Senate Research Center

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# HIGHLIGHTS of the 85th Texas Legislature

A Summary of Enrolled Legislation
Volume 1

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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**Supplemental Appropriations—H.B. 2**

*by Representative Zerwas—Senate Sponsor: Senator Nelson*

The appropriations process requires the legislature to consider estimations of state needs for the upcoming two-year span. However, the budget for the 2016–2017 biennium requires supplemental appropriations to meet the fiscal reality of the previous two years and to cover the higher-than-budgeted costs of various services. When estimates are incorrect, budgetary adjustments in the form of supplemental appropriations are necessary to meet state obligations. This bill:

Reduces appropriations by $51.8 million for bond debt service payments and other operational costs at the Texas Public Finance Authority; $31 million for the Texas Emissions Reduction Plan at the Texas Commission on Environmental Quality; $14.2 million for bond debt service payments at the Texas Department of Transportation; $13.8 million for lease payments and $0.2 million for operational costs at the Texas Facilities Commission; $1.2 million for the system benefit fund at the Public Utility Commission of Texas; and $0.5 million for operational costs at the Texas Education Agency.

Appropriates $56.6 million for entitlement programs and day care and $101.7 million for critical needs for the Department of Family and Protective Services (DFPS); $793.6 million for the Medicaid shortfall, $2.4 million for comprehensive rehabilitation services, and $4.5 million for the early childhood intervention program at the Health and Human Services Commission (HHSC); $12.7 million for state-supported living centers at the Department of Aging and Disability Services; $15.1 million for state hospitals at the Department of State Health Services; $7.5 million in emergency response reimbursements to the Texas A&M Forest Service; $80 million for correctional managed health care at the Texas Department of Criminal Justice; $4.5 million for operational costs at the Texas Juvenile Justice Department; $0.6 million for cattle-tick fever mitigation at the Texas Animal Health Commission; and $1.1 million for group insurance at Kilgore College.

Increases federal fund appropriations by $1.6 billion for the Medicaid shortfall at HHSC.

Requires HHSC to receive written approval from the Legislative Budget Board (LBB) prior to expending any amount appropriated for Medicaid services in the bill.

Requires project cost overruns at DFPS to be paid from appropriated receipts or another method of finance with LBB approval.

Prohibits the Texas Alcoholic Beverage Commission (TABC) to use its appropriation authority for out-of-state travel or for event attendance or participation, except for documented law enforcement or investigative activities, and prohibits receipt by or spending authority to TABC of payments made to it by trade, professional, or industry organizations.

Directs the Texas Department of Public Safety to use appropriated funds to complete all Driver License Improvement Plan projects by August 31, 2017.

Requires executive branch state agencies and institutions of higher education subject to the governor's hiring-freeze directive that was issued January 31, 2017, to adhere to and lapse all savings derived from the directive.

### Transfer of Revenue to State Parks Account—H.B. 448

*by Representative Guillen—Senate Sponsor: Senator Perry*

Several years ago, certain funding was diverted to a Texas Parks and Wildlife Department (TPWD) account to address a funding shortfall for state parks. However, due to changes in how state parks are funded, such a diversion is no longer necessary. This bill:

Authorizes, instead of requires, TPWD, not later than the 10th day of each month, to transfer an amount not to exceed 15 percent of certain collected amounts to the state parks account.

### Public Funds Investment Pools—H.B. 1003

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

The Public Funds Investment Act (Chapter 2256, Government Code) governs the investment of funds held by state agencies, local governments, nonprofits that are acting on behalf of local governments or state agencies, and investment pools that are acting on behalf of multiple entities already covered by the Act. Some observers contend that state law regarding investment procedures for public funds is inconsistent with applicable regulations established by the federal Securities and Exchange Commission (SEC) and that this inconsistency may jeopardize certain public funds investment pools. Legislators suggest conforming state law to SEC regulations to preserve public funds investment pools. This bill:

Expands investments authorized to be made under the Act. Exempts institutions of higher education with endowments of at least $150 million from the Act. Revises provisions relating to investment pools.

### Creating the National Museum of the Pacific War Museum Fund—H.B. 1492

*by Representative Miller et al.—Senate Sponsor: Senators Buckingham and Hinojosa*

The National Museum of the Pacific War is owned by the State of Texas and is operated by the Texas Historical Commission (THC) and the Admiral Nimitz Foundation through a public-private partnership. Under the current funding structure, certain museum proceeds are considered state funds, even though the public-private partnership requires these funds to be paid from THC to the Admiral Nimitz Foundation. Such an arrangement circumvents state law that requires all state funds to be deposited into a State of Texas account without being comingled with other funds. This bill:

Requires THC to deposit the proceeds of revenue bonds or other revenue obligations issued in accordance with Chapter 1232 (Texas Public Finance Authority), Government Code, rather than to the credit of the National Museum of the Pacific War account. Authorizes THC to use the proceeds only to finance the repair, renovation, improvement, expansion, and equipping of the National Museum of the Pacific War.

Provides that the National Museum of the Pacific War museum fund is created as a fund outside the state treasury.

Requires THC to administer the fund, but authorizes THC to contract with the Admiral Nimitz Foundation to administer the fund; provides that the fund consist of admissions revenue from museum operations and donations made to THC for the museum; authorizes money in the fund to be spent without appropriation only to administer, operate, preserve, repair, expand, or otherwise maintain the museum; and requires interest and income from the fund's assets to be credited to and deposited in the fund.

**Authorized Investments under Public Funds Investment Act—H.B. 2647**
*by Representative Stephenson—Senate Sponsor: Senator Larry Taylor*

Stakeholders express concern whether money market deposit accounts are authorized investments under the Public Funds Investment Act (Chapter 2256, Government Code). This bill:

Provides that interest-bearing banking deposits that are guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund are authorized investments under the Public Funds Investment Act, with exceptions. Provides that interest-bearing deposits, other than the guaranteed or insured deposits, under certain conditions, are authorized investments under the Act.

**Authorized Investments under Public Funds Investment Act—H.B. 2928**
*by Representative Stephenson—Senate Sponsor: Senator Larry Taylor*

Stakeholders contend that it is unclear whether obligations of Federal Home Loan Banks and certain in-state certificates of deposit are authorized investments under the Public Funds Investment Act (Chapter 2256, Government Code). Legislators suggest resolving the confusion by clarifying that such obligations and certificates are authorized investments under the act. This bill:

Provides that Federal Home Loan Banks and certificates of deposit or share certificates are authorized investments under the Public Funds Investment Act.

**Money Credited to Deferred Maintenance Account—H.B. 3537**
*by Representative Geren—Senate Sponsor: Senator Hancock*

Current law is unclear whether money credited to the deferred maintenance fund account should remain subject to certain federal restrictions or whether the use of that money should be restricted to related functions of the state's fish and wildlife resource management in accordance with federal restrictions. This bill:

Provides that the use of money credited to the deferred maintenance fund account by an appropriation or transfer from the game, fish, and water safety account; the lifetime license endowment account; or another fund or account in the state treasury—the use of which is subject to restrictions under the federal Sport Fish Restoration Act, the federal Wildlife Restoration Act, or other federal law—and that the use of money earned as interest, or other earnings on the investment of money credited to the fund, is to continue to be subject to those federal restrictions and may be

used only for a function required to manage the state's fish and wildlife resources in accordance with the federal restrictions.

**Payment of Claims and Judgments Against the State—H.B. 3765**
*by Representative Longoria—Senate Sponsor: Senator Hinojosa*

The state has a number of outstanding claims and judgments against it for varying amounts of money, including warrants voided by the statute of limitations, outstanding invoices to private vendors, unpaid charges for Medicaid recipients, or court judgment settlements at the conclusion of each biennium. These claims require additional appropriations to be made to honor the state's obligations under law. S.B. 1280 sets forth sums of money appropriated out of various accounts to pay certain claims and judgments against the state. This bill:

Provides an itemized list of payment amounts plus interest of 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;
Game, Fish, and Water Safety General Revenue Account No. 0009;
State Parks General Revenue Account No. 0064;
Compensation to Victims of Crime General Revenue Account No. 0469; and
Unemployment Compensation Clearance Account Fund No. 0936.

Requires that a claim or judgment be verified and substantiated by the administrator of the special fund or account. Prohibits any claim or judgment itemized in this bill that has not been verified and substantiated by the administrator of the special fund or account and approved by the Texas attorney general and the Texas comptroller of public accounts (comptroller) by the date set forth in the bill from being paid by using money appropriated by this bill.

Requires that each claim or judgment paid from money appropriated by this bill contain information as the comptroller requires but at a minimum contain the specific reason for the claim or judgment. Requires that a claim for a voided warrant is to include a specific identification of the goods, services, refunds, or other items for which the warrant was originally issued and to include a certification by the original payee or the payee's successors, heirs, or assigns that the debt is still outstanding. Requires that a claim or judgment for unpaid goods or services is to be accompanied by an invoice, or other acceptable documentation, of the unpaid account and any other information that may be required by the comptroller.

**Creation and Dedication of General Revenue and Funds and Accounts—H.B. 3849**
*by Representative Zerwas—Senate Sponsor: Senator Nelson*

Every session the legislature passes a funds consolidation bill, which is critical to state budget and provides parameters for the creation and re-creation of funds and accounts in the state treasury. Nearing the end of the 2018–2019 biennium, H.B. 3849 will abolish all accounts, funds, and revenue dedications created or re-created by the 85th Legislature, unless specifically exempted under

separate provisions of this bill. Any dedicated accounts or revenue that are abolished 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 85th Legislature, Regular Session, 2017, are abolished unless specifically exempted under separate sections of this bill.

Provides that any funds, accounts, or revenue dedications abolished under this bill will be deposited as a credit to the unobligated portion of the GR fund.

Exempts dedications, funds, and accounts that were enacted prior to the 85th Legislature convening and exempts increases in existing fees or in other revenues that were previously dedicated or were required to be deposited into an exempted fund or account.

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

Exempts trust funds or dedicated revenue deposited into either trust funds or certain bond funds and exempted pledged funds created under the 85th Legislature, Regular Session, 2017, except that trust funds will be held in the state treasury, with the Texas comptroller of public accounts in trust, or outside the state treasury with the comptroller's approval.

Reestablishes the Cancer Prevention and Research Interest and Sinking Fund (CPRISF).

Provides that the following funds, accounts, and dedications of revenue are exempt from abolition by this bill: CPRISF; National Museum of the Pacific War Museum Fund; Alamo complex account; and the dedication of revenue to the Water Resource Management Account.

Provides a list of legislation that exempts certain funds or accounts from the provisions in the bill.

## General Appropriations Act—S.B. 1

*by Senator Nelson—House Sponsor: Representative Zerwas*

### Overview

The Conference Committee on S.B. 1 (committee) recommended $216.8 billion in All Funds for state government operations for the 2018–2019 state fiscal biennium beginning September 1, 2017. This recommendation represents an increase of $359.4 million, or 0.2 percent, compared to the estimated costs of the 2016–17 biennium. The committee recommended $106.7 billion in General Revenue (GR) and GR-Dedicated funds for the 2018–19 biennium, which is a decrease of $1.3 billion, or 1.2 percent, from the estimated costs of the 2016–17 biennium.

