Genocide Commission.
Debris Management Plan—H.B. 5
by Representative Phelan et al.—Senate Sponsor: Senator Kolkhorst

In response to Hurricane Harvey and other disastrous flood events, Lieutenant Governor Patrick charged interim committees with studying the state's emergency and disaster preparedness, including giving attention to the condition of bridges, water management, electrical infrastructure, coordination between response agencies, and the processing of debris created by disaster events. This bill:

Requires the Texas Division of Emergency Management to develop a catastrophic debris management model plan for use by local authorities. Requires that such a plan must instruct on the removal or destruction of debris, the Texas Department of Transportation's role in debris removal, and coordination among agencies following a disaster.

Long-Term Disaster Recovery—H.B. 6
by Representative Morrison et al.—Senate Sponsor: Senators Kolkhorst and Alvarado

In response to Hurricane Harvey and other disastrous flood events, Lieutenant Governor Patrick charged interim committees with studying the state's emergency and disaster preparedness, including giving attention to the condition of bridges, water management, electrical infrastructure, coordination between response agencies, and the processing of debris created by disaster events. This bill:

Requires the Texas Division of Emergency Management to develop a disaster recovery task force to operate throughout the long-term recovery period following a disaster.

Provides for the temporary allocation of hotel tax revenues in coastal counties to a coastal erosion response account.

Regulatory Waivers During Natural Disasters—H.B. 7
by Representative Morrison et al.—Senate Sponsor: Senator Huffman

A report issued by the Governor's Commission to Rebuild Texas included a recommendation to compile and maintain a comprehensive list of all waivers needed during a disaster to expedite suspensions of regulations in any future event, as well as a recommendation to emphasize to emergency management personnel the importance of working out partnership agreements and service contracts before a disaster strikes. The purpose of this bill is to ensure that state agencies and local jurisdictions can more efficiently respond to natural disasters in the future by providing information regarding which regulations may be suspended and how to procure needed services effectively before disasters occur. This bill:

Requires the Office of the Governor to compile a list of statutes and rules that may be subject to suspension during a disaster.
Requires the Texas Division of Emergency Management (TDEM), in consultation with other state agencies, to develop a plan, including training on the benefits of these contracts, recommendations on what services are likely to be needed after a disaster, and assistance in finding capable persons to provide relevant services to assist political subdivisions in executing contracts for services commonly needed after a disaster.

Requires TDEM to consult with the comptroller of public accounts of the State of Texas (comptroller) on inclusion of a contract for disaster services under the multiple award contract schedule administered by the comptroller.

**Dam Release Warnings—H.B. 26**
*by Representative Metcalf et al.—Senate Sponsor: Senators Nichols and Creighton*

The Water Code requires the Texas Commission on Environmental Quality to establish and enforce rules for the safe construction, maintenance, and removal of dams in Texas. In the aftermath of major flood events, some dam operators needed to release water through gated spillways to avoid flooding above the dam. However, stakeholders have reported that dam operators are not required to provide warning when they intend to open a gated spillway, exacerbating flooding below the dam. This bill:

Requires all-gate controlled dam operators to notify local emergency operator centers in downstream communities when spillway releases are made. Requires emergency operation centers to provide public notice through all available means.

**Paid Leave for Search and Rescue Volunteers—H.B. 41**
*by Representative Metcalf et al.—Senate Sponsor: Senator Alvarado*

Current law allows for state employees to take leave time to serve as volunteer firefighters and emergency medical technicians. It does not, however, provide the same consideration for search and rescue volunteers. This bill:

Authorizes an applicable state agency or institution of higher education to grant leave to a state employee without a deduction in salary to respond to search and rescue situations if the state agency or institution has an established policy for granting that leave.

**Creation of a Disaster Case Management System—H.B. 1307**
*by Representative Hinojosa et al.—Senate Sponsor: Senator Huffman*

Some are concerned that the Texas Division of Emergency Management (TDEM) faces difficulties processing data during and after disasters, specifically data aiding relief programs and first responders. This bill:
Amends the Government Code to require TDEM, subject to the availability of funds, to contract with a vendor to develop and maintain an electronic disaster case management system.

Establishes that the system may be used for case management during and after a disaster by persons selected by TDEM, including persons affected by a disaster and certain entities, and that the system may include access to assistance from multiple sources.

Requires the system to allow users to control access to sensitive personal information and provides for confidentiality and limited disclosure of information maintained by the system to identify users.

**Prescribed Burns—H.B. 2053**

*by Representative Murr—Senate Sponsor: Senator Flores*

The Natural Resources Code allows for prescribed burning by certified burn managers during a state of emergency or disaster. However, stakeholders have suggested that the role of burn managers and the scope of liability for burns is unclear. This bill:

Repeals the authority of prescribed burning organizations to conduct burns.

Requires the Prescribed Burning Board to establish burn standards and qualification and training standards for burn managers.

Sets forth provisions regarding liability for property damage, personal injury, or death resulting from a prescribed burn.

**Training Enhancement Proposal for Emergency Response Personnel—H.B. 2305**

*by Representative Morrison et al.—Senate Sponsor: Senator Kolkhorst*

In response to Hurricane Harvey and other flood events, the legislature has studied how the state can enhance flood resilience and emergency responses. Interim hearings held by the Senate Committee on Water and Rural Affairs discussed the quality of emergency management personnel in Texas, concluding improvements could be made regarding their training.

The Government Code requires certain elected officials to complete a training course on state and local government emergency management responsibilities. This bill:

Requires the Texas Division of Emergency Management to establish a work group to develop a proposal for enhancing the training and credentialing of emergency management personnel and to submit the proposal to the legislature and the governor.
Titling of Flood-Damaged Vehicles—H.B. 2310  
by Representative Vo et al.—Senate Sponsor: Senator Alvarado

The Transportation Code provides for the titling of vehicles, including salvage vehicles. Salvage vehicles are those for which the cost of repairs exceeds the value of the vehicle. Statute specifically requires titles for salvage vehicles whose damage results from flooding to be notated as such by the Texas Department of Motor Vehicles (TxDMV). Such a vehicle's owner may sell it only as provided by law. The Federal Emergency Administration Agency provides financial assistance to owners of vehicles damaged by flooding for the repair or salvage of a vehicle; however, TxDMV has reported that it does not always have access to the vehicle's identification number, which is necessary to correctly notate the flood damage or salvage status of the vehicle. This bill:

Requires TxDMV and the Texas Division of Emergency Management (TDEM) to coordinate with the Federal Emergency Management Agency to ensure TxDMV and TDEM have all necessary information to correctly title flood-damaged vehicles.

Titling of Temporary Housing Trailers After Emergencies—H.B. 2315  
by Representative Ed Thompson et al.—Senate Sponsor: Senator Kolkhorst

The United States Federal Emergency Management Agency (FEMA) uses manufactured homes and travel trailers in its temporary housing program. FEMA purchases the homes from retailers and transfers ownership to the Texas General Land Office (GLO). However, currently, FEMA is exempt from titling these homes, but GLO is not exempt and is therefore unable to show a previous title or the owner of record. Such homes must also be titled by the Texas Department of Motor Vehicles after 90 days; the department reports that many people are unable to title their temporary trailers in the chaotic aftermath of a catastrophic weather event. This bill:

Establishes guidelines for the automatic issuance of statements of ownership and titles for manufactured homes and travel trailers used as temporary housing during natural disasters and declared emergencies.

Disaster Relief Services—H.B. 2320  
by Representative Paul et al.—Senate Sponsor: Senators Taylor and Lucio

The Governor's Commission to Rebuild Texas, established following Hurricane Harvey, issued a report including recommendations for improved disaster relief services. The purpose of this bill is to implement those recommendations. This bill:

Directs the Texas Department of Emergency Management (TDEM) to collaborate with public and private entities providing communication services during a disaster to determine the availability of portable cell phone towers and satellite communications equipment to be deployed immediately following a disaster.
Directs TDEM to locate and identify methods to harden national disaster infrastructure critical to the State of Texas.

Requires TDEM to produce a report for the legislature on improving the oversight, accountability, and availability of building trade services following a disaster.

Directs the Public Utility Commission to cooperate with TDEM to make the public aware of bill payment assistance programs during and in the immediate aftermath of a disaster.

**State Emergency Communications Network—H.B. 2325**

*by Representative Metcalf et al.—Senate Sponsor: Senator Hancock*

It has been noted that the impact and immediate aftermath of Hurricane Harvey exposed various deficiencies in the state's emergency communications network and in the ability to broadly distribute reliable and valuable information. The purpose of this bill is to address those deficiencies. This bill:

Requires the Texas Department of Emergency Management (TDEM) to equip 9-1-1 systems with text messaging capabilities, develop standards for social media use during a disaster, develop a mobile app for critical information communications during a disaster, conduct a study on first responder communications, create a web portal clearinghouse for programs and services available to disaster victims, and improve the state's emergency assistance registry.

Requires certain specified governmental entities to conduct annual community outreach, including public awareness campaigns and education activities on disaster preparedness.

Requires a designated emergency management director of a political subdivision to develop a plan to use the emergency assistance registry maintained by TDEM.

**Applying for Government Assistance After a Disaster—H.B. 2330**

*by Representative Walle et al.—Senate Sponsor: Senator Lucio*

Disaster survivors have reported significant difficulty in applying for financial assistance from the government and have contended that better case management services would help survivors get the help they need. This bill:

Requires the Health Human Services Commission and the Texas Division of Emergency Management to conduct a feasibility study regarding an automated intake and management system for state and federal disaster assistance applications and report the findings to the legislature.
**D-SNAP Distribution Sites—H.B. 2335**  
*by Representative Walle et al.—Senate Sponsor: Senator Kolkhorst*

In the aftermath of Hurricane Harvey, appropriate Disaster Supplemental Nutrition Assistance Program (D-SNAP) benefit distribution sites were difficult to locate. H.B. 2335 requires the Health and Human Services Commission (HHSC), the state agency responsible for administering D-SNAP benefits, to coordinate with county judges to develop and maintain a list of D-SNAP distribution sites. This bill:

Requires HHSC, in coordination with local officials, to create a directory of local points of contact for D-SNAP benefits distribution.

Requires HHSC to enter into a memorandums of understanding with local government agencies, documenting the roles and responsibilities of HHSC and each local government agency.

Requires HHSC to provide information regarding D-SNAP and strategies for effective collaborations between HHSC and local governments.

**Responding to Disasters—H.B. 2340**  
*by Representative Dominguez et al.—Senate Sponsor: Senator Johnson*

In response to Hurricane Harvey and other flood events, the legislature has studied how the state can enhance flood resilience and emergency responses. Interim hearings held by the Senate Committee on Water and Rural Affairs discussed impediments to coordination among the myriad agencies responding to disasters and how new technology could help survey damage and streamline data sharing. This bill:

Establishes a drone study group to examine issues related to the use of drones in response to a disaster.

Requires the Texas Division of Emergency Management (TDEM) to establish a work group consisting of state agencies involved in disaster management to report on how to improve the storage and sharing of electronic information during a disaster.

Requires TDEM to form a task force when a state of disaster is declared for extreme weather to expedite environmental permitting and access to funds from federal disaster relief programs.

Requires the Office of State-Federal Relations to study and report on federal laws and policies affecting the ability of federal agencies, state agencies, and local governments to coordinate disaster responses.
In response to Hurricane Harvey and other flood events, the legislature has studied how the state can enhance flood resilience and emergency responses. Interim hearings held by the Senate Committee on Water and Rural Affairs discussed how disaster resiliency planning could improve the state's ability to handle disasters and respond to them. This bill:

Creates the Institute for a Disaster Resilient Texas as a component of Texas A&M University. Requires the institute to develop data analysis tools for disaster planning, mitigation, response, and recovery.

In response to Hurricane Harvey and other flood disasters, the legislature has examined different ways to improve the state's resiliency against flooding and improve its ability to respond to disasters. To this end, the governor recommended transferring the administration of the Texas Division of Emergency Management (TDEM) from the Department of Public Safety of the State of Texas (DPS) to the Texas A&M University (TAMU) System.

Transfers the administration of TDEM from DPS to the TAMU System. Requires the governor to review the emergency management council biennially and makes the governor responsible for appointing the chief of TDEM.

Concerns have been raised about the use of excess money in the emergency radio infrastructure account for other, unrelated expenses. The purpose of the bill is to ensure that these funds are used to fund radio infrastructure only. This bill:

Amends the Government Code to require the governor's office to provide loans to finance interoperable statewide emergency radio infrastructure and to adopt rules to administer the loan program.

Replaces the emergency radio infrastructure account with the emergency radio infrastructure revolving loan account as an account in the general revenue fund and transfers on the bill's effective date all money in the emergency radio infrastructure account to the revolving loan account. Sets out the composition of the revolving loan account and restricts the use of money in the account to making loans to finance interoperable statewide emergency radio infrastructure.
Emergency Warning System Disclosure—H.B. 3022 [VETOED]
by Representative Miller et al.—Senate Sponsor: Senator Kolkhorst

There have been calls to make it easier for cities and counties to have residents opt in for a local emergency warning system. H.B. 3022 seeks to answer these calls by authorizing a person, when applying for an original or renewal driver's license, to consent to participate in a local emergency warning system and by authorizing cities and counties to contract with the Department of Public Safety of the State of Texas (DPS) for disclosure of the contact information of residents who consent to that disclosure for the purpose of participating. This bill:

Authorizes a political subdivision, for purposes of operating an emergency warning system for residents of the political subdivision, to contract with DPS for disclosure by DPS of the contact information of a political subdivision resident who consents to the disclosure for the purpose of participating in the system. Sets forth the manner in which a participant in such an emergency warning system may request removal from the system.

Authorizes a person, when applying for a driver's license, to consent to participate in an emergency warning system and the disclosure by DPS of the person's contact information to the political subdivision in which the person resides for the purpose of participating in the system operated by that subdivision.

Requires DPS to disclose a person's contact information to a political subdivision for participation in an emergency warning system under certain conditions. Prohibits contact information obtained by a political subdivision for purposes of participation in an emergency warning system from being used or disclosed for any purpose other than enrolling a person in the system and issuing warnings to the person through the system.

Volunteer Firefighters—H.B. 3070
by Representative Ken King et al.—Senate Sponsor: Senator Zaffirini

The Texas A&M Forest Service administers the rural volunteer fire department assistance program, which distributes money from the Volunteer Fire Department Assistance Fund to help purchase new equipment. In response to damages suffered to equipment during Hurricane Harvey and its aftermath, stakeholders have recommended expanding the program. This bill:

Authorizes a volunteer fire department whose firefighting equipment is damaged or lost while responding to a declared disaster to request emergency assistance under the Rural Volunteer Fire Department Assistance program for the replacement or repair of equipment and for the purchase of a machine to clean personal protective equipment. Provides for a minimum annual allocation of appropriations from the fund for this use.

Civil Liability of Certain Persons Providing Disaster Assistance—H.B. 3365
by Representatives Paul and Farrar—Senate Sponsor: Senator Alvarado
Due to the advancement of social media and technology, grassroots volunteer organizations are able to play an integral role in response to disasters like Hurricane Harvey by being able to quickly mobilize thousands of volunteers. However, concerns have been raised regarding the lack of civil protections, also known as Good Samaritan laws, afforded to these organizations and their volunteers. This bill:

Provides certain liability protections to charitable organizations and emergency response agencies and their volunteers.

**Private Faith-Based Disaster Responders—H.B. 3616**  
*by Representatives Hunter and Guillen—Senate Sponsor: Senator Lucio*

In response to Hurricane Harvey and other major flood events, the legislature has studied how to improve the state’s resilience and response to disasters. Private organizations of all types participated in the recovery during the Harvey aftermath but stakeholders have contended that the state emergency systems are not coordinated well with these efforts which, if improved, could bolster disaster responses. This bill:

Establishes a task force on faith-based disaster response to study and report on the participation of faith-based organizations in disaster response.

**Grants for Food Sourcing in a Disaster—H.B. 3668**  
*by Representative Walle et al.—Senate Sponsor: Senator Creighton*

In the aftermath of Hurricane Harvey and other disasters, governmental response agencies struggled to secure sufficient food supplies for victims. Stakeholders have noted that local food banks can source a greater variety of food and do so at a lower cost to the state than the United States Federal Emergency Management Agency. This bill:

Requires the governor to establish a program to provide grants to help nonprofit food banks respond to disasters.

**Fire Training Programs for First Responders—H.B. 3753**  
*by Representative Harless et al.—Senate Sponsor: Senator Alvarado*

It has been suggested that recent disasters around Texas have shown a need to provide additional training to first responders to prepare them for a myriad of disasters. This bill:

Authorizes a county commissioners court to have fire marshals provide training programs relating to firefighting and fire prevention and establish a training facility for county first responders. Defines "first responder" for the purposes of this subsection.
Currently, sellers of residential property are required to disclose whether the property is located within a 100-year floodplain, whether it has current flood insurance, and whether it has experienced previous flooding or water penetration. However, it has been noted that in the aftermath of Hurricane Harvey, many homeowners were not given proper notice of potential flood risks associated with their property. The purpose of this bill is to improve flood information that is provided to prospective homebuyers. This bill:

Amends the Property Code to require that the disclosure of a property's condition that a seller of residential real property is required to give to a purchaser include notice of whether the seller is aware of conditions relating to the property's present flood insurance coverage; previous flooding due to a failure or breach of a reservoir or a controlled or emergency release of water from a reservoir, or previous water penetration into a structure on the property due to a natural flood event; whether the property is located wholly or partly in a 100-year floodplain, 500-year floodplain, floodway, flood pool, or reservoir, as well as an explanation of applicable terms; whether the seller has ever filed a claim for flood damage to the property with any insurance provider, as well as a requirement, if such a claim has been filed, to supply additional information, including information relating to the requirement that a home in high-risk flood zones with federally regulated or insured lenders have flood insurance; and whether the seller has ever received assistance from the Federal Emergency Management Agency (FEMA) or the United States Small Business Administration for flood damage to the property, together with a requirement to supply additional information if such assistance has been received.
Emergency Services—H.B. 4350
by Representative Bohac—Senate Sponsor: Senator Alvarado

In response to Hurricane Harvey and other natural disasters, the legislature has studied how to improve flood resilience and disaster response. Stakeholders have contended that improving coordination among emergency response answering points would enhance response capabilities across emergency response entities. This bill:

Establishes that the authority for public safety answering points to transmit emergency response requests to private safety entities is contingent on the approval of the district's board of managers and the consent of participating jurisdictions and emergency services districts.

Disaster Response Guide—S.B. 6
by Senator Kolkhorst et al.—House Sponsor: Representative Morrison

In response to Hurricane Harvey, Governor Abbott commissioned a report on disaster recovery efforts and how to improve the state's resilience and response to them. The Governor's Commission to Rebuild Texas made numerous recommendations that have taken the form of legislation. This bill:

Requires the Texas Division of Emergency Management (TDEM) to create a model guide for local officials on disaster response and recovery.

Sets forth provisions relating to the disposal and management of debris following a disaster.

Requires TDEM to develop a proposal for the training and credentialing of emergency management directors.

Flood Planning and Resiliency—S.B. 7
by Senator Creighton et al.—House Sponsor: Representative Phelan

In response to Hurricane Harvey and other flood disasters, the legislature has examined how to improve the state's resiliency and response to disasters, including creating funding mechanisms to support projects to mitigate flood damages in the future. This bill:

Creates the flood infrastructure fund for the Texas Water Development Board (TWDB) to provide financial assistance to certain political subdivisions for eligible flood mitigation and control projects. Provides that the flood infrastructure fund is defined as a special treasury fund outside the general revenue fund.

Creates the Texas infrastructure resiliency fund, to be administered by TWDB. Under the bill, the infrastructure resiliency fund includes a floodplain management account, a federal matching account, a temporary Hurricane Harvey account, and a contingent flood plan implementation account.
State and Regional Flood Plans—S.B. 8
by Senator Perry et al.—House Sponsor: Representative Larson

In response to Hurricane Harvey and other major flood events, the legislature has contemplated ways to improve the state's resiliency and its response to disasters. This bill:

Requires the Texas Water Development Board (TWDB) to adopt a comprehensive state flood plan every five years that must contain regional flood plans. Sets forth requirements for the state plan, and creates the temporary State Flood Plan Implementation Advisory Committee to review the plan.

Requires TWDB to designate flood planning regions corresponding to river basins. Sets forth provisions for regional planning groups and regional plans.