The committee recommended $6.2 billion in All Funds, including $3.3 billion in GR funds, for Article I-General Government; $79.5 billion in All Funds, including $33.5 billion in GR funds, for Article II-Health and Human Services; $80.4 billion in All Funds (separated into $59.9 billion in All Funds for public education and $20.5 billion in All Funds for higher education), including $55.9 billion in GR funds (separated into $41.0 billion in All Funds for public education and $14.9 billion in All Funds for higher education), for Article III-Agencies of Education; $823.6 million in All

Funds, including $494.6 million in GR funds, for Article IV-The Judiciary; $12.3 billion in All Funds, including $11.4 billion in GR funds, for Article V-Public Safety and Criminal Justice; $4.5 billion in All Funds, including $895.3 million in GR funds, for Article VI-Natural Resources; $31.8 billion in All Funds, including $547.7 million in GR funds, for Article VII-Business and Economic Development; $630.6 million in All Funds, including $344.7 million in GR funds, for Article VIII-Regulatory; $83.9 million in All Funds, including $4.5 million in GR funds, for Article IX-General Provisions; and $387.5 million in All Funds, including $387.3 million in GR funds, for Article X-The Legislature.

**Major Highlights**

Foundation School Program

Appropriates $42.7 billion in All Funds to school districts and charter schools through the Foundation School Program (FSP) system, which includes funding for school district payment adjustments. Appropriates a net increase of $273.6 million in program funding, resulting from an estimated $1.4 billion increase in Other Funds, attributable to projected increases in revenues from the Property Tax Relief Fund and from recapture payments, and a $1.1 billion decrease in GR funds. Provides for a $300.0 million contingency FSP appropriation for a distribution authorized by the General Land Office from the Permanent School Fund to the Available School Fund. Appropriates $75.0 million for school districts experiencing rapid property-value decline and $47.5 million for the New Instructional Materials Allotment.

Medicaid

Appropriates $62.4 billion in All Funds, including $25.6 billion in GR and $0.2 billion in GR-Dedicated funds, to the Texas Medicaid program, which is a biennial reduction of $1.9 billion in All Funds.

Appropriates $57.4 billion in All Funds for Medicaid client services, $1.7 billion in All Funds for programs supported by Medicaid funding, and $3.3 billion in All Funds for the administration of the Medicaid program and other programs supported by Medicaid funding. Reduces appropriations by $1.3 billion in All Funds for Medicaid client services, $0.6 billion in All Funds for administrative funding, and $0.1 billion in All Funds for other programs supported by Medicaid funding.

Includes funding for Medicaid client services to support caseload growth at the fiscal year (FY) 2017 average costs for most services in FY 2018. Maintains funding for FY 2019 at the FY 2018 level for each method of financing, excluding long-term-care waivers, which are maintained at the August 2017 level throughout the 2018–19 biennium, except for the Texas Home Living (TxHmL) and Home and Community-based Services (HCS) waivers. Provides that an additional 735 HCS waiver slots for promoting independence are funded by the end of FY 2019, while TxHmL slots are assumed to continue to decline throughout the 2018–19 biennium.

Restores approximately 25.0 percent of reductions made to therapy reimbursement rates in the 2016–17 biennium and to phase-in reductions associated with reimbursement policy for therapy assistants.

Provides $1.0 billion in All Funds ($0.4 billion in GR funds) in cost containment for Medicaid client services, which includes amounts relating to reducing the risk margin for Medicaid managed care, and includes specific direction to the Health and Human Services Commission (HHSC) to contain costs and execute savings.

Child Protective Services

Appropriates $3.5 billion in All Funds, including $2.0 billion in GR funds, to Child Protective Services (CPS) functions at the Department of Family and Protective Services, which represents an increase of $508.5 million in All Funds and $399.9 million in GR funds from the 2016–17 biennium.

Appropriates the following to CPS to improve agency performance relating to the average caseload per caseworker and caseworker retention and to ensure the safety of children:

$292.8 million in All Funds to maintain 828.8 full-time-equivalent (FTE) positions and salary increases provided in FY 2017 to address critical needs within CPS; and
$88.0 million in All Funds to support an additional 509.5 caseworker positions in FY 2018 and 597.9 caseworker positions in FY 2019.

Increases funding by $94.9 million in All Funds and $28.0 million in GR funds to further support foster care payments, including funding to increase rates for foster care services providers in the legacy and redesigned systems, and to expand Foster Care Redesign to three additional regions by the end of FY 2019.

Increases funding by $1.2 million in GR funds for the Preparation for Adult Living Purchased Services Program to expand the aid that is provided to foster care youth transitioning into independent living.

Transportation

Appropriates $26.6 billion in All Funds for all functions of the Texas Department of Transportation (TxDOT), which includes $2.9 billion in funding from anticipated state sales tax deposits to the State Highway Fund (SHF) associated with Proposition 7 (2015); $2.5 billion in funding from oil and natural gas tax-related transfers to the SHF associate with Proposition 1 (2014); and all available SHF from traditional transportation tax and fee revenue sources (estimated to be $8.8 billion for the 2018–19 biennium).

Appropriates $23.0 billion in All Funds for highway planning and design, right-of-way acquisition, construction, and maintenance and preservation, which includes $9.7 billion in funding for maintenance and preservation of the existing transportation system; $4.5 billion in funding for construction and highway improvements; $2.3 billion associated with Proposition 7 (2015) proceeds and $2.5 billion associated with Proposition 1 (2014) proceeds for constructing, maintaining, and acquiring rights-of-way for non-tolled public roadways; $2.3 billion in funding for transportation system planning, design, and management; and $1.7 billion in funding for right-of-way acquisition.

Appropriates $2.3 billion in All Funds for debt service payments and other financing costs, including $1.6 billion in Other Funds from SHF and the Texas Mobility Fund; $0.6 billion in Other Funds for general obligation bond debt service in conjunction with a decrease of $0.5 billion in GR funds; and $0.1 billion in Federal Funds from Build America Bond interest payment subsidies.

Behavioral Health

Appropriates $4.0 billion in All Funds for non-Medicaid behavioral health services and related expenditures, which supports programs at 18 agencies across six articles, and includes funding for inpatient client services at state and community hospitals; outpatient services provided through local

mental health authorities; substance abuse prevention, intervention, and treatment services for adults and children; mental health care and substance abuse treatment for incarcerated offenders; mental health care services for veterans; and a variety of other services.

Appropriates $62.6 million in All Funds for the biennium to address the current and projected waiting lists for adults and children to receive community mental health services; $69.0 million in GR in contingency funding for several bills that would provide grants to community entities for behavioral health services and expand access to peer supports for individuals with a mental illness; $10.3 million in funding to increase maximum security forensic bed capacity at the North Texas State Hospital-Vernon Campus; and $24.8 million to maintain purchased inpatient bed capacity and state hospital bed capacity.

Appropriates $300.0 million from the Economic Stabilization Fund (ESF) for new construction and significant repair projects at state hospitals and other inpatient mental health facilities and approximately $66.3 million from the ESF for immediate maintenance needs at state hospitals.

Higher Education

Appropriates $7.2 billion in GR and $1.5 billion in GR–Dedicated funds for statutory tuition, which represents a decrease of $2.9 million in GR and an increase of $0.1 billion in GR–Dedicated funds. Replaces $1.1 billion in All Funds for special item funding in the 2016–17 biennium, with $0.9 billion in funding for non-formula support items at all institution types.

Increases the general academic institutions Instruction and Operations (I&O) formula rate from $55.39 to $55.82; maintains the Lamar State Colleges I&O formula at the 2016–17 biennial rate; and maintains the Texas State Technical Colleges (TSTC) I&O formula of GR funds at the 2016–17 biennial funding level. Provides infrastructure support for Texas State Technical College North Texas and Texas State Technical College Fort Bend County, which were established by the 84th Legislature, Regular Session, 2015.

Adds The University of Texas at Austin and The University of Texas Rio Grande Valley to the health-related institution (HRI) formula appropriations. Decreases HRI formula rates from the 2016–17 biennial level.

Appropriates an additional $18.0 million in formula funding for core operations at public community colleges and junior colleges and an additional $10.8 million in GR funds for success points funding.

Establishes a special joint legislative committee in the interim to prepare recommendations to realign or possibly eliminate non-formula support items and to consider funding modifications for institutions of higher education.

Adult Incarceration

Appropriates $6.6 billion in All Funds for the incarceration, probation, and parole of adult offenders in the Texas Department of Criminal Justice (TDCJ), which includes housing, security, classification, food, necessities, health care, and treatment services. Appropriates a $128.6 million decrease in funding for the transfer of state contributions for the Community Supervision and Corrections Department health insurance to the Employees Retirement System of Texas (ERS); $40.0 million in funding for deferred maintenance, which is a $20.0 million decrease in funding from 2016–17 biennial levels; a $49.5 million decrease in funding for the closure of correctional

facilities; a $7.9 million decrease in funding to align community supervision and parole with the Legislative Budget Board's population projections; and a $4.8 million increase in funding for pretrial diversion.

Appropriates $1.1 billion, which is a $70.4 million funding decrease, to Correctional Managed Health Care and includes the following cost-containment strategies:

> $60.9 million increase in funding to expand unit infirmary capacity and retain unit nursing staff, which is estimated to result in a $68.0 million cost avoidance related to hospital costs and correctional officer and nurse overtime;
>
> $30.0 million decrease in funding to transition The University of Texas Medical Branch at Galveston (UTMB-Galveston) hospital's reimbursement rate from the Tax Equity and Fiscal Responsibility Act methodology to a standard dollar amount methodology, with an add-on for graduate medical education; and
>
> $13.7 million decrease in funding to cap indirect administrative charges at 2.75 percent for UTMB-Galveston and Texas Tech University Health Sciences Center.

Border Security

Appropriates $800.0 million to fund border security initiatives at the Texas Department of Public Safety (DPS), the Trusteed Programs within the Office of the Governor, the Texas Parks and Wildlife Department (TPWD), the Texas Alcoholic Beverage Commission, the Texas Commission on Law Enforcement, the Office of the Attorney General, the Texas State Soil and Water Conservation Board, the Texas Department of Motor Vehicles, and TDCJ.

Appropriates $694.3 million in All Funds to DPS, including $445.7 million in funding for Secure Texas; $97.1 million in funding to recruit, train, equip, and deploy 250 new troopers and 126.1 FTE-support positions to the border region by the end of the 2018–19 biennium; $7.0 million in funding for equipment, including cameras and related technology, associated with Operation Drawbridge; $8.8 million to fund costs for extraordinary operations associated with Operation Secure Texas; $3.2 million in funding to establish a law enforcement operations center in the border region; $145.6 million for a 50-hour workweek for all DPS-commissioned law enforcement officers; and $133.4 million to fund the full biennial costs of 22 Texas Rangers ($9.5 million), 250 troopers ($123.9 million), and 115 support staff.

Teacher Retirement and Health Benefits

Appropriates $4.0 billion in All Funds as the state contribution to retirement benefits of the Teacher Retirement System of Texas (TRS), including $3.9 billion in GR funds; $97.5 million in GR–Dedicated funds; and $8.3 million in Other Funds (TRS Pension Trust Fund), which reflects a state contribution rate of 6.8 percent of employee payroll during each year of the 2018–19 biennium and assumes an annual payroll growth rate of 3.5 percent for public education and an annual payroll growth of 2.9 percent for higher education for each fiscal year of the biennium, based on payroll trend data.

Appropriates $997.6 million in GR funds, a funding increase of $416.7 million, or 71.7 percent, from the 2016–17 biennial base funding level for retiree health insurance, which provides an increase in the statutorily required state contribution to TRS-Care from 1.0 percent to 1.25 percent of public

education payroll and for a onetime appropriation of additional funds to cover the remainder of the projected TRS-Care shortfall for the 2018–19 biennium.

Trusteed Programs within the Office of the Governor

Appropriates 1.2 billion in All Funds for the Trusteed Programs within the Office of the Governor, which includes $110.0 million in funding for disaster grants; $25.0 million in funding for grants to law enforcement agencies for bullet-resistant personal body armor; $20.0 million in funding for Defense Economic Adjustment Assistance Grants to military communities; $86.0 million in funding in estimated unexpended balances remaining at the end of FY 2017 in the Texas Enterprise Fund for incentive grants; and $15.6 million in funding for the Governor's University Research Initiative.

State Facilities

Appropriates $946.3 million (including $777.7 million from ESF, $86.6 million in GR and GR–Dedicated funds, and $80.0 million from SHF) 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.

Appropriates $300.0 million in funding to HHSC for new construction and repairs at state hospitals and other inpatient mental health facilities; $160.0 million in funding to HHSC to address critical health and safety needs at state supported living centers and state hospitals; $117.9 million in funding to the Texas Facilities Commission for emergency repairs and deferred maintenance at state facilities; $80.0 million in funding to TxDOT for deferred maintenance and Austin-campus consolidation; $75.0 million in funding to the General Land Office for the preservation of the Alamo and surrounding complexes; $66.2 million in funding to TPWD, including $49.2 million for weather-related construction and $17.0 million for maintenance needs at state parks; $40.0 million in funding to TDCJ; and $12.1 million in funding to the Texas Juvenile Justice Department for health and safety projects; and $20.2 million in funding to the Texas Historical Commission for courthouse preservations grants and $6.4 million in funding for historic sites.

State Employee Retirement

Appropriates $1.3 billion in All Funds, including $982.1 million in GR and GR–Dedicated funds, as the state contribution to the ERS retirement program, which reflects an increase of $40.4 million in All Funds and provides for a total combined state contribution rate of 10.0 percent.

Appropriates $4.0 billion in All Funds as the state contribution for group insurance benefits for general state employees, retirees, and their dependents, which provides an annual 0.8 percent increase in the state's contribution due to targeted health care cost-savings measures and "spend-down" from the contingency reserve fund.

Debt Service

Appropriates $4.3 billion in All Funds (a funding decrease of $260.1 million, or 5.7 percent, from the 2016–2017 biennium) to fully fund debt service for general obligation and revenue debt issued or expected to be issued by the Texas Public Finance Authority, the Texas Water Development Board, TxDOT, and the Office of the Governor. Provides funding for reimbursement of debt service payments for tuition revenue bonds issued by institutions of higher education.

Economic Stabilization Fund

Appropriates $988.9 million from ESF for the 2018–19 biennium and projects the cash balance of the fund, plus the total asset value of investments, to be $10.9 billion at the end of FY 2019.

**State Foreign Investments—S.B. 252**
*by Senator Van Taylor—House Sponsor: Representative Sarah Davis et al.*

Statute currently prohibits state retirement systems, but not other governmental entities, from investing in companies engaged in business with the Sudanese or Iranian government in an effort to halt retirement systems' investments in companies associated with the genocide and terrorist activities committed by those governments. Legislators contend that expanding this prohibition would support American international diplomatic policy. This bill:

Prohibits a governmental entity from entering into a contract with a company that the Office of the Comptroller of Public Accounts of the State of Texas has listed as doing business with Iran, Sudan, or a foreign terrorist organization.

**Prohibiting State Foreign Investments—S.B. 253**
*by Senators Van Taylor and Bettencourt—House Sponsor: Representative Sarah Davis*

Statute currently prohibits state retirement systems, but not other governmental entities, from investing in companies engaged in business with the Sudanese or Iranian government in an effort to halt retirement systems' investments in companies associated with the genocide and terrorist activities committed by those governments. Legislators suggest expanding this prohibition to apply to other public funds. This bill:

Prohibits state investments in companies doing business with the governments of Sudan or Iran or any organization designated by the United States secretary of state as a foreign terrorist organization.

Requires the Office of the Comptroller of Public Accounts of the State of Texas to prepare and maintain a list of designated foreign terrorist organizations by updating it to reflect any changes in the federal list of foreign organizations designated by the U.S. secretary of state.

**Texas Forensic Science Commission Operating Account—S.B. 298**
*by Senator Hinojosa—House Sponsor: Representative Geren*

In 2015, the legislature required the Texas Forensic Science Commission (FSC) to establish a process for licensing forensic analysts, and by January 1, 2019, a person practicing in a forensic discipline subject to accreditation by Texas law may not act as a forensic analyst without a license. Although FSC is responsible for successfully licensing forensic analysts, for supporting the licensing advisory board, and for ensuring the efficient implementation of the program, FSC has no dedicated funding account to accomplish these tasks. This bill:

Provides that the FSC operating account is an account in the general revenue fund.

Requires FSC to deposit fees collected for the issuance or renewal of a forensic analyst license to the credit of the account.

Authorizes money in the FSC account to be used for the administration and enforcement of certain tasks related to licensing forensic analysts.

**Funding TLLRWDCC Operations—S.B. 1330**
*by Senator Seliger—House Sponsor: Representative Landgraf*

A 1.25 percent fee is assessed on all low-level radioactive waste received by the Texas Low-Level Radioactive Waste Disposal Compact disposal facility located in Andrews, Texas. This fee supports the activities of the Texas Low-Level Radioactive Waste Disposal Compact Commission (TLLRWDCC) as required by the Texas Low-Level Radioactive Waste Disposal Compact. This bill:

Ensures that all fees assessed are directed to the dedicated account from which funds are appropriated to support the activities of the TLLRWDCC.

**TRS Investment Authority—S.B. 1665**
*by Senator Huffman—House Sponsor: Representative Flynn*

Interested parties call for certain changes to the investment authority of the Teacher Retirement System of Texas (TRS), including the authority of the board of trustees (board) of TRS to delegate certain investment authority to investment managers. S.B. 1665 provides those changes. This bill:

Includes in the definition of "securities" any derivative instrument of investment, and any other instrument commonly used by institutional investors to manage institutional investment portfolios.

Authorizes the TRS board to delegate discretionary investment authority to external investment managers to invest and manage not more than 30 percent of the total assets held in trust by TRS and to contract with external investment advisors and consultants to assist and advise TRS board and staff.

Repeals Sections 825.301(a-1) (relating to allowing the board to buy and sell certain assets to efficiently manage and reduce the risk of the overall investment portfolio) and (a-2) (relating to allowing the board to delegate investment authority to and contract with private, professional investment managers), Government Code.

**Annual Report on Unfunded State Programs—S.B. 1831**
*by Senator Buckingham et al.—House Sponsor: Representative Capriglione*

The General Appropriations Act traditionally includes a contingency rider to provide that a state agency is not required to use appropriations for specific programs or legislation for which no specific

appropriation or contingency provision exists in the Act. Taxpayers request additional transparency in the financial activity of state agencies regarding alternative methods of funding programs that do not receive appropriations. This bill:

Requires the Texas comptroller of public accounts (comptroller) to submit a report to the legislature not later than December 30 of each year that identifies for each state agency each program the state agency is statutorily required to implement but for which no appropriation was made the preceding state fiscal year, along with a citation to the law imposing the requirement, and the amount and source of money the state agency spends, if any, to implement any portion of the program.

Requires a state agency to provide to the comptroller not later than September 30 of each year information necessary for the comptroller to prepare the report. Authorizes the comptroller to prescribe the form and content of the information that a state agency must provide.

### Authorizing First Responders to Sue for Discrimination—H.B. 451

*by Representative Moody et al.—Senate Sponsor: Senator Creighton*

Governmental immunity, or sovereign immunity, limits when a person can sue the government. However, statute waives immunity from suit for certain reasons. Specifically, stakeholders contend that obtaining redress is too difficult for a first responder when the responder is discriminated or retaliated against for filing a workers' compensation claim. This bill:

Waives governmental immunity from suit by authorizing a first responder to sue a governmental entity for discrimination as a result of filing a workers' compensation claim. It provides that the liability of a political subdivision in such cases is limited to money damages in a maximum amount of $100,000 for each aggrieved person and $300,000 for each single occurrence of discrimination relating to an employee filing a workers' compensation claim.

### Savings Promotion Raffles—H.B. 471

*by Representative Eric Johnson—Senate Sponsor: Senators Hancock and Rodríguez*

Saving one's earnings is essential to preparing for retirement, but statistics show that too few people are saving money at an adequate rate. Other states have demonstrated success in raising savings rates by holding "savings promotion raffles," which encourage people to save by offering them prizes for depositing funds into savings accounts. Legislators have suggested that such contests could boost the savings rates of Texans. This bill:

Authorizes credit unions and financial institutions to conduct a savings promotion raffle. Requires a credit union that conducts a raffle to maintain records for the Texas Credit Union Department (TCUD) to audit.

Requires TCUD to adopt rules to administer oversight of savings promotion raffles.

### Written Investment Policies of Governmental Entities—H.B. 1701

*by Representative Parker—Senate Sponsor: Senator Hancock*

The Government Code requires the governing body of an investing entity to adopt a written investment policy regarding the entity's investments of funds and to present that policy to any person offering to provide investment services. Stakeholders contend that the latter requirement is too broad, and legislators have suggested refining the requirement. This bill:

Requires that a written copy of an investment policy be presented to any business organization offering to engage in an investment transaction, rather than to any person offering to engage in an investment transaction. Redefines "business organization."

### Rental-Purchase Agreements—H.B. 1859 [VETOED]

*by Representative Simmons—Senate Sponsor: Senator Van Taylor*

A rental-purchase agreement allows a consumer to rent and use merchandise on a monthly basis and to eventually become the owner of the merchandise. Rent-to-own stores have been regulated in statute since 1985 and offer goods such as electronics, appliances, and furniture under rental-purchase agreements. However, large department stores and retail stores that provide more than rent-to-own merchandise have also begun renting merchandise under rental-purchase agreements. Stakeholders contend that transactions conducted by businesses that are not known primarily for rent-to-own transactions should be regulated to ensure transparency for consumer entering into such agreements. This bill:

Requires merchants that do not derive at least 50 percent of revenue from rental-purchase agreements to make disclosures to a consumer before presenting a rental-purchase agreement, including the cash market value of the rented equipment; the amount of periodic payments to rent the equipment; and the total number of payments necessary to acquire ownership of the equipment. Requires these merchants to issue an additional disclosure in which the consumer acknowledges that the consumer understands certain details about the agreement he or she is entering.

### Labeling of Used Watches—H.B. 2027

*by Representative Goldman—Senate Sponsor: Senator Van Taylor*

In response to an increase in the counterfeiting of watches, the 47th Texas Legislature in 1941 passed legislation regulating the sale or transfer of used watches. This legislation required used watches to be prominently labeled as "used" during a sale and in advertisements, and imposed jail time or a fine for a person who failed to properly indicate that a watch was used. However, during the 85th Legislature, Regular Session, legislators suggested that these requirements and penalties had outlived their usefulness and contended that Texas consumers neither require nor use these requirements. This bill:

Repeals regulations applicable to the sale of used watches and repeals criminal penalties for improper labeling or advertisement of used watches.

### Consolidating Texas Lemon Laws—H.B. 2070

*by Representative Smithee—Senate Sponsor: Senator Watson*

State lemon laws provide that vehicle owners have certain rights under certain warranties that may apply to new vehicles and that manufacturers or distributors must replace or accept the return of a new vehicle that has a nonconformity with a warranty after a "reasonable number of attempts" to repair the vehicle. Statute provides the number of repairs that must occur within a certain mileage or time frame to constitute a reasonable number of attempts, establishing separate requirements depending on whether the vehicle's defect is a nonconformity, a safety hazard, or one that impairs the vehicle's use or diminishes its market value.