 Requires the State Soil and Water Conservation Board to adopt a plan every 10 years describing the repair and maintenance needs of specific flood control dams.

Increasing the Criminal Penalties for Certain Offenses—S.B. 201
by Senator Huffman et al.—House Sponsor: Representative Oliverson

Interested parties contend that the current penalty for the crime of looting is not applied to all relevant criminal offenses occurring in declared disaster areas, leaving limited numbers of offenses open to enhanced criminal charges. This bill:

Increases criminal penalties for commonly occurring looting crimes: arson, burglary of vehicles, and criminal trespass. Removes "necessity defense" for criminal charges occurring in declared disaster areas.

Information and Outreach Regarding Hurricane Preparedness and Mitigation—S.B. 285
by Senators Miles and Kolkhorst—House Sponsor: Representative Ed Thompson

The Texas General Land Office (GLO) published a report in August 2018 called "Hurricane Harvey: Texas at Risk," detailing lessons learned from Hurricane Harvey. In that report, GLO recommended that a comprehensive Texas public information campaign should be implemented before, during, and after major disasters to explain to the public the federal and state government assistance programs available during a major disaster. GLO found that local officials and the public did not fully understand what resources state and federal law guarantee to natural disaster victims, leading to an overreliance on government resources and inadequate preparations. This bill:

Requires the governor to issue a proclamation each year before hurricane season instructing individuals to prepare their property and their communities for the upcoming hurricane season; requires state agencies to review and update hurricane preparedness plans; and requires certain specified governmental entities, to the extent practicable, to conduct community outreach and education activities on hurricane preparedness between May 25 and May 31 of each year.
Requires the governor, in consultation with the Texas Division of Emergency Management and each appropriate state agency as determined by the governor, not later than the 30th day after the date of the governor's proclamation, to publish a report on the preparedness of state agencies for hurricane response.

Requires GLO to conduct a public information campaign each year before and during hurricane season to provide local officials and the public with information regarding housing assistance that may be available under state and federal law in the event of a major hurricane or flood event, including information about types of assistance unavailable under that law.

Coordination of Rebuilding Following Natural Disasters—S.B. 289
by Senator Lucio—House Sponsor: Representative Morrison et al.

During the 85th legislative interim, the Senate Committee on Intergovernmental Relations (IGR) was charged with examining and reporting on ways to improve the coordination of rebuilding housing and infrastructure following a natural disaster. IGR heard from state, county, and local officials on how the state’s recovery efforts could be strengthened and improved, especially by instituting plans that would encourage communities to prepare for local reconstruction efforts. This bill:

Requires the Texas General Land Office (GLO) to receive and administer federal and state funds appropriated for long-term disaster recovery, and to do the following:

Collaborate with the Texas Division of Emergency Management and FEMA, as appropriate, on local housing recovery plans;

Seek prior approval from FEMA and the United States Department of Housing and Urban Development for the immediate post-disaster implementation of local housing recovery plans approved by the GLO; and

Maintain a division with adequate staffing and other administrative support to review local housing recovery plans.

Authorizes a local government to develop and adopt a local housing recovery plan to provide for the rapid and efficient construction of permanent replacement housing following a disaster. Requires a local government to seek input from stakeholders in the community and from neighboring local governments in developing the plan and authorizes local government to submit a developed and adopted plan to the Hazard Reduction and Recovery Center at Texas A&M University (center) for certification.

Requires the center to provide training to local governments and community-based organizations on developing a local housing recovery plan, and to create and maintain mapping and data resources related to disaster recovery and planning. Requires the center to provide recommendations to the Texas Department of Insurance regarding the development of policies, procedures, and education programs to enable the quick and efficient reporting and settling of
housing claims related to disasters. Requires the center to submit to GLO a local housing recovery plan, which, if accepted, will be valid for four years.

**Indefinite Quantity Contracts for Services to Declared Disaster Areas—S.B. 300**  
*by Senator Miles—House Sponsor: Representative Ed Thompson*

The Texas General Land Office (GLO) published a report in August 2018 called "Hurricane Harvey: Texas at Risk" that detailed lessons learned from Hurricane Harvey. In that report, it was recommended that GLO bid out indefinite quantity contracts (IQCs) for information management, construction, and other services before the annual hurricane season each year, so contracts would be in place to be used within a week of a major disaster. GLO faced a slow and bureaucratic process to secure contracts while satisfying Federal Acquisition Regulation requirements in response to Hurricane Harvey. This bill:

Requires GLO to enter into indefinite quantity contracts with vendors to provide information management services, construction services, including engineering construction services, and other services necessary to construct, repair, or rebuild property or infrastructure in the event of a natural disaster.

Provides that the terms of the contract must provide that it is contingent on the availability of funds, the occurrence of a natural disaster not later than 12 months after the effective date of the contract, and delivery of the services to an area declared to be a disaster area as the result of a natural disaster.

**Property Seller's Flood Disclosure Notices — S.B. 339**  
*by Senator Huffman et al.— House Sponsor: Representative Morrison*

Prior to Hurricane Harvey, Texas law required sellers of residential property to disclose whether the property was located within a 100-year floodplain, whether the property currently had flood insurance, and whether it had experienced previous flooding or water penetration. However, Hurricane Harvey demonstrated that many homeowners were not given proper notice of the potential flood risk associated with their property; the purpose of this bill is to improve flood information provided to prospective homebuyers. This bill:

Expands current disclosure requirements for the sale of residential property to include on the existing sellers’ disclosure form whether a property is located wholly or in part in a 100-year or 500-year flood plain; whether the home is located wholly or partly in a flood pool or in a reservoir; whether the home is located five miles downstream of a reservoir; whether the home may flood under catastrophic circumstances; and whether the home has previously flooded in a flood event.

Requires the disclosure form to provide a disclaimer stating which properties are required to carry flood insurance and that the Federal Emergency Management Agency recommends property owners in high, moderate, and low-risk flood zones purchase flood insurance. Requires the form to provide definitions for all of the terms in the bill.
Support for TxDOT Disaster Responders—S.B. 537  
*by Senator Kolkhorst—House Sponsor: Representative Ed Thompson*

The Texas Department of Transportation (TxDOT) plays a significant role in the state's response and recovery efforts after disasters by assisting the public in evacuating dangerous areas, performing repairs, and removing debris from roadways. To provide the most effective response possible, TxDOT staff routinely remain on site for extended periods of time, effectively preventing them from leaving the site to eat. Currently TxDOT may provide food and beverages for response staff if the governor has declared a disaster, the staff are in the specified disaster area, and the governor has waived general prohibitions on such purchases, but the agency has requested the repeal of these requirements so that it may support staff who are providing an emergency response anywhere there is danger and if the staff are unable to leave the worksite. This bill:

Authorizes TxDOT to use appropriated funds to purchase food and beverages for a TxDOT employee who is providing emergency or disaster response services and is unable to leave the assignment area.

Reports on Federal Assistance for Flood Control Projects—S.B. 563  
*by Senator Perry et al.—House Sponsor: Representative Metcalf*

The federal government provides funds to states for flood control projects. Multiple state agencies receive and administer this funding but stakeholders have expressed concern that there is no centralized location for information on federal funding for flood control or mitigation projects. This bill:

Requires state agencies that use or disburse federal money for flood mitigation projects to submit quarterly reports to the Texas Water Development Board (TWDB). Requires TWDB to make the reports publically available on its website.

Emergency Management and Disaster Recovery—S.B. 799  
*by Senator Alvarado et al.—House Sponsor: Representative Murphy*

A report by the General Land Office following Hurricane Harvey recommended the creation of a business advisory council as a formal mechanism for state and local recovery managers to access the expertise of the business community on disaster recovery, particularly on housing issues. The purpose of this bill is to enact this recommendation by creating the business advisory council to advise the Texas Division of Emergency Management on disaster response matters. This bill:

Amends the Government Code to establish the business advisory council to provide advice and expertise on actions state and local governments can take to assist businesses in recovering from a disaster.

Sets out the composition of the 12-member council and provides for the members' terms of service, reimbursement of expenses, frequency of meetings, and the election of a presiding officer.
Requires the council to advise the Texas Division of Emergency Management (TDEM) on policies, rules, and program operations to assist businesses in recovering from a disaster; advise TDEM on state resources and services needed to assist businesses in recovering from a catastrophic loss of electric power; and propose solutions to address inefficiencies or problems in state or local governmental disaster response with respect to impact on businesses and the economy.

Requires the council, not later than November 1 of each even-numbered year, to submit a report on the council's activities, advice, and proposed solutions to TDEM, the governor, the lieutenant governor, and the speaker of the house of representatives. Requires TDEM to provide administrative support to the council and exempts the council from statutory provisions relating to state agency advisory committees.

**Increasing Capabilities of Local Emergency Shelters—S.B. 982**

*by Senators Kolkhorst and Lucio—House Sponsor: Representative Zerwas*

Interested parties contend that some emergency shelters were not properly equipped to deal with certain medically needy populations after Hurricane Harvey. S.B. 982 amends current law relating to the provision of disaster and emergency services, including health care services, to certain populations. This bill:

Requires the Texas Division of Emergency Management (TDEM), in consultation with certain entities, to develop a plan to increase the capabilities of local emergency shelters to provide shelter and care for specialty care populations during a disaster.

Requires TDEM to increase awareness and encourage local government emergency response teams to utilize local volunteer network services.

Establishes a task force on disaster issues affecting the elderly and the disabled. Directs the task force to study methods to more effectively accommodate those populations in times of disaster. Requires the task force to prepare and submit a report to the governor and the legislature no later than December 1, 2020.
Emergency Management Contract Standards—S.B. 986
by Senator Kolkhorst—House Sponsor: Representative Phelan

Following Hurricane Harvey, many local governments did not have the requisite emergency relief contracts in place and many local governments were unaware that such contracts were necessary. There have been calls to update the statewide contract management guide to include contract standards and information related to emergency management. The purpose of this bill is to ensure that local governments, especially smaller communities, have access to prudent contracting standards for disaster management contracts. This bill:

Amends the Government Code to require the comptroller of public accounts (comptroller) to update the statewide contract management guide to include contract management standards and information for contracts related to emergency management.

Requires the comptroller to develop those standards in consultation with the Texas Division of Emergency Management, Texas A&M AgriLife Extension Service, Texas A&M Engineering Extension Service, and local governmental entities.

Requires the contract management guide to include preferred contracting standards; information on contracts for services that may be necessary to respond to a natural disaster or to construct, repair, or rebuild property or infrastructure after a natural disaster, including clearing debris and providing information management services and construction services; and advice on preparing for a natural disaster, including procedures to assist an applicable state agency with contracting for such services before a natural disaster occurs.

Creating and Maintaining a Coastal Barrier System—S.B. 1082
by Senators Taylor and Bettencourt—House Sponsor: Representative Deshotel

The Joint Interim Committee to Study a Coastal Barrier System was created in 2013 to study the desirability and feasibility of constructing a coastal barrier protection system. Renewal of this committee will allow academics, business leaders, elected officials, and coastal residents to continue this discussion as well as keep up-to-date on studies underway on this topic as they approach completion. This bill:

Requires the legislature to establish a joint interim committee to continue to study the feasibility and desirability of creating and maintaining a coastal barrier system in Texas to prevent storm surge damage to Gulf beaches or coastal ports, industry, or property.

Local Government Immunity for Disaster Relief Grants—S.B. 1575 [VETOED]
by Senators Alvarado and Taylor—House Sponsor: Representative Krause

It has been noted that municipalities often receive federal relief funds to aid in recovery efforts following a disaster, typically in the form of grants. There are concerns that, while state and federal governmental entities have certain immunity from claims relating to the administration of grants,
municipalities are not afforded such protections. It has been suggested that the administration of these grants presents a financial risk for municipalities. This bill:

Grants municipalities immunity from liability for a cause of action arising from entering into certain contracts following a disaster declaration.
Regulation of Permit Fees Charged by a City—H.B. 852
by Representative Holland et al.—Senate Sponsor: Senator Fallon

Municipalities charge fees for permits to construct or improve dwellings. Stakeholders have expressed concern that excessive fees are used to generate revenue, in violation of rulings of the Supreme Court of Texas. This bill:

Prohibits a city from considering the value of a dwelling or the cost of constructing or improving that dwelling when determining a building permit or inspection fees.

Prohibits a city from requiring disclosure of information related to the value or cost of constructing or improving a dwelling as a condition of granting a permit for construction or improvement.

Board Membership of Property Owners' Associations—H.B. 1025
by Representative Bohac—Senate Sponsor: Senator Whitmire

Concerns have been raised that legislation passed in the 82nd session inadvertently created a barrier preventing homeowners associations (HOA) with large subdivisions from adopting bylaws requiring that board positions be filled by representatives from each distinct neighborhood or section. The purpose of this bill is to remove that barrier. This bill:

Authorizes a property owners' association that governs a subdivision comprised of multiple sections to designate in an association instrument governing the administration or operation of the association a specified number of positions on the governing body of a property owners' association, each of which must be elected from a designated section of the subdivision. Authorizes the instrument to require each board member representing a section to reside in that section. Prohibits a person from serving on the board of a property owners' association if the person cohabits at the same primary residence with another board member of the association. Provides that this prohibition does not apply under certain circumstances.

Low Income Tax Credit Program—H.B. 1215 [VETOED]
by Representative Collier et al.—Senate Sponsor: Senator Alvarado

The Government Code defines "qualified allocation plan" as a plan adopted by the governing board of the Texas Department of Housing and Community Affairs (TDHCA) providing threshold, scoring, and underwriting criteria for assessing applications to the low income housing tax credit program applications. The governing board is required to adopt such a plan at least once biennially but not more than once per year, and the threshold criteria may include factors relating to local educational quality. The statute providing for educational quality criteria expires on September 1, 2019. This bill:

Extends the statute providing for educational quality criteria to September 1, 2021.
Requires TDHCA to conduct a study of the effects of extending the educational quality statute on the allocation of low income housing tax credits in Texas.

**Regulation of Industrialized Housing and Buildings—H.B. 1385**  
*by Representative Tracy O. King—Senate Sponsor: Senator Hancock*

It has been suggested that the height restriction on industrialized buildings provided by state law is not consistent with industry standards. The purpose of this bill is to address this issue by removing certain height restrictions with respect to the regulation of industrialized housing and buildings. This bill:

Amends the Occupations Code to remove a residential structure exceeding four stories and a commercial structure exceeding 60 feet in high from the structures excluded as industrialized housing or industrialized buildings.

**Low Income Tax Housing Credit Program—H.B. 1973**  
*by Representative Button et al.—Senate Sponsor: Senator Nelson*

The Texas Department of Housing and Community Affairs scores and ranks applications for the Low Income Housing Tax Credit Program using a point system including criteria for how a proposed development will participate with the community and measuring the level of community support for the application. Statute provides for a point system consisting of local resolutions supporting and opposing the proposed development to quantify community support. This bill:

Requires TDHCA to use the maximum number of negative points for a proposed development site if no written statement of support is received from the state representative for the district.

**Housing Authority of El Paso—H.B. 2287**  
*by Representative Moody et al.—Senate Sponsor: Senator Rodríguez*

Stakeholders have expressed concern that much of El Paso County is not served by a housing authority and have contended that the Housing Authority of El Paso has the capacity to serve these areas but may not currently do so under statute. This bill:

Authorizes the Housing Authority of El Paso to expand its territory to unincorporated areas of El Paso County, except where another housing authority operates.

**Titling of Temporary Housing Trailers After Emergencies—H.B. 2315**  
*by Representative Ed Thompson et al.—Senate Sponsor: Senator Kolkhorst*

The United States Federal Emergency Management Agency (FEMA) uses manufactured homes and travel trailers in its temporary housing program. FEMA purchases the homes from retailers
and transfers ownership to the Texas General Land Office (GLO). However, currently, FEMA is exempt from titling these homes, but GLO is not exempt and is therefore unable to show a previous title or the owner of record. Such homes must also be titled by the Texas Department of Motor Vehicles after 90 days; the department reports that many people are unable to title their temporary trailers in the chaotic aftermath of a catastrophic weather event. This bill:

Establishes guidelines for the automatic issuance of statements of ownership and titles for manufactured homes and travel trailers used as temporary housing during natural disasters and declared emergencies.

**Expanding Eligibility for Housing Authority Commission—H.B. 2529**

*by Representatives Leach and Lambert—Senate Sponsor: Senator Watson*

Public housing authorities help provide safe and sanitary housing. Currently, one or two members of a housing authority are required to be tenants of public housing, but the expanded use of rental assistance has significantly decreased the number of individuals eligible to serve on a housing commission. This bill:

Provides certain regional housing authorities the option of appointing a recipient of housing assistance administered through the authority's housing choice voucher program or project-based rental assistance program to serve as a commissioner of the authority.

**Energy Efficiency Standards for Construction of Industrialized Housing—H.B. 2546**

*by Representative Guillen—Senate Sponsor: Senator Hughes*

Concerns have been raised that the law relating to certain building energy performance standards for single-family residential construction does not adequately address industrialized housing. The purpose of this bill is to ensure that industrialized housing is treated as other types of housing are regarding energy code requirements. This bill:

Authorizes a manufacturer or builder of industrialized housing to construct industrialized housing in accordance with energy efficiency performance standards outlined in the Texas building energy performance standards for single-family residential construction or by an applicable local amendment to those standards, equally or more stringent, determined by the Energy Systems Laboratory at the Texas Engineering Experiment Station of The Texas A&M University System.

**Estimating Housing Needs of Homeless Youth—H.B. 2564**

*by Representatives White and Button—Senate Sponsor: Senator Lucio*

Stakeholders have contended that homeless youth populations are underrepresented in the Texas Department of Housing and Community Affairs' (TDHCA) low-income housing plan. As a result, advocates say, policymakers lack vital information to make policy decisions. This bill:
Requires the TDHCA low-income housing plan to include an estimate and analysis of the size and differing housing needs of homeless youth in each state service region.

Expands the types of organizations from which the Texas Interagency Council for the Homeless may seek program or policy assistance in accomplishing its duties.

Requirements for Condominium Plats and Plans—H.B. 2569
by Representative Darby—Senate Sponsor: Senator Hughes

Concerns have been raised regarding the complexity and expense of the condominium project approval process as that process applies to detached condominiums. The purpose of this bill is to address concerns relating to the compliance of certain planning documents, specifying which horizontal unit boundaries the condominium plats and plans must describe. This bill:

Excludes horizontal unit boundaries described in a condominium declaration from horizontal unit boundaries whose location must be shown on the condominium plats or plans.

Allocating Housing Tax Credits to Certain Developments—S.B. 493
by Senator Alvarado—House Sponsor: Representative Senfronia Thompson et al.

After Hurricane Harvey, the City of Houston was part of the disaster area designated by the Federal Emergency Management Agency and received $1.13 billion from the federal government for housing disaster recovery, to be invested by August 2024. The funds are administered by local action plans adopted by the City of Houston and Harris County, and are approved by the United States Department of Housing and Urban Development and the Texas General Land Office. Concerns have been raised that a statutory change is needed relating to the allocation of housing tax credits to prevent the city from staggering developments over a long period of time, risking missing the deadline and potentially leading to the loss of federal funds. This bill:

Authorizes the governing board of the Texas Department of Housing and Community Affairs to allocate housing tax credits under the low income housing tax credit program to more than one development in a single community if the community is located in a county with a population of four million or more and is in a federally declared disaster area, and if the governing body of the municipality containing the development has authorized housing tax credits allocations by vote.

Private Activity Bond Reform—S.B. 1474
by Senators Lucio and Menéndez—House Sponsor: Representative Murphy et al.

During the 85th legislative interim, the Senate Committee on Intergovernmental Relations, while addressing an interim charge relating to housing affordability, heard from concerned stakeholders who indicated that Texas’ Private Activity Bond Program could be strengthened by undertaking some critical updates and reforms. Interested parties contend that current tax-exempt bonds could
yield more efficient gains with amended statutory regulations. Such changes would help maximize the bond financing program. This bill:

Specifies that an alternative education loan made to a student, a former student, or any other person may be for the benefit of a former student and may be made for the purpose of refinancing all of or part of a student's or former student's cost of attendance at an accredited institution. Includes within the meaning of "alternative education loan" indebtedness that meets the definition of a qualified education loan under certain provisions of the federal Internal Revenue Code of 1986.

Revises statutory provisions relating to the authority of state and local government to issue private activity bonds. Revises the percentages of the state ceiling available for reservations by certain types of issuers before August 15 of each year, if the state ceiling is computed on the basis of $75 per capita or a greater amount, by removing the designation of a percentage available exclusively for reservations by nonprofit issuers of qualified student loan bonds able to issue a qualified scholarship funding bond, and redistributing that share of the state ceiling among issuers of qualified mortgage bonds, issuers of state-voted issues, and issuers of qualified residential rental project bonds.

Increases from eight percent to 10 percent the available state ceiling by which the portion of the ceiling available exclusively before August 15 to issuers of state-voted issues may be increased on January 2. Increases the portion available to other issuers correspondingly reduced, if applications received for reservations for state-voted issues before January 2 exceed 10 percent of the state ceiling set aside for those reservations.

Extends deadlines for issuers to close on qualified residential rental project bonds from the 150th day after the reservation date to the 180th day after that date; for an issuer of state-voted issues, a qualified nonprofit corporation issuer of qualified student loan bonds, or an issuer of qualified mortgage revenue bonds, from the 180th day after the reservation date to the 210th day after that date; and for any other issuer, from the 120th day after the reservation date to the 150th day after that date.

Revises certain specifications relating to information the Bond Review Board (board) may require an issuer of qualified student loan bonds to provide with the issuer's reservation application. Specifies that the annual entitlement to a student loan bond allocation of each qualified nonprofit corporation is prioritized in the order that the application was received by the board for that year, subject to compliance with applicable requirements.

Raises the county population threshold to determine whether a residential facility rehabilitated or constructed in a county and proposed to be financed by residential rental project bonds constitutes a project for purposes of such bond issuance. Changes the period in which the board is required to apportion the state ceiling set aside for housing finance corporations among the uniform state service regions proportionally, by population, from before May 1 to before March 1. Repeals certain additional requirements relating to that regional apportionment. Changes the cap on the allocation a housing finance corporation may receive for the issuance of qualified mortgage. Prohibits a housing finance corporation from being penalized for insufficient utilization of the
corporation's allocation of the state ceiling if the application for a reservation is received after July 14.

**Dedicated Instruments of Mixed-Use Real Estate Developments—S.B. 1845**  
*by Senator Miles—House Sponsor: Representative Vo*

Concerns have been raised regarding certain mixed-use real estate developments subject to restrictive covenants that are difficult to amend or modify. It has been suggested that certain laws relating to property owners' associations may not appropriately address this issue. The purpose of this bill is to address the unique nature of these housing developments by allowing the amendment of declarations of certain mixed-use real estate developments located in certain municipalities and counties. This bill:

Requires an amendment of mixed-use real estate development declarations, as defined by the bill, specifically developments located in municipalities with populations of two million or more and counties with a population of 3.3 million or more, to be approved by a vote of a majority of the total votes allocated to property owners entitled to vote on the amendment, with a lower approval requirement in the declaration controls, if applicable.

Authorizes a declaration silent as to voting rights to be amended by majority vote.

Establishes that, while a mixed-use real estate development has a current developer, as defined by the bill, an amendment made to the declaration requires the current developer to consent to the validity of the amendment.

Exempts from the bill's provisions mixed-use real estate developments that include single-family residential properties and condominiums subject to the Condominium Act.

**Certain Developments Owned by a Public Facility Corporation—S.B. 1861 [VETOED]**  
*by Senator Menéndez—House Sponsor: Representative Flynn*

The Public Facility Corporation Act of 1999 enables sponsors to create public facility corporations (PFCs) to fund and operate public facilities. PFCs have been formed by school districts, cities, housing authorities, and other public sector entities. This statute currently poses issues for governmental sponsors, such as counties and trustees of community college districts, since it does not explicitly grant the ability to benefit from PFCs. This bill:

Establishes that a tax exemption for a multifamily residential development owned by a PFC that meets certain eligibility requirements applies only if at least 50 percent of the units in the development are reserved for occupancy by individuals and families earning less than 80 percent of the area median family income or the development accomplishes a governmental purpose of the corporation's sponsor.
Provides that, if a corporation created under this chapter owns a multifamily residential development, the sponsor of the corporation is considered the user of the public facility.
Health Benefit Plan Coverage for Mammography—H.B. 170
by Representative Bernal et al.—Senate Sponsor: Senator Alvarado et al.

It has been noted that individuals with dense breast tissue, cancer survivors, and people with a family history of breast cancer may require diagnostic screening to detect the presence of a tumor and that adequate insurance coverage for these screenings may play an essential role in increasing early detection. This bill:

Requires health benefit plans that provide coverage for a screening mammogram to also provide coverage for a diagnostic mammogram no less favorable than the coverage provided for a screening mammogram.

Notices of Changes to Non-Guaranteed Charges in Life Insurance Policy—H.B. 207
by Representative Craddick—Senate Sponsor: Senator Hancock

Certain life insurance policies contain non-guaranteed charges that may change at the discretion of the insurer. Concerns have been raised about the lack of transparency regarding adverse changes in policy costs as a result of these charges. This bill:

Requires an insurer to provide a written notice to the policy owner if the insurer increases a non-guaranteed charge applied to a policy. Sets forth required language for the notice.

Authorizes the commissioner of insurance to adopt rules to implement the notice requirement.

Named Driver Insurance Policies—H.B. 259
by Representative Ed Thompson et al.—Senate Sponsor: Senators Hancock and Perry

A named driver policy is a type of insurance policy that provides coverage for drivers specifically named on the policy and for non-household permissive drivers only. Concerns have been raised that the coverage restrictions in named driver policies are often misunderstood by those insured by them. Additional concerns have been raised that coverage restrictions may leave injured third parties with limited recourse to recover damages. This bill:

Prohibits an insurer writing automobile insurance in Texas from delivering, issuing for delivery, or renewing a named driver policy, unless the named driver policy is an operator's policy.

Authorizes an insurer to use a named driver exclusion, defined by the bill as a provision or endorsement of an automobile insurance policy that excludes specified drivers from coverage under the policy, only if the exclusion specifically names each excluded driver and does not exclude a class of drivers and if the named insured accepts the exclusion in writing.

Repeals provisions requiring an agent or insurer, before accepting any premium or fee for a named driver policy, to disclose to the applicant or insured that a named driver policy does not provide coverage for individuals residing in the insured's household not named on the policy.
Long-Term Care Insurance for State Employees—H.B. 392
by Representative Blanco—Senate Sponsor: Senator Zaffirini

The Employees Retirement System of Texas (ERS) is authorized to provide long-term care insurance coverage to eligible state employees through a group program, but is not permitted to offer members the option to purchase individual plans. This is problematic because long-term care insurance, notoriously expensive, may not be affordable for individuals when a group's risks are pooled together. Long-term care coverage is most effective when tailored to the needs of particular individuals, such as persons who want to begin paying for coverage at a young age. Accordingly, restricting coverage to group plans has prevented ERS from providing long-term care coverage options to its members for many years. This bill:

Removes the specification that the long-term care insurance program the board of trustees of ERS may establish is for group insurance, allowing ERS to explore different methods of providing long-term care insurance coverage to eligible members, including through individual plans. Repeals a provision prohibiting premiums and program costs from being deducted from a participant's monthly compensation or annuity should he or she opt to purchase an individual plan through ERS, giving both ERS and eligible persons additional flexibility regarding long-term care coverage options to meet the needs of specific members at costs lower than typical group plans.

Medicaid Telemonitoring Services Reimbursement Program—H.B. 1063
by Representative Price et al.—Senate Sponsor: Senators Buckingham and Alvarado

Interested parties contend that health care costs can be contained through the expanded use of telemonitoring services. H.B. 1063 repeals the expiration of the Medicaid telemonitoring reimbursement program (program) and requires the program to provide home telemonitoring services to certain enrollees. This bill:

Requires HHSC to report to the legislature the effects of telemedicine medical services, telehealth services, and home telemonitoring services on Medicaid biennially.

Requires the program to also provide that home telemonitoring services are available to pediatric persons who are diagnosed with end-stage solid organ disease, who have received an organ transplant, or who require mechanical ventilation.

Repeals the expiration of the program.

Fraternal Benefit Societies in Hazardous Financial Conditions—H.B. 1251
by Representative Senfronia Thompson—Senate Sponsor: Senator Creighton

There are concerns that certain fraternal benefit societies may face significant financial challenges as a result of an increasingly competitive insurance marketplace, shrinking membership, and limited access to capital to invest in the modern technology needed to remain relevant to younger consumers. This bill:
Prohibits the aggregate assessment paid by a fraternal benefit society's certificate holders for the impaired reserves for any class of the society's benefit certificates from exceeding the total amount required to comply with statutory provisions relating to reserves for certain accident and health insurance. Requires a fraternal benefit society, not later than the 90th day before the proposed effective date of an assessment for impaired reserves, to file with the Texas Department of Insurance (TDI) an application for approval of the assessment and a statement sworn to by the society's president and secretary or corresponding officers.

Requires the supreme governing body or board of directors of a society, not later than the seventh day before the date the applicable entity votes on a proposed transfer, to provide the society's certificate holders written notice of and opportunity to comment on the proposed transfer. Requires the governing body or board of a society that is ordered to agree to a transfer to suspend or modify the society's laws, including laws requiring notice to certificate holders or the governing body's approval of a transfer of the society's certificates, as necessary to facilitate a transfer approved by the commissioner.

Authorizes a transfer to be made to an insurer that is not a fraternal benefit society if the insurer is authorized to engage in the business of insurance in Texas and establishes that a holder of a certificate subject to such a transfer is deemed to agree that any term in the certificate is void on transfer of the certificate, including a term that makes the certificate subject to the transferring society's laws or that provides for maintenance of the transferring society's solvency that is inconsistent with transfer to an insurer that is not a fraternal benefit society.

Authorizes TDI to request that the attorney general bring an action to terminate a fraternal benefit society that fails to comply with an order to promptly seek and negotiate a transfer agreement or fails to remedy the financial condition that gave rise to the order.

**Provision of Flood Coverage Under Surplus Lines Insurers—H.B. 1306**

*b*Representative Frullo*b*—*Senate Sponsor: Senator Hancock*

Currently, there are limits on the sale of flood insurance policies by surplus lines insurers if there is any admitted carrier offering the same product. Following recent flood events in Texas, property owners have called for access to more insurance options to mitigate the risk of future flood events. The purpose of this bill is to allow qualified surplus lines insurers to provide flood insurance coverage. This bill:

Amends the Insurance Code to exempt flood coverage under a policy issued by an eligible surplus lines insurer if the full amount of required insurance cannot be obtained, after a diligent effort, from an insurer authorized to write that kind and class of insurance in Texas, and only in the amount exceeding the amount of insurance obtainable from authorized insurers.
Foreign Language Versions of Insurance Policy Documents—H.B. 1554  
*by Representative Smithee—Senate Sponsor: Senator Zaffirini*

It has been suggested that there is a growing consumer need for insurance materials in languages other than English. Along with this need comes a concern that providing policies in other languages may leave insurers open to litigation over potential translation. The purpose of this bill is to create a safe harbor for companies to offer translated documents to their customers. This bill:

Amends the Insurance Code to authorize an insurer to provide a customer a version of a personal automobile or residential property insurance policy or endorsement, or related explanatory or advertising material, in a language other than English.

Establishes that the English version of the insurance policy document controls in a case of a dispute or complaint and requires the version of the document in any other language to state in that language that the English version controls.

Summary Versions of Insurance Policy Documents—H.B. 1555  
*by Representative Smithee—Senate Sponsor: Senator Zaffirini*

It has been suggested that consumers would benefit from personal automobile insurance or residential property insurance coverage explanations using layman's terms rather than legal language, but some worry that the lack of precision in language might leave the document susceptible to litigation. The purpose of this bill is to incentivize development of plain language explanatory documents for the benefit of consumers. This bill:

Establishes that a document providing a summary of a policy of personal automobile insurance or residential property insurance or a summary of an endorsement to such a policy or other ancillary material, including an advertisement for the policy or endorsement, is not part of the policy or endorsement form, does not modify the provisions of the insurance policy for which the summary was provided, and is not admissible as evidence of the coverage provided by the insurance policy for which the summary is provided.

Coverage of Prescription Drugs for Advanced Metastatic Cancer—H.B. 1584  
*by Representative Senfronia Thompson et al.—Senate Sponsor: Senator Buckingham et al.*

There are concerns that step therapy, a method some health insurers use to control drugs provided to patients by providing coverage only for a medication that is more cost-effective for the insurer than the one prescribed until a patient fails to respond to the medication, may limit or delay access to treatments doctors recommend for patients living with potentially life-threatening or debilitating conditions. This bill:

Prohibits a health benefit plan that provides coverage for stage-four advanced, metastatic cancer and associated conditions from requiring, before the plan provides coverage of a prescription drug approved by the United States Food and Drug Administration (FDA), that the enrollee fail to
successfully respond to a different drug or prove a history of failure of a different drug. Applies only to a drug whose use is consistent with best practices for the treatment of stage-four advanced, metastatic cancer or an associated condition and supported by peer-reviewed medical literature.

**Operation of the Texas Title Insurance Guaranty Association—H.B. 1614**

*by Representative Oliverson et al.—Senate Sponsor: Senator Creighton*

The Texas Title Insurance Guaranty Association (TTGIA) is a nonprofit, unincorporated association of licensed title insurance companies in Texas that exists to protect Texas title insurance policyholders and claimants when a title insurance company or agency fails. TTGIA collects a guarantee fee from title insurance transactions to fund the audit function of the Texas Department of Insurance. The purpose of this bill is to implement operational updates to allow TTGIA to better protect consumers. This bill:

- Makes changes to TTGIA's operations to provide flexibility in the application of funds.
- Addresses problems related to timeline flexibility for fee recoupment periods.
- Expands coverage limits.
- Addresses coverage for theft of funds intended for escrow.
- Allows TTGIA to loan itself money between accounts when one of its accounts is low but another account has funding.
- Changes the time period for TTGIA to recoup fees from a calendar year to a 12-month period.
- Expands coverage amounts from $250,000 to $500,000.

**Workers' Compensation Reporting Requirements—H.B. 1665**

*by Representative Patterson—Senate Sponsor: Senator Paxton*

It has been suggested that certain reporting requirements relating to the Division of Workers’ Compensation (DWC) of the Texas Department of Insurance may have become unnecessary. DWC accepts and stores the DWC Form-84 but does not use it to make decisions on claims. Eliminating this reporting requirement will help clarify DWC's statutory responsibilities and allow system stakeholders and DWC to reallocate resources to more pressing obligations. This bill:

- Requires a hiring contractor and an independent subcontractor who have filed a joint agreement with DWC declaring that the subcontractor is an independent contractor to notify the division, at the division's request only, if a subsequent hiring agreement is made to which that joint agreement does not apply.
Mediation of Health Benefit Claims Involving Balance Billing—H.B. 1742 [VETOED]

by Representative Smithee—Senate Sponsor: Senator Johnson

Interested parties have suggested that patients who receive surprise medical bills for certain laboratory services should be allowed to use the mediation process currently available with respect to balance billing by out-of-network health care providers to resolve these bills. The purpose of this bill is to address this issue by authorizing an enrollee in a preferred provider benefit plan or a health benefit plan to request mediation of a settlement of an out-of-network health benefit claim for a laboratory service under certain conditions. This bill:

Amends the Insurance Code to authorize an enrollee of a preferred provider benefit plan or a health benefit plan to request mediation of a settlement of an out-of-network health benefit claim for a laboratory service if the amount for which the enrollee is responsible to the laboratory, including the amount unpaid by the applicable administrator or insurer, is greater than $500; the laboratory is an out-of-network laboratory; and the specimen evaluated by the laboratory is collected at the office of a health care practitioner who is a preferred provider or has a contract with the administrator or at a preferred provider facility or has a contract with the applicable administrator.

Pharmacist Selection Under Health Insurance Policies—H.B. 1757

by Representative Lucio III—Senate Sponsor: Senators Schwertner and Campbell

Interested parties have suggested that pharmacists are recognized as licensed health care providers and should be included among the practitioners that an insured may select to provide certain services. The purpose of this bill is to address this issue by authorizing an insured to select a pharmacist to provide the services scheduled in a health insurance policy that are within the scope of the pharmacist's license. This bill:

Amends the Insurance Code to authorize an individual who is issued, is a party to, or is a beneficiary under a health insurance policy to select a licensed pharmacist to provide the services scheduled in the health insurance policy that are within the scope of the pharmacist's license to practice pharmacy under the Texas Pharmacy Act.

Operations and Functions of the Texas Windstorm Insurance Association—H.B. 1900

by Representative Greg Bonnen—Senate Sponsor: Senator Taylor et al.

It has been noted that the Texas Windstorm Insurance Association (TWIA) has been attempting to settle claims based on the replacement cost at the time of loss rather than at the time the policy was issued. Concerns have been raised that this practice leaves policyholders uncertain about their coverage. This bill:

Requires TWIA to calculate replacement costs based on the value assessed at the time the customer bought the policy.
Maximum Liability Limits for Windstorm and Hail Insurance—H.B. 1902
by Representative Greg Bonnen—Senate Sponsor: Senator Taylor

Currently, the Texas Windstorm Insurance Association (TWIA) board of directors proposes adjustments to the maximum limits of liability for TWIA policies to the commissioner of insurance (commissioner), who must approve, disapprove, or modify the adjustment within 60 days of receipt. Residential and commercial limits have gone unchanged since 2010 and interested parties have suggested that a change to how proposed adjustments are approved is needed. This bill:

Provides that proposed adjustments are considered approved by the commissioner unless the proposal is disapproved or modified within 30 days of receipt.

Provision of Windstorm and Hail Coverage by Surplus Lines Insurers—H.B. 1940
by Representative Lucio III—Senate Sponsor: Senator Creighton

Concerns have been raised that there may be confusion among surplus lines insurers as to whether they may lawfully provide insurance coverage to residents of counties located in designated Texas Windstorm Insurance Association (TWIA) catastrophe areas; it has been suggested that expanding insurance options in these areas would benefit homeowners. This bill:

Establishes that the availability of windstorm and hail insurance from TWIA does not preclude an eligible surplus lines insurer from providing windstorm and hail insurance or limiting insurance that may be provided.

Texas Windstorm Insurance Claims Deadlines—H.B. 1944
by Representatives Lucio III and Wu—Senate Sponsor: Senator Hancock

Currently, the commissioner of insurance is permitted to extend certain deadlines for claims and related settlement and dispute resolutions under the Texas Windstorm Insurance Association Act (TWIA) for good cause; however, the combined total of all deadline extensions cannot exceed 120 days. The Texas Department of Insurance has raised concerns regarding the maximum allowable deadline extension for claims and related settlement and dispute resolutions under TWIA, especially with regard to claims arising from more than one storm during the same year. It has been suggested that many Texans needing to file claims under the act would benefit from changes to these deadline extensions. The purpose of this bill is to ensure that both claimants and TWIA have sufficient time to settle claims and resolve disputes. This bill:

Amends the Insurance Code to authorize the commissioner of insurance to set the length of a deadline extension relating to claims settlement and dispute resolution under TWIA by rule.

Creates a separate deadline extension limit for each storm rather than imposing one limit for each calendar year.
Payment of Property Insurance Deductibles—H.B. 2102
by Representative Capriglione—Senate Sponsor: Senator Zaffirini

Concerns have been raised regarding the collection by contractors of insurance deductibles owed on work connected to the proceeds of a property or casualty insurance claim. Current law requires contractors to collect insurance deductibles for work related to a property or casualty insurance claim and mandates that consumers pay deductibles. However, concerns have been raised that the statute establishing these rules is vague, leading to some fraudulent actors in the roofing industry falsely claiming they can waive or absorb insurance deductibles. This practice often results in consumers receiving lesser work or facing higher insurance premiums at a later time. Thus, there have been calls to clarify state law governing the payment of insurance deductibles related to property insurance policies. The purpose of this bill is to clarify the relevant statute by providing for the mandatory disclosure of state law in certain contracts relating to the payment of insurance deductibles. This bill:

Requires a person to pay the deductible applicable to a first-party claim made under his or her insurance policy.

Authorizes insurers to withhold payment on a claim until they receive reasonable proof of payment on a deductible.

Requires contracts for services worth more than $1,000 to include a disclosure that Texas law requires payment of a deductible.

Provides that it is an offense to advertise, promise, or provide contracting services to an insured customer in such a way that the contractor pays, waives, absorbs, or otherwise circumvents the required payment of the insured's deductible.