The Texas Department of Motor Vehicles, which administers lemon laws, made several recommendations prior to the 85th Legislature, Regular Session, to simplify these statutes. This bill:

Consolidates staggered mileages and time frames within which repair attempts must occur for all types of motor vehicle defects by providing that the attempts must occur within the first 24 months of ownership or 24,000 miles driven, whichever is earlier, for all three types of defects.

**Promoting Tourism through the Musical Heritage of Texas—H.B. 2079**
*by Representatives Hunter and Howard—Senate Sponsor: Senators Hinojosa and Zaffirini*

Interested parties note that Texas has a rich musical history that should be promoted and preserved. This bill:

Amends the Government Code to require the Texas Historical Commission (THC) to develop a Texas music history trail program to promote and preserve Texas's music history. Requires the program to, at a minimum, designate locations or organizations that are historically significant to Texas's musical heritage; adopt an icon, symbol, or other identifying device to represent such designation; use an icon, symbol, or other identifying device to promote tourism around Texas and at designated locations or organizations; and, to the extent funds are available, develop itineraries and maps to guide tourists to designated locations or organizations.

Requires THC to adopt eligibility criteria for a designation, as well as procedures to administer the program, and authorizes THC to enter into a memorandum of understanding, with certain specified state entities to implement the bill's provisions.

Authorizes THC to solicit and accept gifts, grants, or other donations from any source to implement the bill's provisions.

**Sale of Wine by Brewpub License Holders—H.B. 2097**
*by Representative Geren—Senate Sponsor: Senator Watson*

Under current law, brewpubs may produce not more than 10,000 barrels of malt liquor, ale, and beer per year and then sell their product directly from their premises to ultimate consumers. Because this is their business model, brewpubs must hold a brewpub license and a wine and beer retailer's permit, a mixed beverage permit, or a retail dealer's on-premise license. Each of these permits and licenses allows a brewpub to sell specific types of alcohol to an ultimate consumer. Legislators suggest that a brewpub that sells its product to an ultimate consumer through a beer and wine retailer's permit should be able to sell wine produced by others. This bill:

Authorizes a brewpub license holder who holds a wine and beer retailer's permit to sell wine produced by others.

**Covering Keys and Key Fobs in Motor Vehicle Service Contracts—H.B. 2275**
*by Representative Paddie—Senate Sponsor: Senator Hughes*

Service contracts provide protection for consumer products that suffer a failure due to a defect in materials or workmanship or due to normal wear and tear. Citing the rising cost of motor vehicle keys and key fobs, legislators suggest allowing service contracts to cover the replacement of a key or key fob. This bill:

Authorizes a service contract to provide the replacement of a motor vehicle key or key fob in the event that the key or key fob is inoperable, lost, or stolen. Provides that a service contract provider is not required to deduct the amount of any claims paid under the contract from the amount of a refund of the contract's purchase price that is due as a result of cancellation of the contract by the service contract holder or by the provider.

**Trade-In Credit Agreements—H.B. 2339**
*by Representative Senfronia Thompson—Senate Sponsor: Senator Zaffirini*

"Trade-in credit agreements" are offered in connection with motor vehicle retail installment contracts and provide a credit toward the purchase or lease of a vehicle upon the trade-in of another vehicle. Legislators suggest protecting motor vehicle buyers against the diminished value of a vehicle as a result of damage due to a collision accident by providing such agreements. This bill:

Authorizes a motor vehicle retail seller to sell a trade-in credit agreement.

**Business Names—H.B. 2856**
*by Representative Villalba—Senate Sponsor: Senator Estes*

Stakeholders contend that the process of selecting a name for a business entity in Texas should be uniform with the requirements established in other states, which would require that an entity's name be distinguishable from all others. Legislators argue that requiring new business entities to register with the secretary of state (SOS) under a unique name would expedite the registration of out-of-state business entities. This bill:

Requires the name of a business entity in the record of SOS to be distinguishable from other entities.

**Ownership of Abandoned Mutual Funds—H.B. 2964**
*by Representatives Meyer and Button—Senate Sponsor: Senator Hancock*

Statute provides that personal property is presumed abandoned if, for three years, the owner's existence is unknown and a claim to the property has not been made. However, concerns have been raised regarding when the three-year period begins. This bill:

Requires a holder of shares of a mutual fund to notify the owner of the shares when the owner makes the initial purchase of shares in the fund that the owner may designate a representative.

**Motor Vehicle Disposal by Vehicle Storage Facilities—H.B. 3131**
*by Representative "Mando" Martinez—Senate Sponsor: Senator Rodríguez*

During the 84th interim, the Texas Department of Motor Vehicles (TxDMV) heard concerns from vehicle storage facilities regarding redundant and confusing language in statute regarding the disposal of motor vehicles. In response, the TxDMV Board Directors reviewed statute and recommended legislation to address the concerns expressed by vehicle storage facilities. This bill:

Authorizes a person to apply to TxDMV for the authority to sell, give away, or otherwise transfer a motor vehicle to a demolisher if the person is the recorded owner of the vehicle or if the vehicle is abandoned and in the possession of the person. Repeals certain provisions conditioning the disposal of a vehicle relating to the vehicle's inoperability and compliance with emission standards. Authorizes the disposal of a vehicle if the vehicle is in the possession of a lienor under certain statutory provisions and if the lienor has complied with applicable notification requirements to foreclose on the lien.

**Motor Vehicle Auctions—H.B. 3215**
*by Representative Goldman—Senate Sponsor: Senator Schwertner*

Currently, professionally licensed auctioneers must complete 80 hours of prelicense education, pass a state examination, and complete six hours of continuing education each year to maintain their licenses. They are authorized to conduct sales on small items, as well as on multimillion dollar real estate, but are restricted from selling more than four vehicles held by the same owner. Legislators express concern that this restriction impedes the ability of farmers and small businesses to use auctioneers to sell their vehicles if their fleet contains more than four similar vehicles. This bill:

Provides that an auctioneer selling or offering to sell a vehicle does not constitute engaging in business as a motor vehicle dealer for the purpose of the requirement to hold a dealer general distinguishing number.

**Preserving Retail Taprooms for Craft Brewers—H.B. 3287**
*by Representative Goldman et al.—Senate Sponsor: Senator Seliger*

The 83rd Legislature modified regulations relating to small brewers with the passage of what is known as the "craft beer bill package." This bill package allowed for the retail consumption of beer or ale on a manufacturer's premises and reformed the licensing and permitting system for self-distribution by establishing respective annual production limits that allowed small brewers to serve their products on the brewer's premise if they produced an amount below the limit, essentially defining which brewers are "small brewers" and which are not. Those brewers that produced over the limits established by the bill package remained prohibited from serving their product on their premises to retail consumers.

Legislators express concern that large brewing manufacturers have acquired small craft breweries that were authorized by the craft beer bill package to operate retail consumption taprooms intended

to facilitate growth in the emerging craft brewing industry, which according to legislators, contradicts the intent of the 83rd Legislature. This bill:

Clarifies that provisions in the 2013 craft beer bill package allowing retail taprooms and self-distribution privileges apply solely to small brewers by applying the total annual production limits to a manufacturer's license holders at all premises owned by the license holder or an affiliate or subsidiary of the license holder.

Creates certain exceptions for brewing permit holders whose total production exceeds annual production limits and for permit holders who are up to 25 percent partly owned by brewing manufacturers whose annual production exceeds annual limits.

### Including NASCAR Events in Major Events Reimbursement Program—H.B. 3294

*by Representative Parker et al.—Senate Sponsor: Senator Estes*

Interested parties note that NASCAR has a rapidly growing audience in Texas, as well as in other states that are competing to host NASCAR events. H.B. 3294 amends current law relating to the eligibility of certain events to receive funding through the Major Events Reimbursement Program (MERP). This bill:

Amends Section 5A(a)(4), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), to redefine "event" to include two additional events eligible for MERP funding: (1) NASCAR All-Star Race and (2) season-ending NASCAR Championship Race.

### Authorizing Public Benefit Corporations—H.B. 3488

*by Representative Gina Hinojosa et al.—Senate Sponsor: Senator Estes*

Interested parties contend that when a corporation states a social purpose, the extent of the duty of the corporation's board of directors to consider that social purpose is unclear. This bill:

Provides a new kind of corporation, a public benefit corporation, in which one or more public benefits is identified and the corporation is managed in a way that balances shareholder interests and the public benefits.

### Defining "Qualifying Job" for Data Centers—H.B. 4038

*by Representative Bohac—Senate Sponsor: Senator Hancock*

Certain data centers contend that the temporary sales and use tax exemption for property used in certain data centers is unevenly applied, especially since third-party employees of some data centers are treated differently than others. Data centers have therefore requested that all such employees be treated equally under the "qualifying job" definition. This bill:

Provides that a "qualifying job" under Section 151.359 (Property Used in Certain Data Centers; Temporary Exemption), Tax Code, means a full-time, permanent job that pays at least 120 percent of the average weekly wage in the county in which the job is based, including a new employment position that is staffed by a third-party employer if a written contract exists between that employer and a qualifying owner, operator, or occupant who provides that the employment position is permanently assigned to an associated qualifying data center.

**Auctioning Alcoholic Items—H.B. 4042**

*by Representative Paddie—Senate Sponsor: Senator Whitmire*

Currently, nonprofit organizations may conduct charitable auctions involving alcoholic items on a one-time only basis with approval by the Texas Alcoholic Beverage Commission (TABC). However, stakeholders note that alcoholic items are routinely auctioned by charities without TABC approval. Legislators suggest clarifying which entities are authorized to auction alcoholic items. This bill:

Creates an annual auction permit, the fee for which is $500 per year. Subjects political action committees to the requirement to apply for an auction permit.

**Beer and Wine Retailer Licensing—S.B. 371**

*by Senator Watson—House Sponsor: Representative Cyrier*

Texas statute allows county judges or the Texas Alcoholic Beverage Commission (TABC) to deny, suspend, or cancel certain beer and wine licenses if the facility operating under a license does not have running water or separate toilets for men and women. Legislators contend that such provisions are unnecessary because local governments are better suited to regulate plumbing requirements. The statutory requirements regarding running water and separate toilets at alcoholic establishments do not apply to mixed beverage establishments, and legislators further contend that the law is not applied fairly. This bill:

Provides that a finding of noncompliance with certain running water and restroom requirements is not grounds by which a county judge or TABC may deny, suspend, or cancel a retailer or distributor license.

**ABLE Program—S.B. 377**

*by Senator Perry—House Sponsor: Representative Burkett*

The federal Achieving a Better Life Experience (ABLE) Act was signed into law in December 2014 and the Texas ABLE Program was established by legislation passed during the 84th Legislature, Regular Session, 2015, to allow people with disabilities to open tax-free savings accounts to fund and manage the financial burdens of their disability. Congress updated the Act in 2015 to provide greater options to beneficiaries by allowing them to open an account in any state's ABLE program that accepts out-of-state residents. Legislators express support for updating the Texas ABLE

Program to participate in a multistate consortium agreement for plan manager services, including delegating of certain investment management activities. This bill:

Authorizes the Prepaid Higher Education Tuition Board to enter into an agreement with any necessary entity to provide ABLE Program services through a consortium of states.

**Chiropractors—S.B. 679**

*by Senators Hancock and Lucio—House Sponsor: Representatives Dale and Huberty*

While statute allows some health care practitioners such as medical doctors and podiatrists, to jointly own and operate certain health-related entities through jointly owned corporations or partnerships, chiropractors are not authorized to do so. Stakeholders have expressed concern regarding the lack of parity, and legislators suggest allowing licensed chiropractors to partner with certain other doctors to improve access to the chiropractic industry. This bill:

Authorizes a licensed chiropractor to form a corporation, partnership, professional association, or professional limited liability company with other certain medical professionals to perform chiropractic services.