Requires the Texas Department of Insurance (TDI), in coordination with other applicable state agencies and stakeholders, as necessary, to develop and implement a consumer education program related to the payment of property insurance deductibles, setting out requirements for the program.

Prohibition on Contractors Acting as Public Insurance Adjusters—H.B. 2103
by Representatives Capriglione and Greg Bonnen—Senate Sponsor: Senator Zaffirini

Current law prohibits roofing contractors from serving as public insurance adjusters on properties on which they are performing services. It has been suggested that expanding this prohibition to all contractors, whether the contractor holds a public insurance adjuster license or not, could mitigate fraud opportunities and lower insurance premiums. This bill:

Prohibits any contractor from acting as a public insurance adjuster on a property on which the contractor is providing services.
Disclosures and Practices Related to Dental Care Services—H.B. 2486

by Representative Goldman et al.—Senate Sponsor: Senators Schwertner and Menéndez

Currently, dentists are the only health care providers without a patient benefit web portal requirement. It has also been noted that dentists are the only health care providers paid by virtual credit cards, a payment method which forces dentists to pay transaction fees, often resulting in dentists not receiving full payment for care they provide. The purpose of this bill is to create parity between dental insurance and all other forms of health insurance and to ensure that dental patients and dentists have access to timely and accurate information about benefits to verify patients' enrollment, eligibility, and scope of benefits. This bill:

Requires dental insurers to have patient benefit web portals for patients as well as for in-network and out-of-network dentists.

Requires insurers to provide one or more methods of payment that provide the dentists 100 percent of the contracted amount of the payment and do not require dentists to incur fees to access payments.

Prohibits a plan or policy from deducting an overpayment amount from a payment or reimbursement for a dental care service provided by a dentist who did not receive the overpayment. Requires insurers to pay dentists the amount set forth in predeterminations for any service receiving a written predetermination.

Travel Insurance—H.B. 2587

by Representative Lucio III—Senate Sponsor: Senator Paxton

It has been noted that travel insurance can present unique challenges because it does not always fit neatly within current insurance laws. The National Association of Insurance Commissioners recently adopted model language to accommodate these challenges. The purpose of this bill is to represent Texas' version of model legislation, clarifying state law as it applies to Texas travel insurance agencies. This bill:

Amends the Insurance Code to establish specific provisions relating to the business of travel insurance and to define applicable terms.

Sets out the conditions under which a travel protection plan composed of multiple features may be offered for a combined price.

Sets out certain required sales practices and practices that constitute unfair trade.

Provides the time frame in which a consumer is required to exercise the right to cancel a travel protection plan.

Revises provisions relating to travel insurance agents.
Removes language limiting the authority of a travel retailer to offer and disseminate travel insurance on behalf of and under the license and direction of a supervising entity to certain specified types of insurance only.

Requires the commissioner of insurance to adopt rules necessary to implement certain bill provisions relating to travel insurance and travel insurance agents, and establishes that those rules are not subject to certain Administrative Procedure Act provisions.

Use of Names by Public Insurance Adjusters—H.B. 2659
by Representative Paul—Senate Sponsor: Senator Schwertner

There are concerns that the prohibition against a licensed public insurance adjuster using a name different from the name under which the adjuster is currently licensed is overly restrictive and does not account for the common use of assumed name certificates. This bill:

Amends the Insurance Code to except a licensed public insurance adjuster from the prohibition against using a name different from the name under which the adjuster is currently licensed in an advertisement, solicitation, or contract for business, if the name is used under a valid assumed name certificate as provided by the Assumed Business or Professional Name Act.

Insurer Investments in Bond Exchange-Traded Funds—H.B. 2694
by Representative Lucio III—Senate Sponsor: Senator Creighton

An exchange-traded fund (ETF) is an investment fund traded on stock exchanges that holds assets such as stocks, bonds, and, in some cases, many different securities in order to meet investment goals. There have been calls to allow certain insurers to invest funds in excess of minimum capital and surplus requirements in shares of bond ETFs. This bill:

Amends the Insurance Code to authorize certain insurers and insurance companies to invest funds in excess of minimum capital and surplus in shares of a bond ETF registered as an investment company under the amended federal Investment Company Act of 1940 with a principal investment strategy of investing primarily in bonds, loans, or other debt instruments, if certain conditions are met.

Contains safeguards for qualifying ETFs, including setting a minimum ETF size, evaluation by the National Association of Insurance Commissioners, and a concentration limit for any one ETF.

Preauthorization Renewals for Health Care Services—H.B. 3041
by Representatives Chris Turner and Kacal—Senate Sponsor: Senators Buckingham and Menéndez

It has been suggested that the current prior authorization renewal process for ongoing medically necessary treatment is overly burdensome and can lead to possible negative health outcomes for
individuals who, due to the time-consuming nature of the renewal process, miss critical medical treatment. The purpose of this bill is to address this issue by requiring health benefit plans to provide a preauthorization process allowing a renewal of an existing prior authorization to be requested at least 60 days before the prior authorization expires. This bill:

Amends the Insurance Code to require a health benefit plan issuer requiring preauthorization as a condition of payment for a medical or health care service to provide a preauthorization renewal process that allows a renewal of an existing preauthorization to be requested at least 60 days before the preauthorization expires. Requires an issuer that receives a preauthorization renewal request before the existing preauthorization expires to review the request and issue a determination indicating whether the medical or health care service is preauthorized before the existing preauthorization expires, if practicable.

Regulation of Title Insurance—H.B. 3228
by Representative Munoz, Jr. et al.—Senate Sponsor: Senator Hancock

Concerns have been raised that consumers have no way to effectively participate in the title insurance rate-setting process and that only title insurance companies, agents, associations, and government regulators have input in the rate-setting hearings. This bill:

Amends the Insurance Code to authorize an interested person to request in writing to the commissioner of insurance a public hearing to consider changing a premium rate, including fixing a new premium rate. Defines "interested person" as a state resident, a business entity doing business in Texas, a political subdivision located in Texas, or a public or private organization, other than a state agency, located in Texas.

Requires the commissioner, not later than the 60th day after the date the request is submitted, to deny the request in writing, stating the reasons for the denial, or to initiate the requested hearing.

Information Disclosure Regarding Certain Insurers—H.B. 3306
by Representative Smithee—Senate Sponsor: Senator Zaffirini

It has been noted that the National Association of Insurance Commissioners (NAIC) is the standard-setting and regulatory support organization coordinating the regulation of multistate insurers. Concerns have been raised regarding the accreditation of Texas under NAIC if the state fails to adopt certain standards relating to the disclosure of information concerning corporate insurer governance structures. It has been suggested that the failure to adopt these standards will place a heavy burden on domestic insurers based in Texas. The purpose of this bill is to address this issue by adopting these standards. This bill:

Requires an insurer based in Texas but doing business in other states to submit a corporate governance disclosure to the commissioner of insurance by June 1 of each year and provides that such disclosures shall be confidential.
Health Benefit Coverage for Telehealth Services—H.B. 3345  
by Representative Price et al.—Senate Sponsor: Senator Hughes

It has been noted that despite recent legislative efforts, many health plans continue to treat telemedicine medical services as covered and reimbursable medical services provided by a physician only if those services are provided through a third party vendor using that vendor's specific platform. Concerns have been raised that because these vendors generally do not have a way to ensure that contracted physicians will be able to connect with their own existing patients, some patients cannot access their own physician when telemedicine is determined as a means for provision of care. This bill:

Amends the Insurance Code to require a health benefit plan to provide for a covered health care service or procedure delivered by a preferred or contracted health professional to a covered patient as a telemedicine medical service or telehealth service on the same basis and to the same extent that the plan provides coverage for the service or procedure in an in-person setting.

Liability Coverage for Certain Vehicles—H.B. 3420  
by Representatives Lambert and Raney—Senate Sponsor: Senators Menéndez and Creighton

New motor vehicle franchise dealers in Texas now routinely provide temporary substitute vehicles in the form of courtesy or loaner vehicles to customers when a customer’s own vehicle is being repaired by the dealership. Although automobile insurance typically follows the policyholder, some insurance companies have adopted recent policy changes that leave Texas auto policyholders without primary coverage for physical damage to loaner vehicles. The purpose of this bill is to ensure that Texas drivers are protected under personal automobile insurance policies when driving temporary vehicles. This bill:

Amends the Insurance Code to require a personal automobile insurance policy to include primary liability coverage for a qualifying temporary vehicle as a covered vehicle during the policy term that provides primary coverage for the insured's legal liability for bodily injury and property damage and for damage to the temporary vehicle. Requires the coverage to insure the person named in the personal automobile insurance policy and any resident relative of the insured and licensed operator residing in the household except for an individual not covered in a named driver policy.

Health Plan Reimbursement for Pharmacy Services Rendered—H.B. 3441  
by Representative Lucio III—Senate Sponsor: Senator Schwertner

Concerns have been raised that pharmacists are not routinely paid for providing services for which other health care providers are paid. This bill:

Amends the Insurance Code to prohibit an insurer or other health benefit plan issuer or a third-party administrator or pharmacy benefit manager of a health benefit plan from denying reimbursement to a pharmacist for a service or procedure within the scope of the pharmacist's
license to practice pharmacy under the Texas Pharmacy Act covered by the insurance policy or other coverage agreement if the service or procedure were provided by a physician, an advanced practice nurse, or a physician assistant, and that is performed by the pharmacist in strict compliance with laws and rules related the service or procedure and the pharmacist's license.

Prohibits these provisions from being construed to require an insurer or other health benefit plan issuer or a third-party administrator or pharmacy benefit manager to reimburse a pharmacist or pharmacy as an in-network or preferred provider.

**Licensing and Regulation of Certain Pharmacies—H.B. 3496**

*by Representative Sheffield—Senate Sponsor: Senator Creighton et al.*

Those concerned about the ongoing opioid crisis have raised questions about the impact of entities dubbed "pill mills," operations in which a doctor, clinic, or pharmacy prescribes or dispenses medications without legitimate medical purpose. Additional concerns have been raised regarding potential misuse of the Medicare and Medicaid reimbursement systems by some pharmacies and pharmacists. Thus, it has been suggested that closer scrutiny of pharmacies that do not operate as publicly traded companies is warranted. The purpose of this bill is to decrease the number of bad actors contributing to the opioid crisis to improve health outcomes for Texans. This bill:

Amends the Occupations Code to require an applicant for a pharmacy license to submit a sworn disclosure statement as prescribed by the bill unless the pharmacy for which the application is made is operated by a publicly traded company or wholly owned by a retail grocery store chain or if the applicant is seeking a Class B or Class C pharmacy license. Sets out the required contents of the sworn disclosure statement and requires the statement to be given under oath, as prescribed by Texas State Board of Pharmacy (TSBP) rule.

Requires an applicant to notify TSBP not later than the 60th day after the date any administrative sanction or criminal penalty is imposed against a person with a direct financial investment in the pharmacy.

Authorizes TSBP to discipline an applicant or holder of a pharmacy license if TSBP finds that the applicant or license holder has engaged in fraud, deceit, or misrepresentation, as defined by TSBP rule.

Authorizes the executive director of TSBP to require a pharmacy license holder to submit a surety bond to TSBP in an amount as prescribed by TSBP rule but capped at $25,000. Authorizes TSBP to use a pharmacy's surety bond to secure the payment of a fine, fee, or penalty imposed on the pharmacy or recover costs incurred by TSBP in conducting an investigation of a pharmacy for certain offenses if the pharmacy fails to pay the fine, fee, penalty, or cost as prescribed by TSBP rule. Authorizes TSBP to impose an administrative penalty on an applicant who fails to submit a sworn disclosure statement on an application for a pharmacy license, if applicable.
It has been noted that certain provisions of state law relating to the approval of insurance companies to provide structured settlement annuity contracts are outdated and make reference to obsolete ratings and to companies no longer in business. Concerns have been raised that these outdated references can lead to confusion in the courts and can negatively impact consumers and businesses. The purpose of this bill is to address these concerns by updating those references. This bill:

Amends the Property Code to change insurance company ratings a court may consider in approving the company for purposes of providing certain structured settlement annuity contracts by replacing the consideration of an industry rating equivalent to at least two statutorily specified rating organizations with the consideration of an issuer credit rating equivalent to a National Association of Insurance Commissioners (NAIC) 1 designation from a national or international rating agency registered with the federal Securities and Exchange Commission, designated as a nationally recognized statistical rating organization, and on the list of Credit Rating Providers by the Securities Valuation Office of NAIC.

Interested parties contend that though rural hospitals are crucial providers of rural health care, many currently face financial insolvency. Rural hospitals disproportionately treat a higher number of Medicaid patients and are currently reimbursed for services provided at a rate set in 2010. S.B. 170 establishes the intent of the legislature that rural hospitals be reimbursed at current costs for Medicaid services rendered. This bill:

Defines "rural hospital."

Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC), to the extent allowed by federal law and subject to limitations on appropriations, to adopt a prospective reimbursement methodology for the payment of rural hospitals participating in Medicaid to ensure rural hospitals are reimbursed individually for providing services to Medicaid recipients, using the most recent cost information.

Requires HHSC to calculate the prospective cost-based reimbursement rates once every two years.

Authorizes the executive commissioner to adopt a methodology that requires a managed care organization (MCO) to reimburse rural hospitals for services delivered through the Medicaid managed care program using a minimum fee schedule, or a federal matching plan, or a methodology that requires both HHSC and an MCO to share in the total reimbursement paid to rural hospitals.
Requires that the reimbursement paid to a rural hospital be subject to any applicable adjustments made by HHSC for payments to or penalties imposed on the rural hospital based on a quality-based or performance-based Medicaid requirement.

Requires HHSC, not later than September 1 of each even-numbered year, to determine the allowable costs incurred by a rural hospital participating in the Medicaid managed care program, based on reports submitted by rural hospitals to the federal Centers for Medicare and Medicaid Services, together with other available information HHSC considers relevant.

Requires the executive commissioner to adopt, and HHSC to implement, a true cost-based reimbursement methodology beginning with the state fiscal year ending August 31, 2022, for inpatient and general outpatient services provided to Medicaid recipients at rural hospitals.

Requires HHSC, if federal law does not permit the use of a true cost-based reimbursement methodology as previously described, to continue to use the prospective cost-based reimbursement methodology adopted for the payment of rural hospitals for providing inpatient and general outpatient services to Medicaid recipients.

Requires HHSC to implement provisions of this act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, HHSC to implement provisions of the act using other available appropriations if the legislature does not appropriate funds.

Requires HHSC, not later than September 1, 2020, to determine the allowable costs incurred before that date by a rural hospital participating in the Medicaid managed care program.

Requires a state agency, if necessary for implementation of a provision of this act, to request a waiver or authorization from a federal agency, authorizing a delay of implementation until such waiver or authorization is granted.

**Insurance Practices Related to Obtaining Opioid Antagonists—S.B. 437**

*by Senator Nelson—House Sponsor: Representative Price et al.*

Opioid antagonists are safe and effective medications that can reverse the effects of an opioid overdose temporarily so that the individual can receive emergency medical treatment. Many individuals, among them mothers, friends, and nurses, carry opioid antagonists to help those who might be suffering from an opioid addiction. However, some life insurers consider the use of prescription drugs when reviewing policy applicants. Since it can be difficult to tell the difference between someone who carries an opioid antagonist to save others and someone who carries an opioid antagonist because they are personally at risk for an overdose, some life insurers deny or limit coverage for individuals prescribed with an opioid antagonist. The purpose of this bill is to remove barriers for individuals who wish to carry life-saving opioid antagonists. This bill:

Amends current law to prohibit life insurance companies from denying or limiting coverage based on a prescription for or obtainment of an opioid antagonist.
Insurance Policy Disclosures—S.B. 442  
*by Senator Hancock et al.—House Sponsor: Representative Perez et al.*

Concerns were raised in the aftermath of Hurricane Harvey and the numerous flood events experienced in the state in recent years that many consumers do not know that they may need flood insurance or do not know that policies do not provide flood coverage. Many consumers uninsured at the time of disasters subsequently made decisions to purchase residential and commercial insurance; however, data shows that many remain underinsured due to an assumption that policies provide flood coverage when, in fact, they do not. This bill:

Requires Texas insurers to provide a prominent disclosure in the insurance policy documents if a residential or commercial insurance policy does not include flood coverage.

Insurance Policy Material Change Notices—S.B. 590  
*by Senator Watson—House Sponsor: Representative Lucio III*

Concerns were raised regarding the clarity with which changes to certain commercial insurance policies are communicated to policyholders and agents. S.B. 417 (Watson), 85th Legislature, Regular Session, 2017, amended the Insurance Code to require insurance companies to provide a conspicuous, plain-language notice before making a material change to a policyholder’s property and casualty insurance. This bill extends the protections of S.B. 417 to include commercial and liability policies to help businesses and their insurance companies make more informed decisions regarding insurance needs. This bill:

Defines "material change" as a change to a policy that, with respect to a previous or existing policy, reduces coverage, changes conditions of coverage, or changes the duties of the insured.

Amends the Insurance Code to make applicable to a commercial property insurance policy the provisions governing the cancellation and nonrenewal of certain liability insurance policies and to revise those provisions accordingly.

Establishes that a change to a liability insurance or commercial property insurance policy provision on renewal is not a nonrenewal or cancellation if the insurer provides the insured with written notice of any material change.

Requires notice to appear in a conspicuous place in renewal documents, clearly indicate each material change to the policy being made on renewal, be written in plain language, and be provided to the insured not later than the 30th day before the renewal date.

Requires an insurer, if the insurer elects to make a material change to a policy form on renewal, to provide written notice, not later than the 30th day before the earliest renewal date on which the new policy form is used, to each agent of the insurer. Requires that the notice clearly indicate each material change being made to the policy.
Provides for an exception to the written material change notification requirement for policies written under the large risk rule and for policy changes requested or already approved by the insured.

**Texas Property and Casualty Insurance Guaranty Association Operations—S.B. 1063**

*by Senator Hancock—House Sponsor: Representative Paul*

The Texas Property and Casualty Insurance Guaranty Association (TPCIGA) was created by the Texas Legislature to provide financial protections for insurance consumers in the event that a member insurer becomes insolvent. The Insurance Code allows TPCIGA to pay claims and defend insureds but it is a consumer-protection safety net, rather than an insurance company. The TPCIGA staff and board have identified some needed changes in current statute in order to allow the association to operate more efficiently, reduce operational costs, and facilitate faster disposition of certain claims. This bill:

Aligns TPCIGA with other state guaranty associations by triggering duties upon a liquidation court order, without the need for a separate order by the commissioner of insurance (commissioner).

Allows the commissioner to fill the interim vacancy of a public member of the board.

Allows TPCIGA’s board to conduct meetings by conference call, as already allowed to the Texas Windstorm Insurance Association and as proposed in separate bills regarding the two other Texas guaranty associations.

Allows TPCIGA to recover costs and attorney fees incurred in enforcing existing statutory rights of an insured.

Authorizes use of loss portfolio transfers to aid TPCIGA in fulfilling its statutory duties.

Clarifies that TPCIGA’s right to recover the proceeds from salvage property may not be reduced by pre-impairment costs not otherwise recoverable against the association.

Clarifies that TPCIGA’s right to recover from certain high net worth insureds extends to the insured’s successor entity.

**Telecommunications Fees for Municipalities—S.B. 1152**

*by Senator Hancock—House Sponsor: Representative Phelan*

Telecommunication providers that install a line in a city's right of way pay the city for the right to occupy that right of way. However, due to a discrepancy in statutes contained in two different codes, providers ultimately pay for that right twice. A provider who uses a single line in a city right of way to send both telephone and cable data is currently required to pay two fees for the separate services even though it uses only a single line. Interested parties have raised concerns that companies are being double taxed to provide services to city consumers and, as a result, costs are
ultimately passed on to the consumer. The purpose of this bill is to eliminate the duplicative structure in rights of way payments. This bill:

Requires a telecommunication provider sending both telephone and cable data through a single line to pay the larger of the two fees associated with those uses, rather than paying two separate fees.

**Improvements to the Life and Health Insurance Guaranty Association Act—S.B. 1153**

*by Senator Hancock—House Sponsor: Representative Smithee*

Interested parties have identified needed changes to the Life and Health Insurance Guaranty Association Act (act) to reflect the current state of health insurance and to make the assessment methodology for long term care insolvencies more equitable. This bill:

Amends the Insurance Code to include a health maintenance organization (HMO) as a type of insurer required to participate as a member of the Texas Life and Health Insurance Guaranty Association (association) and to revise the act to reflect that inclusion and make certain other updates regarding the act’s applicability.