**Account Disclosures by Financial Institutions—S.B. 714**

*by Senator Seliger—House Sponsor: Representative Geren*

The 84th Legislature created a set of disclosure requirements for people who open or modify multiparty bank accounts to ensure a higher level of disclosure for payable-on-death accounts. However, the Senate Committee on Business and Commerce Interim Report to the 85th Legislature found that individuals with low incomes need an alternative to probate and its attendant costs to receive funds from or close an account of a deceased person.

Statute provides an example of a notice by which a financial institution establishes which type of account a person has elected to open. Statute further provides that financial institutions are required to disclose this form to a person at the time the person selects or modifies an account and that a person must initial to the right of each paragraph in the form. This bill:

Requires that a financial institution disclose the form before, rather than at the time, a person selects or modifies an account. Provides that a person may sign at the bottom of the form, rather than initial each section.

**Extended Protections for Construction Contracts—S.B. 807**

*by Senator Creighton—House Sponsor: Representative Workman*

Interested parties contend that the protections provided for certain construction contracts concerning real property in Texas, with respect to another state's law or to arbitration or court litigation in another state, should be extended to other types of construction contracts. S.B. 807 amends the Business and Commerce Code to provide this extension. This bill:

Defines "construction contract" and outlines the statutory applicability of these contracts, specifically the provisions for voiding contracts concerning real property located in the state. Provides that if a construction contract contains a provision making the contract or agreement subject to another state's law, that provision is voidable by a party obligated by the contract or agreement to perform the work that is the subject of the construction contract.

Provides that Chapter 272 (Law Applicable to Certain Construction Contracts), Business and Commerce Code, does not apply to a construction contact that is a partnership agreement or other agreement governing an entity or trust, to extensions of credit given to a party promising to perform a construction contract as an agreement with a lender, nor to obligations of a management party to perform the work that is the subject of the construction contract.

**Authorizing Internet Lien Auctions—S.B. 952**
*by Senator Hancock—House Sponsor: Representative Villalba*

Statutes regulating self-storage lien sales were enacted in 1983 and have not been updated to permit the use of such technological advancements as the ability to conduct self-storage lien sales on the Internet. Legislators suggest that self-storage operators should be able to conduct lien auctions online because such auctions help sellers reach more potential buyers and minimize the disruptive effect of in-person auctions. This bill:

Authorizes a self-storage operator to conduct lien sales on the Internet.

**Conforming to Pension Cost Rules Changes—S.B. 1002**
*by Senator Hancock—House Sponsor: Representative Murphy*

Electric utilities may classify costs associated with the utility's pension programs using the term "operating expense," which allows a utility to recover the associated costs in utility rates. However, the Financial Accounting Standards Board (FASB) has adopted new rules altering how pension costs are classified: instead of "operating expense," pension costs are classified as operating or nonoperating expenses.

Legislators contend that the new wording potentially complicates rate-making for all utilities, and, note that FASB, in acknowledgement of the impact of rule changes, authorized each state to establish regulatory provisions for its own rate-making process. This bill:

Amends the Utilities Code to bring state law into conformity with certain generally accepted accounting principles by removing the specification that an electric utility's expense in providing pension and other postemployment benefits is an operating expense for purposes of specified periodic calculations and recordings in the electric utility's reserve account for such benefits.

**Expanding Debt Cancellation Agreements—S.B. 1052**
*by Senator Hughes—House Sponsor: Representative Flynn*

A debt cancellation agreement is a noninsurance product that motor vehicle buyers may purchase to cover the difference between a vehicle's value and the amount owed to a lender in the event of theft or total loss. The 82nd Legislature passed legislation relating to debt cancellation agreements that, according to legislators, balanced consumer protections with a predictable regulatory framework. This bill:

Expands debt cancellation agreements to other types of vehicles and other items financed in Texas.

**Alcohol Deliveries—S.B. 1176**
*by Senator Campbell—House Sponsor: Representative Guillen*

Schlitterbahn Waterparks and Resorts holds four beer and wine licenses issued by the Texas Alcoholic Beverage Commission (TABC) to serve alcohol at four properties in New Braunfels. However, Schlitterbahn moved its corporate offices approximately 15 years ago to a warehouse facility that is not licensed. While the licenses that Schlitterbahn holds requires that the delivery and storage of alcoholic beverages be received at the licensed premises, the local TABC agent at the time provided Schlitterbahn with verbal permission to receive deliveries of alcohol to be received and stored at this off-premises facility.

During a routine visit to the warehouse facility by a local TABC agent and auditor, it was discussed that this verbal permission should be formalized. TABC ultimately concluded that neither statute nor TABC rules provides the verbal permission under which Schlitterbahn has operated for 15 years and that Schlitterbahn's current practice is noncompliant. This bill:

Provides for the creation of a water park permit and authorizes the holder of two or more water park permits to deliver alcoholic beverages from any premises to which one of those permits has been issued to another premises to which one of those permits has been issued.

**Depreciation Benefit Membership Programs—S.B. 1199**
*by Senators Campbell and Menéndez—House Sponsor: Representative Minjarez*

A depreciation member benefit program applies a certain dollar amount to the purchase of a new vehicle in the event of a total loss of a customer's previous vehicle. During the 85th Legislature, Regular Session, legislators discussed how consumers should be able to purchase membership in a depreciation member benefit program from their auto dealer. While financial institutions are authorized to offer membership in such a program, auto dealers are not authorized to do so. This bill:

Provides that an auto dealer may sell membership in a depreciation member benefit program.

**Protecting Domestic Iron and Steel—S.B. 1289**

*by Senator Creighton et al.—House Sponsor: Representative Paddie et al.*

During the 85th Legislature, Regular Session, legislators discussed the closing of steel manufacturing facilities in Texas and how these closings may be caused by such countries as China and Turkey that subsidize their iron and steel manufacturing industries and are able to sell these goods at more competitive rates than domestic manufacturers. Legislators contend that until the United States enforces federal trade laws, the state must act to protect the industry in Texas as well as the jobs it supports. This bill:

Requires certain iron or steel products used in certain projects for which an executive branch entity is contracting to be produced in the United States. Requires certain contracts awarded by the Texas Department of Transportation to contain the same preference provisions for iron and steel products that are required under federal law for an improvement made with federal aid.

Repeals the requirement for the governing body of each political subdivision receiving financial assistance from the Texas Water Development Board to require that all contracts for the construction of a project include a requirement that manufactured goods used in the project be produced and that a certain percentage of components of such goods originate in the United States.

**Requiring Identification for Debit and Credit Card Purchases—S.B. 1381**

*by Senators Hughes and Nichols—House Sponsor: Representative Longoria*

Some of the nation's largest retailers have been victims of data breaches that have compromised consumer data. This stolen data can be used by criminals to make fraudulent purchases before victimized consumers or companies realizes they've been defrauded. The bank that issued the card that was compromised usually takes the loss, which has resulted in ongoing and costly frustration for bankers. This bill:

Authorizes a merchant to require an individual using a credit card or debit card in a transaction to provide photo identification verifying his or her identity. Authorizes such merchants to refuse the card for payment if the individual fails to provide identification.

Provides that the bill does not apply to transactions conducted with a mobile wallet.

**Transfer of Control of a Bank—S.B. 1400**

*by Senator Campbell—House Sponsor: Representative Holland*

The Texas Department of Banking (DOB) evaluates applications for approval of proposed transfer of control of a bank in Texas. However, legislators express concern that statute requires DOB to issue an approval or a rejection before it has complete information. Legislators also note that certain statutory provisions have become obsolete as a result of changes to federal law regarding permissible activities of foreign banks. This bill:

Establishes a procedure by which DOB can determine when an application for approval of proposed transfer of control of a bank is complete.

Updates provisions in the Finance Code relating to the termination of rental agreements for safe deposit boxes, the powers of branch and agency offices of foreign banks, and the permissible activities of representative offices of foreign banks.

**Third-Party Financial Service Providers—S.B. 1401**
*by Senator Campbell—House Sponsor: Representative Dean*

Third-party service providers are increasingly conducting such activities as electronic bill payments and mobile payments on behalf of banks and trust companies. Legislators express concern that statute regulating these activities has become outdated and does not address services that are currently provided by such third-parties.

Statute currently prohibits felons and people subject to prohibition orders from serving as directors of state banks or of state trust companies. This bill:

Defines "third-party service provider." Authorizes the banking commissioner to regulate and examine the services or activities of a third-party service provider to the same extent as those of a state bank.

Authorizes the banking commissioner to accept the results of an examination of a third-party service provider conducted by a federal or state financial services regulatory agency, if the examination was conducted in the preceding 24 months.

Prohibits a convicted felon from serving as an officer of a bank.

**Perpetual Care Cemeteries—S.B. 1402**
*by Senator Campbell—House Sponsor: Representatives Dean and Parker*

A perpetual care cemetery that operates under a certificate of authority administered by the Texas Department of Banking (DOB) and each sale of a burial site in a perpetual care cemetery contributes to an irrevocable trust that is used to pay for cemetery maintenance. Legislators express concern that administrative law judges have insufficient discretion to issue a penalty.

Legislators also discuss an increase in administrative costs for irrevocable trusts that is larger than the growth of such trusts. This bill:

Authorizes, rather than requires, the trier of fact to recommend to the banking commissioner that the maximum administrative penalty permitted be imposed on the person committing the violation or that the banking commissioner cancel or not renew certain documents.

Requires an applicant for a certificate of authority to own all the land on which the perpetual care cemetery will be located.

Provides pooling of perpetual care cemeteries' trust funds to reduce trustee management fees.

**Appraisal Management Companies—S.B. 1516**
*by Senator Hancock—House Sponsor: Representative Geren*

An appraisal management company is a type of financial service firm that works with lenders and appraisers to facilitate the development and use of appraisal reports. Federal law requires such companies to register with states and to comply with each state's operating standards.

Legislators note that such changes in the law as the federal Dodd-Frank Wall Street Reform and Consumer Protection Act and S.B. 1007 (Eltife; SP: Kuempel), 84th Legislature, Regular Session, 2015, have caused certain inconsistent uses of terminology in statute, as well as have caused some laws that relate to appraisal management companies to become outdated. This bill:

Updates terminology and certain provisions to align Texas statute relating to appraisal management companies with existing federal law.

Clarifies that the scope of state regulation of appraisal management companies does not apply to federally regulated appraisal management companies.

**Updating the Business Organizations Code—S.B. 1517**
*by Senator Hancock—House Sponsor: Representative Oliveira*

The Business Organizations Code was established by the Texas Legislature in 2003 to consolidate the state's business organizations laws to establish uniformity and efficiency. The Business Organizations Code took partial effect in 2006 and went into full effect in 2010. Substantive and technical changes have been made to the code in each successive legislative session to refine and improve the code. This bill:

Updates and revises provisions relating to partnerships, limited liability companies, and other domestic and foreign entities. Establishes the status of certain registered agents, the secretary of state, and certain governing persons as agents of each series of a domestic limited liability company or foreign entity for the purpose of service of process, notice, or demand. Sets forth the required contents of such a process, notice, or demand and the related duties of the registered agent and secretary of state. Expands the general powers of a series of a limited liability company. Imposes a penalty on a limited liability company or limited partnership that refuses to allow examination of certain records and information and provides a defense to a related action. Makes a partnership agreement enforceable by or against the partnership, regardless of whether the partnership has signed or otherwise expressly adopted the agreement. Repeals provisions requiring notice of taking certain actions under a partnership agreement without a meeting.

**Updating the Business Organizations Code—S.B. 1518**
*by Senator Hancock—House Sponsor: Representative Oliveira*

The Business Organizations Code was established by the Texas Legislature in 2003 to consolidate the state's business organizations laws to establish uniformity and efficiency. The Business Organizations Code took partial effect in 2006 and went into full effect in 2010. Substantive and

technical changes have been made to the code in each successive legislative session to refine and improve the code. This bill:

Revises and updates provisions relating to for-profit corporations, nonprofit associations, real estate investment trusts, and corporation and association mergers and conversions. Provides uniformity in certain notice requirements. Provides certain filing fees for nonprofit associations and for-profit corporations. Provides the voting of jointly held ownership interests in a domestic entity. Sets forth provisions regarding the authority for distributions by a for-profit corporation's board of directors. Revises provisions governing the proceedings involved in the ratification of defective corporate acts or shares and provisions relating to the members and management of nonprofit corporations. Provides perpetual duration of certain old domestic corporations.

**Texas Rangers Baseball Stadium—S.B. 1519**
*by Senator Hancock—House Sponsor: Representative Geren*

The Texas Live! development is part of the Texas Rangers baseball team's stadium complex and mixed-use district, featuring dining, entertainment, and hotels. The Texas Live! property is owned by the Arlington Convention Center Development Corporation (ACCDC) and is leased to the developer of Texas Live!, an affiliate of the Texas Rangers.

The Alcoholic Beverage Code allows the promotion, sponsorship, or advertising of an entertainment event or an alcoholic beverage brand or product at a facility owned by a municipality or county that is financed with tax-exempt public securities. However, the Texas Live! property is not owned by the City of Arlington or by Tarrant County or funded by bonds, as it is funded in part by a grant from the City of Arlington. Legislators suggest amending the law so Texas Live! may use the same promotional and advertising opportunities as are used by municipally owned venues. This bill:

Provides that state law relating to advertising and promotion in a public entertainment facility does not restrict or govern the promotion, sponsorship, or advertising of an entertainment event or the promotion or advertising of an alcoholic beverage brand or product at a facility that is part of a sports and community venue project that has been approved by the voters of an applicable municipality or county, including the venue and related infrastructure.

**Use of Tax Revenue for Certain Job-Related Skills Training—S.B. 1748**
*by Senator Hinojosa—House Sponsor: Representative Canales*

Under current law, an economic development corporation may spend tax revenue received under the Development Corporation Act on job training offered through a business enterprise only if certain criteria are met, which includes a written commitment to create new jobs and to pay competitive wages. However, businesses in areas with high unemployment rates and with a high percentage of citizens who have limited skills are unlikely to spend funds on training for individuals who lack basic skills. Similarly, communities with a large unskilled population have economic development corporations that would like to use the funds to provide life-skills training and basic job-related skills training to prepare individuals for job-training programs. This bill:

Authorizes certain economic development corporations in areas with high unemployment rates to provide life-skills training and job-related skills training to individuals.

Allows an economic development corporation to spend tax revenue on job training that consists of providing job-related life skills and job-training skills sufficient to enable an unemployed individual to obtain employment. Authorizes a corporation to which this section applies to contract with any person to provide the job training that is authorized under this section.

Applies only to Hidalgo County in the Rio Grande Valley.

### Assessing Certain Administrative Penalties—S.B. 1895

*by Senator Larry Taylor—House Sponsor: Representative Oliveira*

The Texas Association of School Boards (TASB) risk management fund provides comprehensive risk solutions for more than 1,000 school districts, community colleges, and other public education entities, 400 of which are members of the fund's workers' compensation program. Allegations that the fund incorrectly reported payment dates for temporary income benefits that resulted from using a third-party mailer mail handler authorized by the United States Postal Service resulted in an enforcement action by the division of workers' compensation (DWC) of the Texas Department of Insurance against the fund.

Legislators contend that, while the fund incorrectly reported payment dates, there was no adverse impact to any injured worker and that claims were paid in advance of the statutory deadline. Legislators further contend that if DWC had considered these factors when determining its action against the fund, much time and resources could have been saved for both entities.

Under current statute, in cases of an administrative penalty, the commissioner of workers' compensation considers the seriousness of the violation, the history and extent of previous administrative violations, the demonstrated good faith of the violator, the penalty necessary to deter future violations, and the economic benefit resulting from the prohibited act. This bill:

Includes among the matters the commissioner of workers' compensation must consider in assessing an administrative penalty whether an administrative violation has a negative impact on the delivery of benefits to an injured employee and whether the history of compliance with electronic data interchange requirements.

### Vehicles at Auction—S.B. 1952

*by Senator Hughes—House Sponsor: Representatives Pickett and Allen*

Texas is home to a number of "classic car" auctions for antique and special interest vehicles from all over the country. Until 2015, antique and special interest vehicles owned and registered by licensed automobile dealers could only be sold from the dealer location, as opposed to an off-site specialty auto auction. Legislation enacted in 2015 authorizes a Texas dealer to sell, at a public auction, an antique vehicle that is at least 25 years old or a special interest vehicle that is 12 years old or that has already been the subject of a retail sale. However, dealers from other states that wish to auction a

vehicle must first sell the vehicle to the auction company, and stakeholders contend that this is an impediment for out-of-state dealers doing business in Texas. This bill:

Allows a vehicle dealer licensed outside of Texas to sell vehicles at an auction in Texas under the same conditions and limitations as those licensed in Texas.

**Skills Development Fund for High-Skilled Employment Opportunities—H.B. 108**
*by Representative Alvarado et al.—Senate Sponsor: Senators Larry Taylor and Garcia*

In 2014, the Texas comptroller of public accounts conducted a study to determine why manufacturing companies were choosing to locate in another state after first considering Texas. In that study, one of the most cited factors was Texas's lack of workforce availability and job-training programs. Many businesses contend that their current workforce is getting older, and that new workers equipped with the necessary skill sets are required to meet future demands. As Texas faces a growing demand for skilled trade occupations, it must address the shortage of qualified applicants available to fill those positions. This bill:

Amends the Labor Code to authorize the Texas Workforce Commission (TWC) to use the skills development fund to provide an intensive and rapid response to, and support services for, employers expanding in or relocating their operations to Texas.

Authorizes TWC to use funds to provide leadership and direction to out-of-state employers, economic development organizations, local workforce development boards, public junior colleges, and public technical institutes to address employers' needs for recruitment and hiring for complex or high-skilled employment positions as necessary to facilitate an employer's relocation to, or expansion of operations in, Texas.

Authorizes TWC to use funds to award grants to a public junior college or public technical institute providing workforce training and related support services to employers who commit to establishing a place of business in Texas.

Makes the executive director of TWC, or a person appointed by the TWC executive director who is knowledgeable in grant administration, responsible for the distribution of grant money under the bill.

Authorizes TWC to solicit and accept gifts, grants, or donations from any public or private source for purposes of the bill. Authorizes TWC to require, as a condition of receiving grant money, that a recipient agree to repay the amount received and any related interest if TWC determines that the money has not been used for the intended .

Prohibits the use of grant money to pay for training costs or other related costs of an employer to relocate its worksite from within Texas.

**Restrictions on Payments to Texas Workforce Commission—H.B. 1432**
*by Representative Vo—Senate Sponsor: Senator Lucio*

The Texas Workforce Commission (TWC) administers an unemployment benefits program in Texas. In this capacity, TWC is charged with collecting debts for unpaid unemployment insurance taxes, penalties, and interest on unpaid unemployment taxes.

Current statute does not authorize TWC to cash a warrant issued with a restricted or conditional endorsement that would settle a debt for contributions, penalties, or interest for less than the actual amount owed. This results in TWC having to return warrants issued with a restricted or conditional

endorsement to avoid providing a legal standard, or basis, for the payer to settle a debt for less than the amount owed. This bill:

Authorizes TWC to cash a warrant with a restricted or conditional endorsement without being restricted by the conditions placed on the warrant.

Amends Chapter 213 (Enforcement of Texas Unemployment Compensation Act), Labor Code, by adding Section 213.012 (Restrictions or Conditions on Payments Prohibited) to void a restriction or condition placed on a payment to TWC for contributions, penalties, or interest owed unless the restriction or condition has been authorized under the Labor Code.

**Statute of Limitations for Collections under Unemployment Act—H.B. 1433 [VETOED]**
*by Representative Vo—Senate Sponsor: Senator Lucio*

Interested parties note that the Texas Workforce Commission (TWC) must begin "collection actions" to recover a contribution, penalty, or interest from an employer under the Texas Unemployment Compensation Act before expiration of the applicable statute of limitations and that while the statute of limitations is suspended during an administrative appeals process to redetermine a liability for a contribution, penalty, or interest pending before TWC, the statute of limitations is not suspended for a judicial proceeding to redetermine such liability pending in a court of competent jurisdiction. H.B. 1433 addresses this issue by suspending the running of the statute of limitations during such judicial proceedings. This bill:

Amends the Labor Code to establish that the statute of limitations applicable to TWC for the collection of a contribution, a penalty, or interest from an employer under the Texas Unemployment Compensation Act is suspended in a judicial proceeding to redetermine a liability for a contribution, penalty, or interest pending in a court of competent jurisdiction.

Provides that after a hearing, proceeding, or case described under Subsection (b) has been closed, running the statute of limitations as prescribed under Subsection (a), will resume.

**Establishing the Journeyman Industrial Electrician License—H.B. 1698**
*by Representative Kuempel—Senate Sponsor: Senator Estes*

Certain electrical work for chemical plants or natural gas plants is exempt from Chapter 1305 (Electricians), Occupations Code, which regulates electricians. Stakeholders note that while certain industrial facilities require licensed journeymen electricians to supervise apprentices, some of the knowledge and skills requirements for obtaining a journeyman electrician license do not apply to industrial work, and legislators have suggested creating a journeyman industrial electrician license. According to testimony taken in a hearing by the Senate Committee on Business and Commerce, journeymen industrial electricians are currently required to learn both commercial and residential electrical codes, which have no relevance to their job duties as industrial electricians. This bill:

Establishes the journeyman industrial electrician license. Requires an applicant for such a license to have at least 8,000 hours of on-the-job training as a licensed electrical apprentice under the

supervision of a master electrician. Requires the applicant to pass a journeyman industrial electrician examination that pertains solely to duties at chemical plants or natural gas plants.

**Adding Post-Traumatic Stress Disorder to Workers' Compensation—H.B. 1983**
*by Representative Wray et al.—Senate Sponsor: Senator Whitmire*

The Labor Code provides that while physical wounds are compensable for purposes of workers' compensation insurance, such mental or emotional injuries as post-traumatic stress disorder are not. Consequently, a first responder must show a physical symptom of a mental or emotional injury to receive treatment. However, under the current system of workers' compensation, such a patient would receive a diagnosis of a mental impairment or mental illness that, while inaccurate, could jeopardize the first responder's ability to work while some counseling was all that was needed. This bill:

Defines "post-traumatic stress disorder" and provides that it is a compensable injury under the workers' compensation program.

**Investigating Workers' Compensation Insurance Fraud—H.B. 2053**
*by Representative Oliveira—Senate Sponsor: Senator Creighton*

The Texas Department of Insurance (TDI) operates an insurance fraud unit as well as the division of workers' compensation (DWC), which operates an investigation unit that evaluates claims of administrative violations and breaches of duty in workers' compensation cases.