Establishes that certain existing exclusions from coverage under the act do not apply to any portion of a policy or contract, including a rider, that provides long-term care benefits or any other health insurance benefit and that, for the purposes of the act, benefits provided by a long-term care rider to a life insurance policy or annuity contract are the same type of benefits as the base life insurance policy or annuity contract.

Requires the commissioner of insurance (commissioner), in appointing members of the association's board of directors, to consider whether the directors appointed from member insurers fairly represent the member insurers that are HMOs and life, health, and annuity insurers.

Authorizes the association to implement or file for an actuarially justified rate or premium increase in accordance with the terms and conditions of a covered policy or contract unless doing so is prohibited by other law.

Requires the amount of a Class B assessment for long-term care insurance written by an impaired or insolvent association member insurer to be allocated according to a methodology that is included in the association's plan of operation, approved by the commissioner, and provides for 50 percent of the assessment to be allocated to accident and health member insurers and 50 percent to life and annuity member insurers.

Expands the list of actions that the association may take with respect to an impaired or insolvent member insurer to include reissuing the insurer's policies or contracts or causing those policies or contracts to be reissued and makes the association's right to appear before a court applicable to a proposal for reissuing an impaired or insolvent insurer's policies or contracts.
Removes the requirement for the association, in ensuring payment of benefits with respect to a life or health insurance policy or contract of certain impaired or insolvent insurers, to ensure such payment at premiums identical to the premiums that would have been applicable under that policy or contract and specifies that a reissued or alternative policy offered by the association as substitute coverage with respect to such a policy or contract must be offered at actuarially justified rates.

**Reducing Delays for MDCP Enrollees—S.B. 1207**

_by Senator Perry et al._—_House Sponsor: Representative Krause et al._

Certain children enrolled in the Medically Dependent Child Program (MDCP) are also covered by some other form of primary insurance; in these situations, Medicaid is always the payer of last resort. Advocates contend that the authorization process linking managed care organizations (MCOs) and commercial insurance entities is overly complex and time-consuming. Delays caused by this process can result in children having major surgeries canceled, having critical medications denied, and having medically necessary procedures delayed. S.B. 1207 creates a framework to remove barriers that cause these delays. This bill:

- Requires the Health and Human Services Commission (HHSC) to ensure that a notice sent by HHSC or a Medicaid MCO to a Medicaid recipient or provider regarding the denial, reduction, or termination of medical coverage include specific information.

- Requires HHSC or a Medicaid MCO, upon receiving a coverage request containing insufficient or inadequate documentation, to issue to the Medicaid recipient certain information regarding the missing information.

- Requires MCOs and other Medicaid providers to maintain an Internet website detailing certain easily-digestible information relating to timelines and coverage.

- Requires MCOs and other Medicaid providers to create and maintain communication networks to clarify prior authorization requirements.

- Requires HHSC to contract with an independent external medical reviewer to conduct certain external medical reviews. Creates certain mechanisms for the review process.

- Creates a mechanism for children who no longer qualify for MDCP coverage to apply for the waiver program's interest list.

- Requires HHSC to provide certain assessment results to legally authorized representatives of MDCP waiver program recipients.

- Requires HHSC to analyze the findings of Texas' external quality review organization's initial report on the STAR Kids managed care program.
Prohibits HHSC from requiring a child to reside in a nursing facility for an extended period to meet the nursing facility level of care required for the child to be deemed eligible for the MDCP waiver program.

Requires HHSC to improve and streamline the care needs assessment tool, STAR Kids’ managed care program annual care needs reassessment process, and the Medicaid escalation hotline.

Requires each Medicaid MCO to develop and implement a process to conduct an annual review of the MCO’s authorization requirements.

Requires HHSC to establish a uniform process and timeline for Medicaid MCOs to reconsider an adverse determination on a prior authorization request resulting solely from the submission of insufficient or inadequate documentation.

Requires HHSC to develop and implement a policy for a Medicaid MCO to ensure coordination and timely delivery of Medicaid wraparound benefits for recipients covered by both primary health benefit plans and Medicaid.

**Nonprofit Legal Services Corporations—S.B. 1623**
*by Senators Zaffirini and Hall—House Sponsor: Representative Smithee*

Texas Legal, a nonprofit legal services corporation, provides access to a network of attorneys throughout the state for adoptions, divorces, and estate planning, among other services, for a monthly fee. Historically, both for-profit and nonprofit legal services corporations were treated as insurance entities and regulated by the Texas Department of Insurance (TDI). In 2003, however, oversight of for-profit legal services corporations was transferred to the Texas Department of Licensing and Regulation, and in 2017 the legislature deregulated for-profit legal services corporations altogether. This left Texas Legal as the only regulated entity in the market. The purpose of this bill is to correct this oversight and deregulate nonprofit legal services corporations, creating parity with for-profit counterparts. This bill:

Amends the Insurance Code to exempt a nonprofit legal services corporation from regulation by TDI and to make the Texas Non-Profit Corporation Act as enumerated by the Business Organizations Code applicable to such a corporation, to the extent provided by Insurance Code provisions relating to nonprofit legal services corporations.

**Insurance Claim Payments for Chiropractic Treatment—S.B. 1739**
*by Senator Menéndez—House Sponsor: Representatives Lucio III and Cain*

Concerns have been raised that some insurers may pay an insurance claim for treatment provided by a physician or physical therapist but deny a claim for the same treatment provided by a chiropractor, even if the treatment is within the scope of a chiropractor's license and the chiropractor is an in-network or preferred provider. As a result of this practice, chiropractic patients are forced to pay out-of-pocket for services that they believed were covered under insurance.
Current law already prohibits some types of health insurers from treating chiropractors differently from other providers but some insurers reportedly ignore this prohibition; since the law does not permit an aggrieved chiropractor to file suit, they are left defenseless. The purpose of this bill is to provide chiropractors with a means to enforce this prohibition when treated unfairly. This bill: Amends the Insurance Code to prohibit a health maintenance organization (HMO) offering a health care plan or an insurer offering a preferred provider benefit plan that covers a service within the scope of a chiropractor's license from refusing to provide reimbursement for the performance of a covered service solely because the service is provided by a chiropractor.

Subjects an HMO or an insurer violating the bill's provisions or a health insurance policy issuer violating statutory provisions relating to an insured's selection of a chiropractor to a maximum penalty of $1,000 for each viable claim that remains unpaid.

**Health Care Provider Directories—S.B. 1742**

*by Senator Menéndez et al.—House Sponsor: Representative Julie Johnson*

In an effort to prevent the occurrence of a surprise medical bill, patients and referring physicians often review health plan directories to determine the network status of facility-based physicians at in-network facilities. Concerns have been raised that this task can be difficult because current health plan provider directories do not always display information in a clear, user-friendly manner. The purpose of this bill is to allow physicians to more easily refer patients to in-network providers and patients to ensure the in-network status of a provider before receiving care by improving plan directories. This bill:

Amends the Insurance Code to require a physician and health care provider directory maintained by certain health benefit plan issuers to include physician or health care provider specialties in the directory and to require the directory to be electronically searchable by specialty and facility.

**Value-Based Agreements—S.B. 1780**

*by Senator Paxton—House Sponsor: Representative Parker*

Policymakers have increasingly sought new solutions to balance the value of health care with its related costs. To this end, S.B. 1780 allows the Health and Human Services Commission (HHSC) to seek value-based agreements. This bill:

Authorizes HHSC to enter into a value-based arrangement for the Medicaid Vendor Drug Program.

Requires a state agency to request a federal waiver or authorization, if necessary, to implement a provision of this act.
Disclosures Related to Health Benefit Plans—S.B. 1852
by Senator Paxton—House Sponsor: Representative Smithee

Consumer Choice Plans allow insurers and health maintenance organizations to offer policies that give consumers the ability to choose which health insurance mandates are added policies, allowing for lower-cost options. Currently, carriers are required to notify consumers if they are purchasing a Consumer Choice Plan, to identify the benefits that have been limited, and to receive a signature acknowledgement at the inception and upon renewal of the policy. However, obtaining a signature on renewal of a policy, often done by e-mail or by phone, can be difficult; interested parties have raised concerns that collecting and tracking signed authorizations for policy renewals is an administrative burden of questionable value for all parties. This bill:

Amends the Insurance Code to remove the requirement that each policyholder on renewal of coverage of a standard health benefit plan and each contract holder on renewal of enrollment in such a plan sign the required written disclosure statement concerning coverage under the plan that is provided by a health carrier or health maintenance organization (HMO) and return the statement to the health carrier or HMO, as applicable.

Temporary Health Insurance Risk Pools—S.B. 1940
by Senator Hancock—House Sponsor: Representative Oliverson

The state operates a health insurance risk pool that seeks to provide health insurance to eligible Texans who are otherwise unable to obtain health insurance due to certain health conditions. Following the enactment of federal legislation that generally prohibited insurers from rejecting applicants due to preexisting health conditions, the Texas legislature took steps toward dissolving the risk pool in 2019. The purpose of this bill is to provide a safety net for vulnerable Texans in case federal action requires the establishment of a state risk pool to cover individuals with high-cost medical conditions by postponing the dissolution of the risk pool to August 2021 and providing the commissioner of insurance with broader authority to seek federal waivers with respect to insurance provided under the risk pool. This bill:

Amends the Insurance Code to postpone from August 31, 2019, to August 31, 2021, the expiration of provisions governing the temporary health insurance risk pool and clarifies that the commissioner of insurance may apply for federal funds to establish and administer the risk pool.

Amends the statutory purpose of the risk pool from providing a temporary mechanism for maximizing available federal funding to assist Texas residents in obtaining access to quality health care at minimum cost to the public to providing a temporary mechanism to assist Texas residents in obtaining access to quality, guaranteed issue health coverage at minimum cost to the public.

Prohibits the risk pool from being used in a manner that requires the state to assume functions currently performed by the United States Department of Health and Human Services or the Internal Revenue Service under the federal Patient Protection and Affordable Care Act.
Authorizes the commissioner, if necessary to ensure access to quality individual health insurance coverage for individuals with preexisting conditions, to take actions necessary to establish a temporary high risk pool.

Establishes that any rule or plan of operation adopted remains in effect only until 30 days following the end of the next regular session of the legislature unless a law is enacted that authorizes coverage to be issued by the temporary risk pool and provides for funding for coverage under the temporary risk pool.

Removes language limiting the applicable federal law provisions under which the commissioner may apply to the United States Secretary of Health and Human Services for a waiver with respect to insurance provided under the risk pool to provisions enacted on or after May 1, 2017.

Reducing EVV System Burdens—S.B. 1991

by Senators Buckingham and Hinojosa—House Sponsor: Representative Klick

Electronic Visit Verification (EVV) is a computer-based system that electronically verifies the occurrence of authorized personal attendant service visits. Texas requires EVV for certain Medicaid-funded home and community-based services. Interested parties have raised concerns that the program's current rules are overly burdensome on providers. S.B. 1991 refines the EVV system to ensure that providers and the state have the flexibility to implement systems that will comply with the requirements of the federal Cures Act while simultaneously reducing administrative burdens. This bill:

Requires the Health and Human Services Commission (HHSC) to develop an open model system that mitigates the administrative burdens identified by providers required to use EVV. Requires HHSC to allow providers to use emerging technologies in providers' proprietary EVV systems. Requires HHSC to adopt rules governing data submission and provider reimbursement.

Requires the executive commissioner of HHSC (executive commissioner) to adopt certain rules relating to managed care organizations (MCOs) that engage in payment recovery efforts. Requires the executive commissioner to adopt certain rules that standardize the process by which MCOs collect alleged overpayments.

Requires HHSC to conduct a study to evaluate the impacts and the effectiveness of using the Medicare education adjustment factor to calculate the medical education add-on used to reimburse certain hospitals. Requires HHSC to report its findings to the governor and the legislature.
Standardizing Certain Forms in Criminal Courts—H.B. 51 [VETOED]
by Representative Canales—Senate Sponsor: Senator Zaffirini

Each county creates its own forms to be used in its criminal courts, which can cause confusion for attorneys who practice in multiple counties. Interested parties have suggested standardizing these forms. This bill:

Requires the Office of Court Administration to create and promulgate nine forms to be used in all counties, including forms to waive a jury trial and enter a plea, certify a defendant’s right to appeal, and document a prosecutor’s recommendation for punishment as part of a plea deal.

Inclusion of Magistrate's Name on Certain Signed Orders—H.B. 93 [VETOED]
by Representative Canales—Senate Sponsor: Senator Hinojosa

Some parties in court proceedings are encountering difficulties determining the originating court and the applicable magistrate when reading court orders. H.B. 93 addresses this issue by requiring every court order to include, along with the magistrate's signature, the magistrate's name in a legible form. This bill:

Amends the Code of Criminal Procedure to require any signed order issued by a magistrate under that code or any signed order pertaining to a criminal matter issued by a magistrate under another Texas statute to include the magistrate's signature and the magistrate's name in legible handwriting, legible typewritten form, or in legible stamped print.

Preserving Evidence in Cause of Death Inquests—H.B. 300
by Representatives Murr and Lang—Senate Sponsor: Senator Whitmire

Current law requires justices of the peace (JPs) to preserve all tangible evidence in cause of death inquests by either depositing relevant evidence with the appropriate law enforcement agency or delivering the evidence to the district clerk for safekeeping. This bill:

Removes the option for JPs to deliver tangible evidence in cause of death inquests to the district clerk and requires district clerks currently in possession of such evidence to transfer it to the appropriate law enforcement agency.

Jurisdiction in a Suit for Adoption of a Child—H.B. 369
by Representative Cain et al.—Senate Sponsor: Senator Huffman

Section 103.001(b), Family Code, allows suits in which adoptions are requested to be filed in the county where the child resides or in the county where the petitioner resides, regardless of another court's continuing, exclusive jurisdiction. A court that has continuing, exclusive jurisdiction is not required to transfer the suit affecting the parent-child relationship (SAPCR) to the court in which the adoption is filed. The Family Code requires petitions in adoption suits to include a statement
that the court in which the petition is filed has continuing, exclusive jurisdiction or that no court has continuing jurisdiction. Some have noted that there are inconsistencies in the law because adoption petitions can be filed in courts different from the court maintaining continuing, exclusive jurisdiction. This bill:

Requires a court with continuing and exclusive jurisdiction of an adoption suit affecting the parent-child relationship to transfer the suit to the county in which the child resides.

**Maintaining Information Entered Into Fee Record—H.B. 435**

*by Representative Shaheen et al.—Senate Sponsor: Senator Zaffirini*

Counties routinely collect unpaid fees as allowed by rulings in those counties' trial courts. In many cases, court-ordered fees are collected expeditiously, however when defendants are deceased or serving a life-long prison sentence these fees are unlikely to be collected by the county. The costs of maintaining these unpaid fees in the county's collection system for years, or attempting to recover them, outweigh their value. Accordingly, legislation in 2017 allowed district and county officials in Collin County to request that an unpaid fee be deemed uncollectable if the defendant is deceased, serving a life sentence or life without parole, or the fee has been unpaid for at least 15 years. This bill:

Authorizes the clerk of a court to request the court to deem a cost or fee that was imposed in a civil case uncollectible if that cost or fee has been unpaid for at least 15 years.

Repeals Article 103.0081(c), Code of Criminal Procedure, relating to the authority of a trial court in Collin County to order the designation of certain fees or items of cost imposed in a criminal action or proceeding as uncollectible.

**Appointed Masters to Serve Truancy Courts in Bell County—H.B. 452**

*by Representatives Shine and Buckley—Senate Sponsor: Senator Buckingham*

Interested parties have called for strengthened communication between Bell County school districts and courts in truancy matters to reduce the courts' truancy case backlog. This bill:

Authorizes the Commissioners Court of Bell County to select masters to serve the county's truancy courts.

Provides for the training, powers and duties, and jurisdiction of truancy masters.

**Employment Protections for Person Serving as Grand Juror—H.B. 504**

*by Representative Dutton—Senate Sponsor: Senators Miles and Zaffirini*

It has been noted that employment protections for those who serve on juries do not apply to those serving on a grand jury. This bill:
Amends the Civil Practice and Remedies Code to extend the applicability of statutory provisions relating to a juror's right to reemployment to persons who serves as a grand jurors.

**Written Agreements Incident to Divorce or Annulment—H.B. 559**  
*by Representative Senfronia Thompson—Senate Sponsor: Senator Huffman et al.*

Personal financial information contained in a confidential agreement incident to divorce or annulment can be disclosed if the agreement must be filed with a court along with the final decree. It has been suggested that these agreements, sometimes used intentionally to shield financial information from public disclosure, should expressly not be required in filings with a court if the agreement is incorporated only by reference in the final divorce or annulment decree. This bill:

Provides that a written agreement in a divorce agreement is not required to be filed with a court in a divorce or an annulment proceeding under such circumstances.

**Use of Funds Appropriated for Continuing Legal Education—H.B. 598**  
*by Representatives Price and Moody—Senate Sponsor: Senator Zaffirini*

Current law authorizes the Texas Court of Criminal Appeals (CCA) to use up to one-third of appropriated funds to educate judges and magistrates. It is unclear, however, whether those funds can be used for the education of full-time associate judges and part-time masters, magistrates, referees, and associate judges. This bill:

Includes full-time associate judges and part-time masters, magistrates, referees, and associate judges in the list of judges and magistrates for whose continuing legal education CCA may use appropriated funds. This bill would allow part-time magistrates and full-time and part-time associate judges the same opportunities to receive training as other judges and magistrates.

**Immunity From Liability of a Court Clerk and County—H.B. 685**  
*by Representative Clardy et al.—Senate Sponsor: Senator Hughes*

Interested parties have expressed the need for lawsuit immunity protection for clerks and counties in the third-party release of court documents accessed from the statewide court records databases. This bill:

Amends current law relating to immunity from liability of a court clerk and county for the disclosure or release of certain court documents.
Establishment of Electronic Database for Settlement Agreements—H.B. 770
by Representative Sarah Davis—Senate Sponsor: Senator Zaffirini

Lawsuits involving personal injury and wrongful death often result in settlements opposed parties wish to keep private, especially when the beneficiary is a minor or a person with a legal guardian. A judge may approve a settlement and require attorneys or guardians to maintain record of it privately, rather than file the agreement in public court records. The administrative burden caused by this privacy requirement can last for years or decades if the case involves a young child or a person with a legal guardian. In addition, records can be lost or destroyed. This bill:

Requires the Office of Court Administration to create a database for settlement agreements if the beneficiary is a minor or a person who is incapacitated. The database will be confidential and accessible only by the parties to the agreement, a party's attorney, or a party's guardian, or guardian ad litem.

Clarifying Jury Instructions Relating to Good Conduct Credit—H.B. 1279
by Representative Allen—Senate Sponsor: Senator Menéndez

Some suggest that jury instructions relating to good conduct credits in felony cases are misleading, perhaps influencing jurors to impose higher sentences than they otherwise would. Stakeholders contend that revising language in jury instructions would result in fairer sentences. This bill:

Revises language in jury instructions in felony cases to clarify the application of good conduct credits and parole eligibility.

Surety Bonds for Deputy Clerks and Staff—H.B. 1494
by Representative Guillen—Senate Sponsor: Senator Zaffirini

Texas law requires certain county and district officers and their employees to be covered by an official bond before beginning their duties. Some local officials, however, have expressed concerns regarding ambiguity in the interpretation of the current law. There is confusion, for example, regarding the amount of and qualifications for the bonds of the deputy clerks and employees. This bill:

Replaces the existing surety bond requirements for deputy clerks and other employees of a district clerk with a requirement for a district clerk to obtain one or more surety bonds to cover each deputy clerk or other employee by an individual bond for each deputy clerk and other employee in an amount for each bond that is equal to the district clerk's bond; or a schedule surety bond or blanket surety bond to cover all deputy clerks and all other employees in a total amount that is equal to the district clerk's bond.

Replaces the existing surety bond requirements for deputy clerks and other employees of a county clerk with a requirement for a county clerk to execute one or more surety bonds to cover each deputy clerk or other employee by executing individual bonds or a schedule surety bond or blanket surety bond.
surety bond that meets the same requirements applicable to the surety bonds obtained by a district clerk for the clerk's employees.