Fraudulently obtaining or withholding workers' compensation benefits or coverage valued under $1,500 is a Class A misdemeanor, whereas doing so for benefits or coverage valued at $1,500 or more is a state jail felony. Legislators suggest clarifying existing statutory authority to conduct fraud investigations to improve the effectiveness and transparency of investigations. This bill:

Requires DWC's investigation unit to investigate alleged offenses, especially those relating to fraudulently obtaining or denying benefits or fraudulently obtaining workers' compensation insurance coverage. Authorizes the commissioner of workers' compensation to issue subpoenas compelling the attendance and testimony of a witness or the production of materials relevant to a workers' compensation fraud investigation. Increases the value by which fraudulently obtaining or withholding workers' compensation benefits or coverage is a Class A misdemeanor from less than $1,500 to less than $2,500.

**Contracts Between Doctors and Administrative Agencies—H.B. 2056**
*by Representative Oliveira—Senate Sponsor: Senator Zaffirini*

The division of workers' compensation (DWC) contracts with doctors to provide independent medical opinions at the request of an injured employee or insurance carrier. Doctors then delegate various administrative responsibilities to contracted scheduling companies. DWC has expressed concern that the responsibilities that have been delegated to a scheduling company are sometimes

unclear, which increases the difficulty of ensuring that only authorized agents have access to confidential claims information. This bill:

Requires a doctor, at the request of DWC, to provide to DWC a copy of any contract that is between the doctor and an authorized agent of the doctor or for services provided by the agent that are related to the doctor's duties. Provides that contracts provided by doctors to DWC for this purpose are not subject to public information laws.

### Disputing Workers' Compensation Claims—H.B. 2061

*by Representative Oliveira—Senate Sponsor: Senator Hancock*

Claimants may dispute denials through the division of workers' compensation (DWC) dispute resolution process, which involves an appeals panel, and, if a claimant disagrees with a panel's decision, the claimant may petition a district court for a judicial review. The Labor Code requires a claimant to provide written pre-suit notice to DWC; however, statute does not provide the form or substance of this notice, which leaves DWC unable to discern why a claimant disagrees with an appeals panel decision. This bill:

Requires a party seeking judicial review to provide a copy of the party's petition with the court to DWC, rather than provide DWC with pre-suit notice, and provides that the party must provide this petition to DWC to seek judicial review. Requires the party seeking judicial review to file with DWC any proposed judgment or settlement, including a proposed default judgment or prosed agreed judgment, not later than the 30th day before the court is scheduled to enter the judgment or approve the settlement.

### Electronic Submission of Wage Claims to TWC—H.B. 2443

*by Representative Mary González—Senate Sponsor: Senators Zaffirini and Garcia*

Currently, Texas workers can submit claims for wages to the Texas Workforce Commission (TWC) in person at their nearest TWC office or by mailing a wage claim to an address designated by TWC or faxing a claim to a fax number designated by TWC. With advances in technology, especially considering the technological advances recently adopted by state agencies, TWC would better serve Texans by offering an electronic option for submitting wage claims. This bill:

Requires TWC, not later than December 1, 2017, to establish an agency rule authorizing the acceptance of wage claims by any electronic means designated by TWC. Applies only to a wage claim that is filed on or after January 1, 2018.

## Apprenticeship Training Programs—H.B. 2790

*by Representatives White and Fallon—Senate Sponsor: Senator Miles*

Various industries have experienced an increased demand for employees in certain skilled trades and have requested that the state develop programs to better train individuals to fill industry needs, including to expand certain apprenticeship training programs in adult career education and technology education, which would create additional opportunities for people to acquire the necessary skills to practice those trades. This bill:

Authorizes an apprenticeship training program to be conducted by an independent apprenticeship committee or sponsored by a public school district or state postsecondary institution, pursuant to a contract between the district or institution and the apprenticeship committee.

Requires that funding for a program sponsored by a district or institution, in addition to any other money available, is to be provided by the apprenticeship committee pursuant to the terms of the contract.

Requires a program to provide, pursuant to the terms of the contract, adequate facilities, personnel, and resources to effectively administer the program in a manner consistent with the public need for skilled craftspersons and with apprentices' needs for marketable skills in apprenticing occupations.

Requires the Texas Employment Commission to maintain an audit trail of all funds appropriated for the apprenticeship program of adult career education and technology education and to include for each course that is funded certain records, including the name of the sponsoring district or institution or of the apprenticeship committee offering the course if the apprenticeship training program is not sponsored by a district or institution.

Requires a public school district, institution, or apprenticeship committee operating an apprenticeship training program not sponsored by a district or institution that receives funds to maintain a clear audit trail that includes records of receipts for all expenditures relating solely to each particular course.

## Skills Development Fund Recipient Accountability—S.B. 634

*by Senator Estes—House Sponsor: Representative Button*

The skills development fund is a grant program administered by the Texas Workforce Commission (TWC) that funds job training programs performed by public community colleges or technical colleges to fill specific workforce training needs. Under current law, skills development fund recipients are required to conduct a biennial program review and issue a report to TWC on their use of grant funds received. The report requires recipient entities to detail the effectiveness of the program in improving the wages of participants and to identify strategies to more effectively impact economic development. Reporting entity results are utilized by TWC in formulation of its statutorily required report to the governor and legislature. Despite a statutory requirement that all receiving entities furnish such a report, some entities have failed to do so. This bill:

Requires a public community college or technical college that fails to submit a report regarding the effectiveness of the job training program to refund to the Texas comptroller of public accounts any unexpended funds received.

Prevents TWC from awarding any additional grant to a public community college or technical college until the entity has complied with all reporting requirements.

**Preauthorization under Workers' Compensation Insurance—S.B. 1494**
*by Senator Zaffirini—House Sponsor: Representative Oliveira*

So-called "work-hardening" and "work-conditioning" are costly, time-consuming physical therapies used to prepare injured employees to return to work at their full capacity. Statute requires an insurance carrier's preauthorization and concurrent review for these therapies under the workers' compensation system by a health care facility not credentialed by an organization recognized by the commissioner of workers' compensation. The Texas Department of Insurance believes that the credentialing requirement has not been sufficient to deter overuse of these costly treatments, and legislators contend that they often have outcomes that are no better than those resulting from treatment by noncredentialed providers. This bill:

Requires such preauthorization and review for those services without specification as to the provider but authorizes the commissioner to exempt from that preauthorization and review those services provided by a health care facility that is credentialed by a commissioner-designated organization.

**Study on Employment Opportunities for Individuals with IDDs—S.B. 2027**
*by Senator Rodríguez—House Sponsor: Representative Moody*

Fully integrated employment helps consumers with an intellectual and developmental disability (IDD) to be healthier, safer, and happier. It also maximizes opportunities for IDD consumers to be rewarded for their labor. Disability Rights Texas's report, *Living on a Dime and Left Behind: How a Depression-Era Labor Law Cheats Texans with Disabilities*, highlights the struggles of an IDD population who are paid less than minimum wage in "sheltered workshops." According to the report, individuals working in sheltered workshops are paid as little as a penny per hour, while the average lowest wage is 15 cents per hour.

Opportunities for individuals with IDDs to receive proper training in integrated work settings is not what it could be. Sheltered workshops, where many employed IDD consumers work, do not prepare individuals to transition beyond their current position. Many of the tasks performed in sheltered workshops are below individuals' respective capabilities and do not develop transferrable skills to enable an individual to transition to a fully integrated employment setting.

The opportunity for diversity in IDD consumer employment is limited. In many cases, individuals who transition into fully integrated work settings find themselves having relatively few options available. Among the most common sectors of employment for this population is janitorial work. Other avenues that may be appropriate for IDD consumers, including manufacturing and clerical positions, elude interested individuals because such individuals lack proper training. As the nation

moves beyond sheltered workshops, Texas needs a plan to ensure that individuals with IDDs have a clear pathway toward fully integrated employment. Adult services for individuals with IDDs, which simply cannot meet the demand could be expanded to include workforce training for such individuals. This bill provides a roadmap toward that goal by requiring a regional study to be conducted that will highlight successful programs that could be modeled elsewhere. This bill:

Requires the Human and Health Services Commission and the Texas Workforce Commission to conduct a regional statewide survey of vocational training programs available to IDD consumers. Requires both agencies to survey training opportunities available for individuals with IDDs and to determine where those opportunities should be improved on or expanded. Requires both agencies to propose strategies to place trained individuals with IDDs into fulfilling jobs, incorporating existing capacity as well as proposing improvements to training programs.

**Requiring TWC to Provide Certain Information on CTE Opportunities—S.B. 2105**
*by Senator Miles et al.—House Sponsor: Representative Jarvis Johnson*

Not every student will pursue higher education. "Middle-skills" jobs, which may require some postsecondary education but not a full four-year degree, make up a large portion of Texas's labor market. By increasing career and technical education (CTE) opportunities in public schools, students will be introduced early on to rapidly growing job markets. Increasing CTE opportunities will allow industries in Texas to hire enough sufficiently trained workers to fill these occupations and will allow workers the opportunity to thrive in their communities. This bill:

Requires the Texas Workforce Commission (TWC) to provide to the Texas Education Agency on a quarterly basis certain information disaggregated by county or other appropriate region, including CTE partnership opportunities with businesses and industry; professional development opportunities for teachers; and learning opportunities for students through industry mentorships, internships, summer programs, after-school programs, or career-based student-leadership opportunities.

### Residence Homestead Exemptions for Disabled Veterans—H.J.R. 21

*by Representative Bell et al.—Senate Sponsor: Senators Creighton and Hinojosa*

Several charitable organizations donate specially adapted homes to returning soldiers who have sustained injuries while serving their country. Occasionally, these donations result in foreclosure when a disabled veteran is unable to pay property taxes on the donated home. In 2013, the 83rd Legislature, Regular Session, enacted H.B. 97 (Perry et al.; SP: Van de Putte and Hinojosa) to establish a property tax exemption of a percentage of the appraised value of the residence homestead equal to the disability rating of a partially disabled veteran, if the homestead was donated to the disabled veteran by a charitable organization.

Under current law, a partially disabled veteran who receives a home from a charitable organization is only entitled to the exemption if the home was donated at no cost to the veteran. If the charitable organization does not completely donate the home, the veteran is not entitled to the exemption. H.B. 150, the enabling legislation for H.J.R. 21, remedies this by extending the exemption to a home that is donated to a veteran at some cost to the veteran. H.J.R. 21 provides the Texas Legislature constitutional authority to enact H.B 150. This resolution:

Authorizes the Texas Legislature by general law to provide that a partially disabled veteran is entitled to an exemption from ad valorem taxation of a percentage of the market value of the disabled veteran's residence homestead that is equal to the percentage of disability of the disabled veteran, if the residence homestead was donated to the disabled veteran by a charitable organization for less than the market value of the residence homestead, including at no cost to the disabled veteran, rather than donated by a charitable organization at no cost to the disabled veteran.

Requires that the proposed constitutional amendment be submitted to voters at an election to be held November 7, 2017.

### Prize-Linked Savings Programs—H.J.R. 37

*by Representative Eric Johnson—Senate Sponsor: Senator Hancock*

Interested parties contend that Texas should follow the example of other states that have authorized banks and credit unions to institute programs encouraging citizens to save by offering them certain prizes for depositing funds into their savings accounts.

Section 47, Article III, of the Texas Constitution, requires the legislature to prohibit lotteries and gift enterprises in the state, with certain exceptions, including bingo games and charitable raffles conducted by various nonprofit or religious organizations. This joint resolution:

Proposes an amendment to the state constitution to authorize the legislature to permit credit unions and other financial institutions to award prizes by lot to promote savings.