**Affidavits Concerning Cost and Necessity of Services—H.B. 1693**
*by Representative Smithee—Senate Sponsor: Senator Hughes*

While the affidavit process currently in use for certain civil actions in which a party seeks to prove the cost and necessity of services may be a useful and relatively inexpensive one, certain aspects may require revision to ensure fair treatment for all parties. This bill:

Provides that an affidavit that the amount a person charged for a service was reasonable is not evidence of and does not support a finding of the causation element in a civil action.

Sets forth procedures for and deadlines by which the party offering the affidavit in evidence or the party's attorney must serve a copy of the affidavit on each other party to the case. Sets forth procedures relating to counteraffidavits.

**Persons Holding Office as a Municipal Judge—H.B. 1717**
*by Representative White—Senate Sponsor: Senator Huffman*

Under current law, an appointed municipal judge may hold a municipal judgeship in multiple cities. However, an elected municipal judge may not hold another municipal judge office. This bill:

Amends the Government Code to authorize a person to hold the office of municipal judge for more than one municipality at the same time, rather than hold the office of municipal judge for more than one municipality at the same time if each office is filled by appointment.

**Court Jurisdiction for Certain Lawsuits—H.B. 1854**
*by Representative Dutton—Senate Sponsor: Senator Hughes*

It has been suggested that there is confusion regarding continuing, exclusive jurisdiction of suits affecting the parent-child relationship when an adoption suit is filed either in the county where the child resides or in the county where petitioners reside. This bill:

Clarifies that the court with original jurisdiction loses its right to render child custody and support orders once the final order of adoption is rendered by the subsequent court.
Admonitions Given by a Court to a Defendant—H.B. 1996
by Representative Leman—Senate Sponsor: Senators Huffman and Zaffirini

It has been suggested that some defendants at the time of arraignment do not fully understand the court's admonitions given before the court accepts a plea of guilty or nolo contendere. Without proper advice or understanding of the repercussions of a plea, a defendant may make an ill-informed choice. For instance, such a plea for a non-U.S.-citizen could result in deportation, the exclusion from admission to the United States, or the denial of naturalization under federal law.

This bill:

Amends the Code of Criminal Procedure to require a court to make the required defendant admonition before accepting a plea of guilty or nolo contendere that could result in deportation, exclusion from admission to this country, or denial of naturalization under federal law.

Requires the court to receive a statement signed by the defendant and the defendant's attorney that the defendant understands the admonition and is aware of the plea's consequences, unless the court has already received such a statement with regard to all of the required admonitions.

Requires the court, if the defendant is unable or refuses to sign the statement regarding the admonition relating to citizenship, to make a record of that fact.

Dismissal of Certain Actions Relating to Medicaid Fraud—H.B. 2004
by Representatives Leach and Guillen—Senate Sponsor: Senator Fallon

Current law permits a private citizen to file suit on the state's behalf to recover funds a defendant has wrongly obtained through defrauding the state's Medicaid program. In order to incentivize the uncovering of fraud, the private plaintiff is entitled to retain a percentage of the amount recovered from the defendant in the suit. Once the suit is filed, the Texas attorney general is notified and decides whether to take over prosecution of the suit. If the attorney does not pursue the suit, the case is unsealed and the private plaintiff is free to dismiss the action. In the last several years, a few law firms have perverted this process by filing suits in which they have no intention of recovering money for the state, doing so in conjunction with wrongful termination suits. Rather, once the 180-day deadline runs out, they offer to drop the state's case if the defendant agrees to settle the client's private cause of action, including attorney fees. As a result, the power of the state is brought to bear on a defendant to enrich a private party who has not been injured. This bill:

Makes the requirement for the dismissal of a civil action related to Medicaid fraud brought by a private person to have the consent of the court and the attorney general if the dismissal occurs before the end of a specified period, regardless of when the dismissal occurs.
Judicial Fund to Provide Basic Civil Legal Services—H.B. 2235  
by Representatives Senfronia Thompson and Longoria—Senate Sponsor: Senator Perry

Current law requires the comptroller of public accounts of the State of Texas to credit the net amount of certain civil penalties and payments and of certain amounts recovered as civil restitution in certain actions by the Texas attorney general to the judicial fund for approved programs providing basic civil legal services to low-income Texans, capping the amount of such allocations at $50 million per biennium. This legislation seeks to change the cap on the amount that may be credited to a maximum of $50 million for each state fiscal year. This bill:

Changes the maximum total allocation to the judicial fund for programs approved by the supreme court providing basic civil legal services to the indigent from $50 million per state fiscal biennium to $50 million per state fiscal year.

Disposition and Removal of a Decedent's Remains—H.B. 2248  
by Representative Wray—Senate Sponsor: Senator Rodríguez

As part of its ongoing review of Texas law, the Real Estate, Probate, and Trust Law Section of the State Bar of Texas has proposed certain updates to the law regarding the disposition and removal of remains. This bill:

Clarifies that, if the agent designated to dispose of the remains of a person is a spouse, the designation is automatically revoked by law if the marriage is annulled or declared void or dissolved, unless a document provides otherwise.

Clarifies that a court with jurisdiction over proceedings for a decedent's will, whether or not an actual proceeding has been initiated, is the proper court with jurisdiction over a dispute relating to the right to control disposition of remains.

Provides that the county court in the county in which a cemetery is located is the proper venue for permission to remove remains of a decedent.

Judicial Compensation and Assignment—H.B. 2384  
by Representative Leach et al.—Senate Sponsor: Senator Huffman et al.

As the population of Texas continues to grow, there have been calls for the state to make every effort to support a stable judiciary. It has been suggested that adequate judicial compensation is key to attracting qualified candidates and retaining experienced judges. This bill:

Amends current law relating to judicial compensation and assignment contributions, benefits, membership, and administration of the Judicial Retirement System of Texas Plan One and Plan Two, and the Employees Retirement System of Texas compensation and retirement benefits for certain prosecutors and judges.
Veterans Treatment Courts and Juvenile Family Drug Courts—H.B. 2481 [VETOED]
by Representative Metcalf et al.—Senate Sponsor: Senator Creighton et al.

Veterans participating in veterans treatment court programs do not always receive treatment near their homes if an offense for which they have been charged took place in a different county. Some are concerned that program participation is adversely affected by such distance. Veterans treatment court programs have been otherwise successful, and some want to use this model to implement a similar program to treat addiction in individuals living with children. This bill:

Allows veterans to complete treatment in counties adjacent to where they work or reside.

Creates a juvenile family drug court program to treat and monitor individuals suspected of substance abuse while living with a child.

Expanding Venue Options for Credit and Debit Card Abuse—H.B. 2624
by Representative Perez et al.—Senate Sponsor: Senator Zaffirini

Reports say that some perpetrators of credit card or debit card abuse, sometimes from different states or counties, work in groups and travel to commit offenses. Currently, such fraud may be prosecuted only in the county in which the offense was committed. This bill:

Allows credit card and debit card abuse to be prosecuted in the county in which the offense was committed or the county of residence of any person whose credit card or debit card information was unlawfully possessed or used.

States that prosecutors do not need to prove the defendant’s intent to defraud a particular person in credit card and debit card abuse cases.

Civil Actions Involving Certain Constitutional Rights—H.B. 2730
by Representative Leach et al.—Senate Sponsor: Senators Hughes and Powell

It has been suggested that certain broad statutory provisions relating to expedited dismissal procedures for lawsuits involving the exercise of free speech, the right of association, and the right to petition may lend themselves to unexpected applications. This bill:

Redefines certain terms relating to civil actions involving the exercise of the rights of free speech and association, in addition to certain other rights.

Sets forth procedures relating to dismissal of a legal action on a motion by a party that the legal action is based on or is in response to the party's exercise of a constitutional right.
Rule of Decision in a Court—H.B. 2757
by Representative Leach—Senate Sponsor: Senator Taylor

The American Law Institute (ALI) is an organization that publishes Restatements of the Law, a source considered by courts as dependable in its descriptions of existing law. Recent concerns have been raised that the publication may go beyond merely summarizing the state of current legal thinking and may in some instances be inaccurate or misleading. This bill:

Clarifies the rule of decision in Texas courts and establishes that ALI Restatements are not controlling in any action governed by state law.

Delivery of a Recorded Marriage License by E-mail—H.B. 2767
by Representative Martinez Fischer—Senate Sponsor: Senator Zaffirini

It has been suggested that the process for receiving marriage licenses by mail is inefficient and untimely. This bill:

Amends the Family Code to authorize the county clerk recording a returned marriage license, on request by the applicants for the license, to e-mail the marriage license to an e-mail address provided by an applicant, in addition to mailing the license.

Matters Involving Probate Courts—H.B. 2782
by Representative Wray—Senate Sponsor: Senator Rodríguez

As part of its ongoing review of relevant law, the Real Estate, Probate, and Trust Law Section of the State Bar of Texas has recommended certain revisions and updates to state law governing probate matters to make administration of these matters more efficient. This bill:

Makes changes to the law relating to decedents' estates, to transfers on death deeds, and to matters involving probate courts.

Oversight of Specialty Court Programs—H.B. 2955
by Representative Price et al.—Senate Sponsor: Senator Zaffirini

There have been calls for coordinated oversight of specialty court programs between the criminal justice division of the Office of the Governor, the Office of Court Administration (OCA), and the Texas Judicial Council (TJC) to improve services and make better use of the expertise of these entities. This bill:

Amends the Government Code to change the entity to which a specialty court program is required to provide certain notice and documentation to operate, from the criminal justice division of the Office of the Governor to OCA. Requires a specialty court program to report to TJC any information required by TJC regarding program performance.
**Municipal Court of Record of the City of Lubbock—H.B. 3014**  
*by Representative Burrows—Senate Sponsor: Senator Perry*

Reports indicate a uncertainty as to whether the clerk and other personnel of the Lubbock Municipal Court are subject to the direction and control of the presiding judge of the court or the city manager's office. This bill:

Provides clarification by establishing that the clerk and other personnel are not subject to the direction and control of the presiding judge of the Lubbock Municipal Court.

**Trial and Appellate Judges—H.B. 3040**  
*by Representative Hunter et al.—Senate Sponsor: Senator Huffman*

There have been calls to assess the methods by which certain trial and appellate judges are selected for office in Texas. This bill:

Establishes the 15-member Texas Commission on Judicial Selection to study and review the method by which statutory county court judges, probate court judges, district judges, justices of the courts of appeals, judges of the Court of Criminal Appeals, and justices of the Supreme Court of Texas are selected for office in Texas. The bill provides for the appointment and composition of the commission and provides for its administration and operation.

** Temporary Justice of the Peace—H.B. 3081**  
*by Representative Noble—Senate Sponsor: Senator Paxton*

It has been noted that a qualified person can be appointed to serve as a special or temporary justice of the peace when a justice of the peace is unavailable. However, reports indicate the need for special and temporary justices is great due to an increase in caseloads in Texas. This bill:

Amends the Government Code to change the eligibility requirement for appointment as a special or temporary justice of the peace, requiring as it does previous service as a justice of the peace, from 4-1/2 years to four years, expanding the pool of persons eligible for appointment.

**Award of Costs and Attorney's Fees—H.B. 3300**  
*by Representative Murr et al.—Senate Sponsor: Senator Huffman*

It has been suggested that the mandatory award of costs and reasonable attorney's fees to the prevailing party in a baseless cause of action discourages motions to dismiss since both parties are often reluctant to expose themselves to such costs and fees. This bill:

Amends current law relating to awarding costs and attorney's fees in a motion to dismiss for certain actions with no basis in law or fact.
Court Reporter Service Fees in Certain Counties—H.B. 3361
by Representative Canales—Senate Sponsor: Senator Hinojosa

Current law requires the clerks of courts with official court reporters to collect a court reporter court cost service fee of $15 in each filed civil case. Counties located on the Texas–Mexico border containing a municipality with a population of 500,000 or more (El Paso County) are required to collect a court reporter service fee of $30 in each civil case. This fee finances court reporter services and assists in the payment of court-reporter-related services, which may include maintaining an adequate number of court reporters, obtaining court reporter transcription services, closed-caption transcription machines, Braille transcription services, or other transcription services to comply with state or federal laws. This bill:

Requires the clerk of each court with an official court reporter serving in a county with a population of 750,000 or more and located on the Texas-Mexico border (El Paso County and Hidalgo County) to collect a court reporter service fee of $30 in each filed civil case.

Disqualification of Prosecuting Attorneys or Judges in Certain Cases—H.B. 3531
by Representative Shine—Senate Sponsor: Senator Buckingham

It has been suggested that there is confusion among those in the legal community on the issue of the disqualification of prosecutors who are subjects of an investigation for an offense against a public administration. This bill:

Amends the Government Code to authorize judges with jurisdiction over a public administration offense complaint investigated by the public integrity unit of the Texas Rangers to request to recuse themselves for good cause. Provides that the judge is disqualified on submission of the notice of recusal.

Jurisdiction of a County Court at Law in Tarrant County—H.B. 3642
by Representative Krause—Senate Sponsor: Senator Powell

It has been noted that certain statutory county courts in Tarrant County lack jurisdiction over criminal proceedings. This bill:

Provides that a county court at law in Tarrant County has jurisdiction over all causes and proceedings, civil and criminal, original and appellate, prescribed by law for county courts, but requires the court to give preference to civil cases, rather than providing that a county court at law in Tarrant County has jurisdiction over all civil matters and causes, original and appellate, prescribed by law for county courts.
Increased Population Bracket for Office of Medical Examiner—H.B. 3716
\textit{by Representative Parker et al.—Senate Sponsor: Senator Nelson}

The commissioners court of a county with a population of one million or more without a reputable medical school must establish an office of medical examiner. Interested parties contend that increasing this population bracket would assist many rapidly growing cities across the state. This bill:

Requires a commissioners court of a county with a population of more than two million to establish an office of medical examiner.

Municipal Court of Record of the City of Rowlett—H.B. 4716
\textit{by Representative Button—Senate Sponsor: Senator Johnson}

The Uniform Municipal Courts of Record Act, in addition to providing for the general operation of municipal courts in Texas, provides for the specific operation of municipal courts of certain cities. There have been calls to repeal provisions relating to the specific operation of the municipal court of the City of Rowlett and to allow the court instead to operate according to general provisions governing municipal courts under the act. This bill:

Repeals a subchapter of the Government Code relating to the operation of the municipal court of record of the City of Rowlett.

Procedures for Conducting Court Proceedings—S.B. 40
\textit{by Senator Zaffirini et al.—House Sponsor: Representative Leach et al.}

Recent extreme weather events have delayed judicial proceedings, damaged court buildings, and disrupted the operation of the state's judicial system. In response, there have been calls to grant additional authority to courts for the purpose of conducting proceedings in the event of such disruptions. This bill:

Authorizes judges to designate alternate sites for proceedings following disasters and extend the maximum duration of orders to suspend or modify procedures.

Exemptions to Reporting and List Requirements—S.B. 41
\textit{by Senator Zaffirini—House Sponsor: Representative Smithee}

It has been noted that certain legal professionals who provide pro bono legal services are subject to rotating appointment in cases in which an attorney ad litem, guardian ad litem, or guardian is necessary. Since these persons already provide free legal services where the need exists, many say they should not be subject to such appointments. Furthermore, concerns have been raised that the ability of legal aid programs to recruit volunteers to provide services is diminished by the appointment system. This bill:
Exempts certain attorneys ad litem, guardians ad litem, amicus attorneys, and mediators from the rotating appointment and related reporting requirement.

**Establishing a Protective Order Registry—S.B. 325**

*by Senators Huffman and Creighton—House Sponsor: Representative Landgraf*

Interested parties contend that current methods for applying certain protective orders do not include processes for actively informing law enforcement agencies, courts, governmental entities, or the general public of those subject to such orders. This bill:

Establishes a protective order registry for certain protective orders and for applications for protective orders filed in Texas.

**Appointment of Attorney Pro Tem for Certain Criminal Proceedings—S.B. 341**

*by Senator Huffman—House Sponsor: Representative Murr*

The Code of Criminal Procedure and the Texas Government Code specify who may serve as an attorney pro tem, that is, who may stand in as attorney for the state when another attorney is disqualified to act in a case or proceeding, absent from the county or district, or otherwise unable to perform necessary duties. This bill:

Provides that only prosecutors, county attorneys with criminal jurisdiction, district attorneys, criminal district attorneys or their assistants, and assistant attorneys general may serve as attorneys pro tem.

**Court Costs and Fees—S.B. 346**

*by Senator Zaffirini et al.—House Sponsor: Representative Leach et al.*

There have been calls to consolidate certain criminal court costs to improve collections and audits of such costs by local governments and the state. This bill:

Provides for the consolidation, allocation, classification, and repeal of certain criminal court costs and other court-related costs, fines, and fees.

**Priority Appointment of Public Defenders—S.B. 583**

*by Senator Hinojosa—House Sponsor: Representative Rose*

Under current law, courts must give public defenders’ offices priority when appointing counsel to indigent defendants, unless the court has reason to appoint other counsel. However, stakeholders contend that courts often favor the private bar when appointing counsel to indigent defendants. This bill:
Requires judges to include priority appointment of public defenders in countywide procedures for timely and fairly appointing counsel; expressly includes capital murder cases among those that require priority appointment; requires a written finding of good cause if the judge wants to appoint private counsel in capital murder cases; and excludes public defenders from priority appointment in specific circumstances.

Increases in Records Archive Fees—S.B. 658
by Senator Zaffirini—House Sponsor: Representative Clardy et al.

In 2013, the legislature increased for six years the maximum amount localities could set court fees relating to district court records archives, county records management and preservation, and county records archives, from $5 to $10. These temporary increases are set to expire on September 1. Should fees revert to $5, however, the revenue generated would be inadequate to cover costs related to the judiciary's transition to e-filing and the preservation of legal documents, including court filings, marriage licenses, birth certificates, death certificates, and property records. This bill:

Amends current law to make permanent the former temporary increases in records archive fees and records management and preservation fees charged by district and county clerks.

Retention of Records of Magistrate Pretrial Proceedings—S.B. 815 [VETOED]
by Senator Rodríguez—House Sponsor: Representative Moody et al.

Current law requires that the state maintain a record of communications between arrested persons and magistrate judges. The statute requires that communications records be preserved until the date on which the pretrial hearing ends, three months for a misdemeanor, or four months for a felony. The Texas Indigent Defense Commission uses these records to ensure that magistrates properly inform defendants of their rights; some believe the records should be kept longer. This bill:

Requires the state to retain records of communications between defendants and magistrate judges in compliance with the records retention schedule in Section 441.158 (Local Government Records Retention Schedules), Government Code.

Transfer of Civil Cases by the Judicial Panel on Multidistrict Litigation—S.B. 827
by Senator Huffman—House Sponsor: Representative Smithee

The Office of the Attorney General (OAG) is charged with investigating and prosecuting violations of the Deceptive Trade Practices Act (DTPA) and the Texas Medicaid Fraud Prevention Act (TMFPA). Unlike private plaintiffs, OAG has the authority to pursue injunctions to stop ongoing DTPA and TMFPA violations. Currently, the state's ability to pursue prospective injunctive relief against defendants is being prevented, as a multi-district litigation (MDL) panel may transfer suits effectively staying suit and indefinitely preventing OAG or a district or county attorney from...
obtaining an injunction. This bill:

Amends the Government Code to create an exception to transfer. An MDL panel’s authority to transfer cases does not apply to an action brought under the DTPA or an action brought under the Human Resources Code (TMFPA) by the OAG or a district or county attorney.

**Forms for a Transfer on Death Deed—S.B. 874**  
*by Senator Huffman—House Sponsor: Representative Farrar*

Transfer on Death Deed (TODD) legislation was passed by the 84th Legislature in 2015. TODD allows individuals to transfer real property upon their death without probate proceedings. After receiving feedback about revisions that could be made to TODD forms, some deemed it prudent to simply remove the forms from the Estates Code and instead have the Supreme Court of Texas (supreme court) promulgate them, so each time forms need to be revised, the legislature will not have to pass a bill to approve the changes. This bill:

Amend the Estates Code to repeal codified TODD forms. Requires the supreme court to develop a TODD form and a matching revocation form. Requires that the forms and instructions be made readily available to the general public on the supreme court's judicial branch and self-help websites.

**Administration of Grants by Judicial Courts—S.B. 891**  
*by Senator Huffman et al.—House Sponsor: Representative Leach et al.*

Texas is experiencing both a surge in population and a shift in where the majority of residents live. As the state's population grows in some areas while declining in others, the judicial needs of different regions change. Shifting demographics can significantly impact the caseload of the existing courts; historically, the Texas Legislature has compensated for changes in population by establishing new courts or changing existing judicial boundaries. Several factors are analyzed in the evaluation process, including increased caseloads, case backlogs, substantial population growth, and county support. This bill:

Creates district courts and county courts at law in certain counties, revising certain citation procedures, and creates a public information website for providing citation by publication, among other changes.

**Bond Conditions; Grant for GPS Use; Midland Hospital Tax—S.B. 1804 [VETOED]**  
*by Senator Kolkhorst—House Sponsor: Representatives Nevárez and Harless*

Stakeholders claim that Texas law enforcement has difficulty verifying conditions of bond immediately after a violation is committed by an offender. They say that survivors are often not informed of bond conditions because under current law there is no notification requirement.
Additionally, interested parties note that law enforcement officials can use global positioning system (GPS) technology to monitor family violence defendants free on bond. However, the cost of this technology can be prohibitive for counties. (Note: This provision originated in H.B. 1662, which was engrossed but never heard in the Senate.)

Currently, the Midland County Hospital District may not levy a sales and use tax. Some individuals believe giving the district this authority will benefit the residents of Midland County. (Note: This provision originated in H.B. 279, which passed both houses and was signed by the governor.) This bill:

Requires that conditions of bond be entered into a stand-alone record system easily accessible to law enforcement. Requires law enforcement to inform victims of modifications to conditions of bond.

Establishes a grant program to reimburse counties for expenses incurred in monitoring family violence cases using GPS, as provided in Article 17.292 (Magistrate's Order for Emergency Protection) or 17.49 (Conditions for Defendant Charged With Offense Involving Family Violence), Code of Criminal Procedure.

Authorizes the Midland County Hospital District to impose a sales and use tax.

**Assistance and Technology Fund—S.B. 1840**
*by Senator Hinojosa—House Sponsor: Representative Murr*

It has been noted that a justice court technology fund provides funding for continuing education and training for justice court judges and clerks and for the purchase and maintenance of technological enhancements for the court. Due to the increasing reliance on and need for technology in the state judicial system, there have been calls to add more staff and education to ensure courts operate efficiently. This bill:

Expands the uses of the justice court technology fund to include the provision for continuing education of additional court personnel.

**Jurisdiction Over Child Protection and Juvenile Matters—S.B. 1887**
*by Senators Huffman and Zaffirini—House Sponsor: Representative Murr*

Children's courts were created to assist general jurisdiction trial courts in managing their child abuse and neglect case dockets. Since these dockets tend to be small and children's court judges have specialized training to address child well-being, it has been suggested that these courts are in an excellent position to oversee dually involved youth cases and that the "one family/one judge" approach improves case outcomes for dually involved youth improves, administrative efficiency, and facilitates the best use of existing court resources. This bill:
Allows juvenile courts to transfer or refer parts of cases to children's courts for dually involved youth.

**Certificate of Merit in Certain Actions—S.B. 1928**

*by Senator Fallon—House Sponsor: Representative Krause*

Current law requires a plaintiff who wishes to file a malpractice suit against a licensed architect, professional engineer, registered professional land surveyor, or registered landscape architect to file a "certificate of merit," which is an affidavit by a person with the same license as the defendant stating that the defendant's actions constitute malpractice. Current law requires a plaintiff to file the certificate of merit when making a claim, thus leaving unclear whether a cross-plaintiff or defendant acting as counter-plaintiff is required to file the certificate as well. Also, under current law, the affiant must have knowledge in the professional area in which the defendant practices. This bill:

Changes "plaintiff" to "claimant" to clarify that any party seeking to sue a licensed professional for malpractice is required to file a certificate of merit. Requires the affiant to actually practice in the same area as the defendant, meaning the affiant has practical experience rather than just "knowledge," similar to a requirement in medical malpractice suits.

**1st Multicounty Court at Law—S.B. 2215**

*by Senator Perry—House Sponsor: Representative Lambert*

It has been noted that the 1st Multicounty Court at Law covers Fisher, Mitchell, and Nolan Counties and that its establishment was intended to alleviate county caseload burdens and provide for the sharing of costs associated with the operation of a county court at law. Concerns have been raised, however, regarding the costs of the court and the uncertainty of each county's role in paying for those costs. This bill:

Requires counties to enter into an interlocal agreement allocating the financial obligations of each county in relation to the 1st Multicounty Court at Law's budget, powers, duties, and the salaries of court personnel.

**Jurisdiction of Civil Cases Before Certain Courts—S.B. 2342**

*by Senator Creighton—House Sponsor: Representative Leach*

Concerns have been raised that the increasing cost of litigation limits accessibility to the civil justice system for many Texans and can result in delays in the resolution of disputes, often leaving disputes unresolved altogether. This bill:

Allows justice of the peace courts and many county courts at law to handle somewhat larger civil disputes and requires the Supreme Court of Texas to promulgate rules to expedite the resolution
of civil disputes with $250,000 or less in dispute, which expands an existing requirement to expedite cases having less than $100,000 in dispute.

**Collection of Certain Judgments Through Court Proceeding—S.B. 2364**  
*by Senator Hughes—House Sponsor: Representative Krause*

Currently, consumer attorneys argue that justice courts are excluded from the Civil Practice and Remedies Code because they are not specifically distinguished in statute. Presently, less than 50 percent of Texas justice court judges allow for this enforcement remedy, and given that most justice court judges are not attorneys, they are ill-equipped to work through the ambiguities of the relevant statutes. This bill:

Revises the Civil Practice and Remedies Code to clarify that a justice court judge's inherent power extends to the appointment of a receiver. Provides that justice court may fulfill its obligation to aid the judgment creditor in obtaining satisfaction on a judgment, without which a judgment becomes merely an administrative act.
Expediting the Judicial Process for Dangerous Buildings—H.B. 36  
by Representative Ortega et al.—Senate Sponsor: Senator Rodríguez

Local governments are responsible for enforcing building safety ordinances through the judicial process when a building becomes damaged, deteriorated, or otherwise unsafe. However, stakeholders report that legal proceedings can take as long as two years to resolve, during which time the risk posed to public safety persists and worsens. This bill:

Requires courts to expedite proceedings involving building safety ordinances and to render final orders or judgments with the least possible delay.

Provides that appeals in such proceedings are governed by procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure.

Updating Default Fees—H.B. 145  
by Representative Mary González—Senate Sponsor: Senator Rodríguez

Commissioners courts set fees for certain services provided by the office of the sheriff or constable. However, if the commissioners court does not set those fees, the fees revert to rates established in 1981. Stakeholders have expressed concern that if a commissioners court does not set fees for services by the offices of the sheriff or constables in a given year, those offices will be inadequately compensated. This bill:

Provides that fees revert to rates in effect in the preceding fiscal year.

Deregulating Lemonade Stands—H.B. 234  
by Representative Krause et al.—Senate Sponsor: Senators Nelson and Campbell

Stakeholders have expressed concern regarding the regulation of sidewalk juice stands operated by minors. This bill:

Prohibits local governments from adopting or enforcing a regulation on the sale of lemonade or other nonalcoholic beverages by an individual under the age of 18 years.

Application of Consent Annexation Requirements—H.B. 347  
by Representative Phil King et al.—Senate Sponsor: Senator Birdwell

It has been noted that while recent changes to municipal annexation procedures have been made to address certain property matters, such as requiring improved transparency and inviting property owner participation in the municipal annexation process, protections for property owners could still be expanded. This bill:
Sets out provisions relating to eliminating certain distinctions in applying consent annexation requirements.

**Regulation of Game Rooms—H.B. 389 [VETOED]**

*by Representative Bailes—Senate Sponsor: Senator Nichols*

According to public officials and law enforcement, legal "game rooms" operating amusement redemption machines—slot machines and eight-liners—are closely associated with illegal activity, both within and beyond their doors. Criminal activity occurs with significantly higher frequency in proximity to these establishments, including the sale of drugs, prostitution, illegal gambling, and assault. Officials also report that some legally operating game rooms have become havens for criminal activity, places where law enforcement effectively cannot enforce the law. Local governments across the state have requested additional authority from the legislature to combat illegal activity connected to game rooms. Currently, the Local Government Code authorizes certain counties to restrict the location and the number of game rooms, require permits, charge permit application fees, and inspect game rooms to determine the number of amusement redemption machines in operation. This bill:

Provides that Liberty County has the same authority as other counties to regulate game rooms.

**School District and Political Subdivision Unspent Bond Proceeds—H.B. 440**

*by Representative Murphy et al.—Senate Sponsor: Senator Lucio*

When a bond-financed project is completed and funds from the issuance remain unspent, or if such a project is abandoned before completion, there is little guidance on how those funds should be used. As such, political subdivisions can use voter-approved taxpayer dollars for purposes other than their original intention. This bill:

Limits a public school district or political subdivision's use of unspent general obligation bond proceeds to the specific purposes for which the bonds were authorized, retiring the bonds, or determining a publicly approved purpose if the original purposes were accomplished or abandoned.

Establishes certain posting requirements for debt obligation elections.

Prohibits a political subdivision from issuing general obligation bonds to purchase, improve, or construct an improvement to real property or to purchase personal non-real property if the maturity of the bond exceeds 120 percent of the expected economic life of the financed project.
Park Rules—H.B. 510  
_by Representatives Wilson and Bucy—Senate Sponsor: Senator Schwertner_

The Local Government Code allows certain counties to acquire and maintain parks, museums, and historical sites. Stakeholders have expressed concern that statute does not provide authority to these counties to enforce a rule not otherwise provided for elsewhere in the Penal Code or Transportation Code. They say that a county should be able to establish and enforce rules for hours of operation, possession of glass, and the preservation of vegetation and historical monuments. This bill:

Authorizes Williamson County to enact park use rules. Provides that a violation of the rules constitutes a Class C Misdemeanor.

Sale of Certain Real Property by the City of Fort Worth—H.B. 837  
_by Representative Geren—Senate Sponsor: Senator Nelson_

Stakeholders in the City of Fort Worth have requested exemption from notice and bidding requirements relating to the sale of lakeshore property by the city to lessees of that property. This bill:

Includes the City of Fort Worth in the group of municipalities owning lakeshore land that may, without notice or the solicitation of bids, sell land to those leasing the land for the land's fair market value.

Regulation of Game Rooms—H.B. 892  
_by Representative Kuempel et al.—Senate Sponsor: Senator Nichols_

According to public officials and law enforcement, legal "game rooms" operating amusement redemption machines—slot machines and eight-liners—are closely associated with illegal activity, both within and beyond the doors of the game rooms. Criminal activity occurs with significantly higher frequency in proximity to these establishments, including the sale of drugs, prostitution, illegal gambling, and assault. Officials also report that some legally operating game rooms have become havens for criminal activity, places where law enforcement effectively cannot enforce the law.

Local governments across the state have requested additional authority from the legislature to combat illegal activity connected to game rooms. Currently, the Local Government Code authorizes certain counties to restrict the location and the number of establishments, require permits, charge permit application fees, and inspect game rooms to determine the number of amusement redemption machines in operation. This bill:

Extends authority to regulate game rooms to all counties.
Regulation of Game Rooms—H.B. 1031 [VETOED]
by Representative Deshotel—Senate Sponsor: Senator Creighton

According to public officials and law enforcement, legal "game rooms" operating amusement redemption machines—slot machines and eight-liners—are closely associated with illegal activity both within and beyond the doors of the game rooms. Criminal activity occurs with significantly higher frequency in proximity to these establishments, including the sale of drugs, prostitution, illegal gambling, and assault. Officials also report that some legally operating game rooms have become havens for criminal activity, places where law enforcement effectively cannot enforce the law.

Local governments across the state have requested additional authority from the legislature to combat illegal activity connected to game rooms. Currently, the Local Government Code authorizes certain counties to restrict the location and the number of establishments, require permits, charge permit application fees, and inspect game rooms to determine the number of amusement redemption machines in operation. This bill:

Extends to Jefferson County the authority to regulate game rooms.

Provision of Grants and Loans by County Assistance Districts—H.B. 1174 [VETOED]
by Representative Reynolds et al.—Senate Sponsor: Senator Miles

County assistance districts (CAD) may build and maintain roads, provide law enforcement services, maintain recreational facilities such as parks or museums, and provide firefighting services. Stakeholders have contended that allowing a CAD to provide grant or loan money to a political subdivision would serve local communities when the subdivision lacks funding to provide authorized duties and services to a CAD. This bill:

Authorizes a county assistance district in Fort Bend County to provide a grant or loan to a political subdivision to administer a district function.

Regulation of Game Rooms—H.B. 1404 [VETOED]
by Representative Dean—Senate Sponsor: Senator Hughes

According to public officials and law enforcement, legal "game rooms" operating amusement redemption machines—slot machines and eight-liners—are closely associated with illegal activity, both within and beyond their doors. Criminal activity occurs with significantly higher frequency in proximity to these establishments, including the sale of drugs, prostitution, illegal gambling, and assault. Officials also report that some legally operating game rooms have become havens for criminal activity, places where law enforcement effectively cannot enforce the law.

Local governments across the state have requested additional authority from the legislature to combat illegal activity connected to game rooms. Currently, the Local Government Code authorizes certain counties to restrict the location and the number of such establishments, require
permits, charge permit application fees, and to inspect game rooms to determine the number of
amusement redemption machines in operation. This bill:

Authorizes Upshur County to regulate game rooms.

**Continuing Education Training on Civil Process for Constables—H.B. 1415**

*by Representative Lucio III—Senate Sponsor: Senator Lucio*

The current mandatory constable education program emphasizes only leadership and management
lessons with no focused training on the complex civil laws of the Property Code, the Civil Practice
and Remedies Code, and many other codes and statutes. Meanwhile, deputy constables are
required to receive 20 hours of civil process training every four-year training cycle. This bill:

Requires the curriculum for initial training and continuing education programs for constables to
relate to law enforcement management, rather than relate to law enforcement management and
civil process issues.

Requires each constable to complete at least 40 hours of continuing education provided by the
selected institution each 48-month period.

Requires each constable, during each 48-month continuing education training period, to complete
at least 20 hours of continuing education instruction on civil process to be provided by a public
institution of higher education selected by the Texas Commission on Law Enforcement (TCOLE).

Requires TCOLE to establish minimum curriculum requirements for the continuing education
course on civil processes.

**Authorizing McLennan County to Regulate Game Rooms—H.B. 1476 [VETOED]**

*by Representative Charles "Doc" Anderson—Senate Sponsor: Senator Birdwell*

According to public officials and law enforcement, legal "game rooms" operating amusement
redemption machines—slot machines and eight-liners—are closely associated with illegal activity,
both within and beyond their doors. Criminal activity occurs with significantly higher frequency
in proximity to these establishments, including the sale of drugs, prostitution, illegal gambling,
and assault. Officials also report that some legally operating game rooms have become havens for
criminal activity, places where law enforcement effectively cannot enforce the law.

Local governments across the state have requested additional authority from the legislature to
combat illegal activity connected to game rooms. Currently, the Local Government Code
authorizes certain counties to restrict the location and the number of such establishment, require
permits, charge permit application fees, and inspect game rooms to determine the number of
amusement redemption machines in operation. This bill:
Includes a county with a population of more than 200,000 and less than 250,000 among the counties to which statutory provisions relating to game rooms apply.

**Ethics of Certain Public Officials—H.B. 1495**  
_by Representatives Toth and Metcalf—Senate Sponsor: Senators Creighton and Rodríguez_

It has been suggested that allowing additional counties to establish ethics commissions would provide for greater government accountability at the county level. This bill:

Amends current law relating to authorizing county ethics commissions in certain counties and to authorizing counties to adopt codes of ethics for commissioners courts.

**Operating Recreational Vehicles in Matagorda County—H.B. 1548**  
_by Representatives Springer and Middleton—Senate Sponsor: Senators Kolkhorst and Fallon_

Stakeholders have expressed a desire to drive all-terrain and recreational vehicles, including golf carts, on local roads. This bill:

Authorizes the operation of all-terrain and recreational vehicles on certain roads in Matagorda County.

**Overrun Public Beaches and Parks—H.B. 1628**  
_by Representative Morrison—Senate Sponsor: Senator Kolkhorst_

Local officials report that in the aftermath of Hurricane Harvey a significant number of displaced individuals have moved into coastal county parks, camping for extended periods and disposing of waste on open beaches. According to reports, some individuals have listed the park as their a address and received mail there, but say that the county effectively cannot enforce rules in parks and beaches. This bill:

Authorizes certain coastal counties to establish rules governing camping, access, litter, resource protection, or waste disposal for island parks, beach parks or public beaches. Provides that a violation of a rule is a Class C misdemeanor.

**Filling Vacancies in the Office of County Commissioner—H.B. 1927**  
_by Representative Herrero—Senate Sponsor: Senator Hinojosa_

Current law requires a county judge to temporarily fill a vacancy on a commissioners court until the next general election. However, there is no timeline established to make such temporary appointments, raising concerns that commissioners courts could be left without adequate representation for long periods of time. This bill:
Amends the Local Government Code by imposing a 60-day deadline for a county judge to fill a vacancy on a county commissioners court and requiring a county commissioners court to fill the vacancy if the deadline is not met. Provides that the requirement is limited to counties with a population of 300,000 or more.

**Sunset Memorial Park Cemetery Perpetual Care Fund—H.B. 2198**  
*by Representative Clardy—Senate Sponsor: Senator Nichols*

The Sunset Memorial Park Cemetery in the City of Nacogdoches was created in 1954 and supported by a perpetual care cemetery trust fund. The city has contended that unclear and burdensome rules have made it difficult to manage the cemetery and wishes to terminate the trust fund so that it can improve and preserve the cemetery unencumbered. This bill:

Authorizes the City of Nacogdoches to abolish its perpetual cemetery trust fund and to use the fund for permanent improvements to the cemetery.

**Aligning Fiscal Years—H.B. 2617**  
*by Representative Cole—Senate Sponsor: Senator Alvarado*

Currently, a new taxing entity selects its own fiscal year, which stakeholders say has led to irregularities in the coordination between entities with unaligned fiscal years and resulted in a lack of transparency for citizens. Stakeholders have suggested aligning fiscal years. This bill:

Aligns the fiscal years of taxing political subdivisions, excluding certain special districts, created on or after September 1, 2019, with the fiscal year of the county in which the subdivision is located.

**Supply of Burial Space—H.B. 2634**  
*by Representative Flynn—Senate Sponsor: Senator Hughes*

Stakeholders have expressed concern regarding sufficient supply of burial space, citing ambiguity regarding where a cemetery can be located and concerns that demand for burial space will increase as the state's population increases. This bill:

Provides that, for the purpose of determining where a cemetery may be located in proximity to a municipality, the boundary of an area annexed by a municipality is not considered to be a boundary of the municipality if the annexed area cannot be developed as residential or commercial property and is primarily used for flood control.
Governmental Units—H.B. 2736
by Representative Darby et al.—Senate Sponsor: Senator Seliger

Stakeholders have contended that the procedure for a governmental unit to transfer its membership from one regional planning commission to another lacks clarity. This bill:

Authorizes a governmental unit that has withdrawn from a regional planning commission to join another such commission adjacent to it if the unit submits a request for approval to the governor.

Cost of Health Inspections at Food Service Establishments—H.B. 2755
by Representatives Price et al.—Senate Sponsor: Senator Alvarado

Currently, counties and public health districts charge fees for issuing or renewing permits for food service establishments, retail food stores, mobile food units, and roadside food vendors. These fees are capped and must be spent solely on inspections. Stakeholders have contended that the upper limits on these fees do not cover the full cost of inspections. This bill:

Limits permit fees to the amount necessary to recover the costs of performing health inspections.

Police Pension Funds in Certain Municipalities—H.B. 2763
by Representative Flynn et al.—Senate Sponsor: Senator Taylor

There are concerns about retirement fund and pension systems' unfunded liabilities for police officers in certain large cities. This bill:

Revises police pension benefits and pension funds contributions in certain municipalities.

Uniform Municipal Swimming Pool and Spa Code—H.B. 2858
by Representatives Toth and Romero, Jr.—Senate Sponsor: Senator Schwertner

Concerns have been raised that disparate municipal codes across Texas regulating pool and spa construction, alteration, remodeling, enlargement, and repair have resulted in a patchwork of regulations that create inefficiencies for builders and service companies. The purpose of this bill is to remedy this situation by adopting a common code standard for use in municipalities throughout Texas. This bill:

Amends the Local Government Code to adopt the International Swimming Pool and Spa Code, promulgated by the International Code Council, as the code existed on May 1, 2019, to protect public health, safety, and welfare. Applies the code to all construction, alteration, remodeling, enlargement, and repair of swimming pools and spas in municipalities that elect to regulate pools or spas.

Authorizes a municipality to establish procedures for the adoption of local amendments to the code and for the administration and enforcement of the code.
Approval Procedure for Land Development Applications—H.B. 3167
by Representative Oliverson et al.—Senate Sponsor: Senator Hughes

Concerns have been raised regarding the process for plat and land development application approval by political subdivisions. It has been suggested that some political subdivisions circumvent statutory timelines for approving applications by simply denying them with generic comments that do not fully address specific deficiencies. The purpose of this bill is to provide greater certainty and clarity for the process by setting out provisions relating to county and municipal approval procedures for land development applications. This bill:

Amends the Local Government Code to replace the requirement for the municipal authority responsible for approving plats to act on a plat within 30 days after the date the plat is filed, with a requirement for such authority to approve or disapprove a plan within 30 days after the date the plan is filed.

Requires a municipal authority or governing body that disapproves a plan to provide the applicant a written statement of the reasons for disapproval clearly articulating each reason. Requires each specified reason to be directly related to applicable requirements, to include a citation to law that is the basis for the disapproval, if applicable, and to avoid arbitrary or intentional delay. Authorizes the applicant, after the disapproval of a plan, to submit a written response to the municipal authority or governing body that disapproved the plan describing remedies for each reason.

Sets out provisions relating to approval procedures for land development applications. Requires a municipality that adopts a regulation requiring municipal approval for proposed land development to determine whether to approve or disapprove a development application not later than the 30th day after the date the application is filed with the municipality. Provides that an application is considered approved by the municipality unless the municipality disapproves of the application in that period.

Replaces the requirement that a commissioners court or the court's designee take final action on a plat application, including the resolution of all appeals, not later than the 60th day after the date a completed plat application is received by the commissioners court or the court's designee, with the requirement that a commissioners court or the court's designee approve or disapprove a plan application not later than the 30th day after the date the completed application is received by the commissioners court or the court's designee.

Redundant Approval Processes—H.B. 3314
by Representative Romero, Jr.—Senate Sponsor: Senator Zaffirini

Currently, a public hearing is required for a replat of an area with residential restrictions. Stakeholders have contended that these hearings are redundant because replats already pass other approval processes. This bill:

Revises certain hearing and notice requirements for a replat of a municipal subdivision.
Regulating Battery-Charged Fences—H.B. 3371

by Representative Darby—Senate Sponsor: Senator Taylor

Concerns have been raised that the patchwork of local security regulations and permitting processes related to certain battery-charged fences have undermined the ability of businesses to protect assets and property. The purpose of this bill is to create a consistent regulatory framework for businesses to secure their assets by prohibiting the adoption or enforcement of certain local regulations pertaining to these fences. This bill:

Amends the Local Government Code to prohibit a municipality or county from adopting or enforcing an ordinance, order, or regulation requiring a permit for the installation or use of a battery-charged fence located on property not designated for residential use and meeting certain other prescribed standards in addition to an alarm system permit issued by the municipality or county; prohibits an installation or operational requirements for the fence inconsistent with prescribed standards; and prohibits bans on the installation or use of such a fence.

Street Lights in Denton County and Harris County—H.B. 3714

by Representative Parker et al.—Senate Sponsor: Senator Nelson

Local stakeholders have noted that certain counties lack authorization to install street lights to illuminate roadways, contending that the lack of authorization hinders public safety. This bill:

Authorizes the commissioners courts of Denton County and Harris County to provide for the establishment of street lights along a county road in the unincorporated area of the county, provided the street lights are not located on private property.

Requesting School Safety Traffic Zones—H.B. 3871

by Representative Krause—Senate Sponsor: Senator Lucio

Currently, public and private schools and institutions of higher education may request a hearing to consider the creation of a school zone to lower speed limits nearby. However, while charter schools are part of the public school system in Texas, they are not included in the list of educational institutions that can request hearings. This bill:

Includes open-enrollment charter schools in the scope of provisions requiring a county commissioners court, municipal governing body, or the Texas Transportation Commission to hold a public hearing to consider speed limits on roads near certain schools or institutions of higher education if requested by the school's or institution's governing body. Requires those entities to conduct an engineering and traffic investigation for a road subject to such a request upon request by the institution's governing body. Authorizes a commissioners court to declare a lower speed limit of not less than 20 miles per hour on certain county roads or highways within 500 feet of an educational institution if approved under this process.
Supplemental County Civil Service Commissions—H.B. 3910 [VETOED]
by Representative Sherman, Sr. et al.—Senate Sponsor: Senator West

It has been noted that the workload of some county civil service commissions tasked with county employment matters has increased to a level necessitating supplemental commissions. This bill:

Provides for one or more supplemental county civil service commissions in certain counties.

Authorizing Certain Counties to Operate a Cemetery—H.B. 4179
by Representative Miller et al.—Senate Sponsor: Senator Miles et al.

An unmarked 19th century burial site that contained the remains of a number of inmates was recently uncovered in Fort Bend County. Matters relating to the disposition of the remains are at issue. It was suggested that the county step in and agree to purchase the land where the remains were discovered for a proper reburial, but the county lacks the necessary statutory authority to do so. This bill:

Authorizes a county with a population of more than 550,000 that borders a county with a population of more than 3.3 million to own, operate, and maintain a cemetery. Clarifies that a commissioners court's authority to care for a cemetery at least 50 years old is not determined solely on the basis of the cemetery having a grave marker more than 50 years old.

Retaliation for Municipal Annexation Disapproval—H.B. 4257
by Representative Craddick—Senate Sponsor: Senator Campbell

A municipality may provide governmental services, including water or wastewater services, to annexed areas and areas within the municipality's extraterritorial jurisdiction. Despite recent legislative efforts requiring an election under certain conditions for annexation purposes, there have been calls to ensure that a municipal utility must continue to serve an area that it currently serves even if that area chooses not to be annexed. This bill:

Provides that the disapproval of the proposed annexation of an area does not affect any existing legal obligation of a municipality to continue to provide governmental services in the area whether or not the municipality holds a certificate of convenience and necessity to serve the area.

Prohibits a municipality that makes wholesale sale of water to a special district from charging rates for the water higher than rates charged in other similarly situated areas solely because the district is wholly or partly located in an area that voted down a proposed annexation.
Municipal Control of Coyotes—H.B. 4544

by Representatives Meyer and Murphy—Senate Sponsor: Senator Fallon

Numerous municipalities, especially those growing rapidly, have experienced run-ins with wild animals as they expand and develop. In particular, coyotes have been responsible for numerous attacks on pets, small animals, and even joggers in both urban and suburban areas. This bill:

Authorizes a municipality with a population density of more than 2,500 persons per square mile to capture, relocate, or euthanize a coyote located within the municipality or the municipality's extraterritorial jurisdiction.

Authorizes a municipality to request assistance from Texas Wildlife Services to capture, relocate, or euthanize a coyote.

Creation of Health Care Provider Participation Program—H.B. 4548

by Representative Wray—Senate Sponsor: Senator Birdwell

It has been noted that certain communities, including Ellis County, have neither a public hospital nor a hospital district that health care providers can partner with to take advantage of federal funds. It has been suggested that a county health care provider participation program would be beneficial for such communities. This bill:

Provides for a county health care provider participation program in a county that is not served by a hospital district or a public hospital, has a population of less than 600,000, and borders two counties with populations of one million or more in both. Establishes that such a program authorizes a county to collect a mandatory payment from each institutional health care provider located in the county, to be deposited in a local provider participation fund established by the county that may be used to fund certain intergovernmental transfers and indigent care programs.

Provides for an annual public hearing on the amounts of mandatory payments that the commissioners court intends to require during the year and how the revenue derived from those payments is to be spent. Requires the commissioners court to publish notice of the hearing in a newspaper of general circulation in the county.

Authorizes a county to provide by rule for an alternative provision or procedure that conforms to the requirements of the federal Centers for Medicare and Medicaid Services to the extent any provision or procedure under the bill's provisions causes a mandatory payment to be ineligible for federal matching funds.

Electronic Bids or Proposals for Competitive Bidding—S.B. 124 [VETOED]

by Senator West—House Sponsor: Representative Sherman, Sr.

Current law requires a county that receives bids or proposals through electronic transmission to also accept bids or proposals submitted in hard-copy format. If a county allows for the submission
of bids and proposals in both formats, county staff must convert the hard copies to an electronic format or vice versa, virtually defeating the purpose of the electronic option. This bill:

Authorizes a county commissioners court to require submission of bids or proposals under the County Purchasing Act through electronic transmission.

**Court-Appointed Property Receiver—S.B. 254**  
*by Senator Rodríguez—House Sponsor: Representative Ortega*

In certain cases, local governments may appoint a receiver to rehabilitate properties in violation of city ordinances. Current law allows only individuals with a previous history of rehabilitating properties to be appointed. The City of El Paso has found it difficult to find people with previous experience to take on these projects. This bill:

Authorizes a district court, in an action brought by the City of El Paso against a property owner in noncompliance with certain municipal ordinances, to appoint a receiver for the property; the individual need not have a demonstrated record of rehabilitating properties if the municipality shows that no other individual with a property rehabilitation record is available and that the individual appointed is competent and able to fulfill the duties required.

**Disbursement or Direction of County Funds for Expenses—S.B. 354**  
*by Senator Lucio—House Sponsor: Representative Guillen*

In 2017, a Texas attorney general opinion held that counties with a population of 190,000 or less lack the necessary statutory authorization to adopt procedures for the pre-approval of payroll and office expenses. Unfortunately, this disrupts the customary procedure for payments and creates a need for special commissioners courts meetings in those counties solely devoted to the approval of payroll and routine office expenses. This bill:

Authorizes a district, county, or precinct officer in a county with a population of 190,000 or less to issue a warrant against the salary fund to pay authorized expenses of an office or the salary of an employee whose salary may be paid from the fund. Prohibits a payment from being made from the salary fund to an employee for a service performed before the person has taken the constitutional oath of office, if applicable, and the person's authorized appointment and oath, if any, have been filed for record with the county clerk and the county auditor, if the county has a county auditor.

Removes language that limits an officer in a county with a population of 190,000 or more the authorization to draw checks on the county treasurer to disburse funds deposited in the county depository as payment for salaries or expenses authorized by law or in payment to the county or the person to whom the funds belong.
Legal Counsel Provided by the Attorney General—S.B. 416
by Senator Huffman—House Sponsor: Representative Walle

The Texas attorney general (attorney general) may provide legal advice to local officials in very limited circumstances. During times of declared disasters, legal issues often arise, and interested parties believe it is necessary for local entities to be able to seek legal advice from the attorney general during those disasters. This bill:

Gives the attorney general the authority to provide legal advice during declared disasters to specified local individuals.

Deadline for Economic Development Corporation Reports to Comptroller—S.B. 450
by Senator Powell—House Sponsor: Representative Metcalf

Current law requires certain economic development corporations (EDCs) to submit a report on their financial activities from the previous fiscal year to the comptroller of public accounts of the State of Texas (comptroller) by February every year. For many EDCs, this deadline is not plausible given the number of administrative requirements to be completed before filing reports with the comptroller. This bill:

Amends the Local Government Code to change the annual deadline by which the board of directors of a Type A or Type B economic development corporation is required to submit a certain annual report to the comptroller, from February to April.

Pets at Food Establishments—S.B. 476
by Senator Hancock et al.—House Sponsor: Representative Goldman

There have been concerns that certain cities have placed overly burdensome restrictions on restaurants that allow pets in outdoor dining areas. This bill:

Amends the Health and Safety Code to authorize a food service establishment to permit a customer to be accompanied by a dog in an outdoor dining area, setting out the requisite conditions for that authorization.

Prohibits a municipality from adopting or enforcing a requirement on a food service establishment for a dog in an outdoor dining area more stringent than the bill's requirements.

Historic Courthouse Preservation Program Grant Factors—S.B. 496
by Senator Perry—House Sponsor: Representative Murr

According to the Texas Historical Commission (THC), the Texas Historic Courthouse Preservation Program provides partial matching grants to Texas counties for the restoration of historic county courthouses. The program awards planning and construction grants based upon the
sum of scores assigned to 20 criteria, and emergency grants based primarily upon the score assigned to the endangerment category. THC is charged with adopting rules to help assess and score grant applications to restore historic courthouses. These rules are used to determine which projects will be funded. THC recently adopted a rule which takes into account total taxable value of property during the criteria scoring process. The rule will help counties with low overall property values, and corresponding smaller tax revenues, compete fairly for these important preservation grants. The commissioners of THC adopted the rules revision based on an advisory committee's recommendations in 2018. This bill:

Requires THC, in considering whether to approve an application for a grant or loan to a county or municipality with an historic courthouse, to consider the county's or municipality's local funding capacity, measured by the applicable total taxable value of properties in the county or municipality.

**Voter Approval of Municipal Annexation—S.B. 746 [VETOED]**

*by Senator Campbell et al.—House Sponsor: Representative Cortez*

Under current law, residents of counties with populations of 500,000 or more (tier 2 counties) can vote to be annexed by a city, but residents of counties with populations of fewer than 500,000 people (tier 1 counties) must petition a county commissioners court with 10 percent of the county's registered voters to call for an election on the issue of annexation. This requirement can be a difficult burden to overcome for voters in certain counties. This bill:

Changes the requirement from a petition of a number of registered voters of the county equal to or greater than 10 percent to a petition containing the signatures of at least seven percent of the registered voters of the county. Changes the voter approval threshold by which the tier 1 county is considered a tier 2 county from a majority of the registered voters of the county to a majority of the votes cast.

Extends the period during which a tier 2 municipality is prohibited from annexing an area after failure to obtain the required number of signatures on a petition or failure to obtain voter approval for the proposed annexation.

**Audit and Reporting Requirements of Regional Planning Commissions—S.B. 790**

*by Senator Buckingham—House Sponsor: Representative Morrison*

Under current law, the Office of the Governor, working in conjunction with the Texas State Auditor's Office, maintains oversight of certain regional planning commissions, including setting rules and requirements relating to annual audits and reports. The commissions are required by law to provide copies of annual reports to certain entities, including the comptroller of public accounts of the State of Texas (comptroller). However, interested parties have stated that this requirement is unnecessary since the comptroller's office typically takes no action on these reports. This bill:

Deletes existing text including the comptroller among the entities to which a regional planning commission is required to send a copy of each report and audit.
Access to Services in Annexed Areas—S.B. 1024
by Senators Perry and Hall—House Sponsor: Representative Craddick

Currently, when municipalities provide utility services to forced annexed property, they must provide only the ability to connect to those services; households near city limits are located far from utility hookups. Municipalities typically choose the most cost-effective service plans for cities, rather than for property owners; the result is exorbitant costs for property owners. This bill provides that a service plan for a tier 1 municipality may not require landowners to pay unreasonable amounts to connect to plan services. If a landowner argues that services are unreasonably priced, the burden of proof is placed on the municipality to prove they are reasonable. This bill:

Requires a municipality with a population of 350,000 or less to provide annexed areas access to services provided under a service plan identical or substantially similar to those in the municipality. Authorizes a person residing in an annexed area subject to a service plan to apply for a writ of mandamus against a municipality that fails to provide access to services. Provides that a municipality's governmental immunity to lawsuit is waived subject to the limitation set by this legislation.

Compensation to Emergency Services Districts for Annexed Territory—S.B. 1083
by Senators Zaffirini and Campbell—House Sponsor: Representative Rodríguez

Current law requires that a municipality immediately compensate an emergency services district (ESD) after its territory is annexed by the municipality. This compensation is to be equivalent to the annexed territory's pro rata share of the ESD's indebtedness, as determined by an equation established in the Texas Health and Safety Code that includes calculation of property tax revenue. The law, however, provides no authority for ESDs to receive compensation for an annexed territory's pro rata share of indebtedness incurred against the territory's sales tax revenue. This bill:

Requires a municipality that removes territory from an ESD that the municipality has annexed to compensate the district according to a formula provided by the bill, taking into account the district's retail sales and use tax revenue if that formula yields a greater amount than the formula prescribed by statute.

Notices Related to Expanding the Boundaries and ETJ of a Municipality—S.B. 1303
by Senator Bettencourt et al.—House Sponsor: Representative Cecil Bell

Concerned parties observe that property owners are affected by the zoning regulations of a municipality when their land is within the municipality's extraterritorial jurisdiction (ETJ). Intentionally or not, municipalities do not communicate with property owners in their ETJ when considering changes to zoning regulations. This bill:
Requires a municipality to maintain a copy of its map of municipal boundaries and extraterritorial jurisdiction in a location easily accessible to the public, including posting such information on the municipality's website.

Requires a tier 1 home-rule municipality, before the 90th day after the municipality adopts or amends a municipal annexation plan, to give written notice to each property owner in any area included in the municipality's extraterritorial jurisdiction as a result of the proposed annexation.

Requires a tier 1 home-rule municipality proposing to annex an area under a municipal annexation plan or to annex an area exempted from such a plan to publish notice of the requisite annexation hearings in a newspaper of general circulation in any area included in the expansion of the municipality's extraterritorial jurisdiction resulting from the annexation.

**Regulation of Lots in Undeveloped Subdivisions—S.B. 1402**

*by Senator Rodríguez—House Sponsor: Representative Mary González*

During the 1950s through the early 1980s, large tracts of land were purchased in the far east of El Paso County, subdivided into small lots, and sold to thousands of individuals on speculation that they would be good investments. According to the El Paso County Central Appraisal District, most of these lots, which once valued at $1000 remain undeveloped and are now valued at $1 or $2. There are approximately 54,000 acres of lots fitting this category within El Paso County. Today, speculators acquire bundles of these lots and they must make minimum improvements for water and sewer treatment, as required by the 1995 colonias law, but do not install other improvements that are required by current regulations. Eventually, as these lots are re-sold and occupied, residents begin asking for streets, curbs, drainage, lights, and other improvements, and the county must provide these improvements at a high cost. This bill:

Authorizes the El Paso County Commissioners Court to implement a process applicable to a subdivision in which 50 percent or more of the lots are undeveloped or unoccupied on or after the 25th anniversary of the date the plat for the subdivision was recorded with the county. The county, to the extent practicable, may apply to the subdivision more current street, road, drainage, and other infrastructure requirements.

Requires a standard adopted by a county to be no less stringent than the minimum model water safety standards in residential areas of political subdivisions.

**Apportionment of Infrastructure Costs for Property Development Projects—S.B. 1510**

*by Senator Schwertner—House Sponsor: Representative Muñoz, Jr.*

Infrastructure development is the most expensive part of the land development process. Developers spend millions of dollars on roads and transportation improvements, water and wastewater improvements, and storm-water and drainage improvements. It is sound public policy to require a developer to build or pay for infrastructure required by a particular development; however, local
governments have often demanded that a developer build or pay for expensive public infrastructure improvements that go well beyond the infrastructure needs of a particular development. This bill:

Prohibits the developer's portion of certain development costs from exceeding the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under The Texas Engineering Practice Act and is retained by the municipality or county in which the property development project is located.

Authorizes a developer who disputes a determination of cost apportionment by a licensed engineer retained by a county to appeal to the commissioners court of the county under procedures adopted by the court. Entitles a developer who prevails in an appeal to collect applicable costs and reasonable attorney's fees, including expert witness fees.

Specifies that, in the event a municipality requires that a developer bear a portion of the costs of municipal infrastructure improvements, such a municipal requirement includes statutory provisions relating to the authority of a municipality and county to regulate subdivisions in and outside a municipality's extraterritorial jurisdiction.

**Required Threshold Contract Amount for County Purchasing Procedure—S.B. 1720**

*by Senator Lucio—House Sponsor: Representative Leman*

It has been noted that the threshold amount, above which a county is required to engage in a competitive bidding procedure, does not include purchases for a county road department. This bill:

Authorizes purchases of $50,000 or less, rather than $25,000 or less, if a county road engineer so recommends and the commissioners court considers it to be in the best interest of the county, to be made through negotiation by the commissioners court or the court's authorized representative on requisition to be approved by the commissioners court or the county auditor without advertising for competitive bids.

Prohibits a purchase from being divided or reduced to avoid the competitive bidding requirement on a purchase that would otherwise cost more than $50,000, rather than $25,000.
The comprehensive index includes the entirety of enrolled and vetoed legislation from the 86th Texas Legislature. References to page numbers can be found in either Volume I or Volume II.

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