**Permitting Certain Charitable Foundations to Conduct Raffles—H.J.R. 100**
*by Representatives Kuempel and Gutierrez—Senate Sponsor: Senator Hinojosa*

Interested parties note that the Charitable Raffle Enabling Act (Chapter 2002, Occupations Code) authorizes a qualified nonprofit organization to conduct charitable raffles at which prizes other than money are offered or awarded and all proceeds from the sale of raffle tickets are allocated for use for the organization's charitable purposes. The parties have expressed a need to expand the use of such raffles so that a charitable foundation that is associated with a professional sports team can highlight its philanthropic activities, bring awareness to community needs, and encourage sports fans to contribute to worthy causes. H.J.R. 100 proposes a constitutional amendment relating to such charitable raffles. This resolution:

Applies only to an entity defined as a professional sports team charitable foundation. Authorizes charitable raffles to be conducted at games hosted at the home venue of the professional sports team associated with a professional sports team charitable foundation.

Defines "professional sports team."

**Homestead Exemption for Survivors of Deceased First Responders—S.J.R. 1**
*by Senator Campbell et al.—House Sponsor: Representative Fallon et al.*

With property taxes rising across the state, many Texas families have faced serious financial problems, with some being taxed out of their homesteads. Interested parties contend that after already giving so much, the families of fallen first responders should never have to bear the burden of losing their home because of rising property taxes. This resolution:

Provides that the surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from ad valorem taxation of all or part of the market value of the surviving spouse's residence homestead, if the surviving spouse has not remarried since the death of the first responder.

Provides that a surviving spouse who qualifies for and receives an exemption and who subsequently qualifies a different property as the surviving spouse's residence homestead is entitled to an exemption from ad valorem taxation of the subsequently qualified homestead in an amount equal to the dollar amount of the exemption from ad valorem taxation of the first homestead for which the exemption was received in the last year in which the surviving spouse received the exemption for that homestead, if the surviving spouse has not remarried since the death of the first responder.

Provides a temporary exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a first responder who is killed or fatally injured in the line of duty, which is effective January 1, 2018, and expires January 1, 2019.

**Application for Article V Convention of States—S.J.R. 2**
*by Senator Birdwell et al.—House Sponsor: Representative Miller et al.*

According to interested parties, the federal debt has grown too large and politicians are not properly accountable to their constituents. S.J.R. 2 addresses these issues by applying to the United States Congress to call an Article V convention of states. This resolution:

Provides that the 85th Texas Legislature apply to Congress to call a convention under Article V of the United States Constitution for the limited purpose of proposing one or more amendments to the constitution to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office of federal officials and members of Congress.

Provides that, unless rescinded by a succeeding legislature, this application constitutes a continuing application until at least two-thirds of the legislatures of the several states have applied to Congress to call an Article V convention of states.

Provides that the Texas secretary of state (SOS) forward official copies of this resolution to the president of the United States, to the speaker of the House of Representatives and the president of the Senate of the Congress of the United States, and to all members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as an application to Congress for an Article V convention.

Provides that SOS forward official copies of this resolution to the secretaries of state and to the presiding officers of the legislatures of the several states with the request that they join Texas in applying to Congress for an Article V convention of states.

**Defending Constitutionality of State Statutes—S.J.R. 6**
*by Senators Zaffirini and Perry—House Sponsors: Representatives Schofield and Senfronia Thompson*

Interested parties cite a recent court ruling suggesting that a state statute can be declared unconstitutional by a court without the state, through the Texas attorney general (attorney general), having the opportunity to appear and defend the constitutionality of the statute in question. S.J.R. 6 presents this issue to Texas voters by proposing an amendment to the Texas Constitution authorizing the legislature to require an applicable court to provide notice to the attorney general of a challenge to the constitutionality of a state statute and authorizing the legislature to prescribe a waiting period before the court may enter a judgment holding the statute unconstitutional. This resolution:

Amends the Texas Constitution to authorize the legislature to require a court in which a party to litigation files a certain pleading challenging the constitutionality of a state statute to provide notice to the attorney general of the challenge and to prescribe a reasonable period during which the court is prohibited from entering a judgment holding the statute unconstitutional.

Includes a temporary provision relating to requiring a court to provide a certain notice and authorizing the legislature to prescribe a waiting period. Provides that the temporary provision expires January 2, 2018.

Provides that Section 402.010 (Legal Challenges to Constitutionality of State Statutes), Government Code, is validated and effective on approval of the constitutional amendment of this temporary provision and applies only to a petition, motion, or other pleading filed on or after January 1, 2018.

**Limiting Terms of Certain Appointed State Officers—S.J.R. 34**
*by Senator Birdwell—House Sponsor: Representative Geren*

Concerns have been raised that a provision of the Texas Constitution allowing for certain state officers to continue to perform the duties of their offices until their successors are duly qualified has been used as an undue extension of a particular officer's term of office. S.J.R. 34 addresses these concerns by limiting the service of certain officers appointed by the governor after the expiration of the officer's term of office. This resolution:

Amends the Texas Constitution to provide that, following the expiration of a term of an appointive officer that is filled by appointment of the governor with the advice and consent of the senate and that is not an office for which the officer receives a salary, the period for which the officer shall continue to perform the duties of office ends on the last day of the first regular lesion of the legislature that begins after the expiration of the term.

Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 7, 2017.

**Rescinding Certain Applications for Article V Convention—S.J.R. 38**
*by Senator Estes et al.—House Sponsor: Representative Darby*

Interested parties note that the Texas Legislature has approved numerous resolutions over the years officially applying to the United States (U.S.) Congress for the calling of an Article V constitutional convention and further note that these past applications from Texas lawmakers remain valid until such time as they are formally rescinded. S.J.R. 38 ensures that outstanding applications on behalf of the State of Texas calling for such a convention reflect the current will of the Texas Legislature by rescinding the applications made by the Texas Legislature prior to the 85th Legislature, Regular Session, 2017, with one exception. This resolution:

Provides that the 85th Legislature of the State of Texas, Regular Session, 2017, officially rescinds any and all applications from Texas legislators prior to the 85th Legislature, Regular Session, 2017, other than the application provided by H.C.R. No. 31, Acts of the 65th Legislature, Regular Session, 1977, that applies to the U.S. Congress for the calling of a convention pursuant to Article V of the U.S. Constitution.

Provides that the 85th Legislature declares that any application to the U.S. Congress for the calling of a convention under Article V of the U.S. Constitution that is submitted by the Texas Legislature during or after this Regular Session be automatically rescinded if the applicable convention is not called on or before the eighth anniversary of the date the last legislative vote is taken on the application.

Requires the Texas secretary of state (SOS) to transmit certified copies of this joint resolution of rescission in a certain manner to the U.S. vice president in his capacity as presiding officer of the U.S. Senate; to the secretary and parliamentarian of the U.S. Senate; and to both U.S. senators representing Texas. Provides that the resolution be accompanied by a cover letter requesting that the resolution be published without abridgement in the U.S. Senate's portion of the *Congressional Record*, and be referred to whichever committees of the U.S. Senate that would have appropriate jurisdiction in this matter.

Requires SOS to likewise transmit certified copies of this joint resolution of rescission in a certain manner to the speaker, clerk, and parliamentarian of the U.S. House of Representatives and to all members of the U.S. House of Representatives who represent Texas districts. Provides that the resolution be likewise accompanied by a cover letter requesting that the resolution be summarized in the U.S. House of Representatives' portion of the *Congressional Record*, and that it be referred to whichever committees of the U.S. House of Representatives that would have appropriate jurisdiction in this matter.

**Home Equity Loans—S.J.R. 60**

*by Senator Hancock—House Sponsor: Representative Parker et al.*

Legislators contend that home equity borrowing is a stable lending product in Texas and that there is sufficient competition from which consumers may choose. However, stakeholder groups contend that certain changes are necessary to ensure that home equity financing remains available for larger home equity loans as well as for smaller home equity loans under $100,000.

Home equity lending in Texas is governed by Texas Constitution, Article 16, Section 50(a)(6). Currently, the outstanding principal on all debt secured by a home cannot exceed 80 percent of a home's fair market value; fees to originate, evaluate, maintain, record, insure, and service home equity loans are capped at three percent; home equity loans can be refinanced as another home equity loan or a reverse mortgage; home equity loans may not be secured by homesteads designated for agricultural use, except for homesteads used for milk production; and home equity line of credit is a form of open-ended account that borrowers can debit from time to time with certain conditions. This joint resolution:

Proposes an amendment to the state constitution to establish a lower amount for expenses that can be charged to a borrower and remove certain financing expense limitations for a home equity loan, to establish certain authorized lenders to make a home equity loan, to change certain options for the refinancing of home equity loans, to change the threshold for an advance of a home equity line of credit, and to allow home equity loans on agricultural homesteads.

**Criminal Acts Involving an Improvised Explosive Device—H.B. 913**
*by Representative Alvarado et al.—Senate Sponsor: Senator Larry Taylor*

It is reportedly asserted that certain acts involving an explosive weapon should be illegal, regardless of whether the weapon is federally registered or classified as a curio or relic. H.B. 913 revises the conduct constituting an offense involving a prohibited weapon. This bill:

Provides that a person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells certain items, including an improvised explosive device.

**Weapons on the Canadian River in Potter County—H.B. 1771**
*by Representatives Price and "Mando" Martinez —Senate Sponsor: Senator Seliger*

Bullets and arrows from civilians discharging firearms and shooting arrows from bows in and around a certain portion of the Canadian River in Potter County are crossing into private property. H.B. 1771 prohibits such actions in a specified area and provides limited exceptions. This bill:

Defines "firearm."

Applies only to a certain segment of the Canadian River.

Prohibits a person from discharging a firearm or from shooting an arrow from any kind of bow, if the person is located in or on the bed or bank of the portion of the Canadian River to which this bill applies at the time the firearm is discharged or the arrow is shot from the bow. Provides certain exceptions.

Provides that this bill does not apply to individuals acting in the scope of their duties as a peace officer or as a Texas Parks and Wildlife Department employee, nor does it apply to the discharge of a shotgun loaded with ammunition that releases only shot when discharged.

Provides that this does not limit a license holder's ability of a license holder to carry a concealed handgun under the authority of Subchapter H (License to Carry a Handgun), Chapter 411 (Department of Public Safety of the State of Texas), Government Code.

**Criminal Offense for Carrying Location-Restricted Knives—H.B. 1935**
*by Representative Frullo et al.—Senate Sponsor: Senator Whitmire*

Properly enforcing certain prohibitions against illegal knives has reportedly become difficult because of confusion among citizens, law enforcement, and the courts over what constitutes an illegal knife. H.B. 1935 addresses this issue by revising statute relating to certain conduct involving illegal knives. This bill:

Authorizes a juvenile board to establish a first offender program for the referral and disposition of children taken into custody, or accused prior to the filing of a criminal charge, of delinquent conduct, other than conduct that constitutes a state jail felony or misdemeanor involving violence to a person or the use or possession of a firearm, location-restricted knife, club, or a prohibited weapon.

Defines "location-restricted knife" as a knife with a blade over five and one-half inches.

Provides that a person commits a Class C misdemeanor if the person intentionally, knowingly, or recklessly carries on or about his or her person a location-restricted knife; is younger than 18 years of age at the time of the offense; and is not on a premises owned by or under the control of the person, inside of or directly en route to a motor vehicle or watercraft owned by or under the control of the person, or under direct supervision of the person's parent or legal guardian. Provides that an offense does not apply to an individual carrying a location-restricted knife used in a historical demonstration or in a ceremony in which the knife is significant to the performance of the ceremony.

Provides that a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with certain weapons, including a location-restricted knife, on certain premises. Provides that, if the weapon that is the subject of an offense is a location-restricted knife, the offense is a Class C misdemeanor, except that such offense is a felony of the third degree that is committed on the premises of a school or educational institution.

Provides that a person commits an offense if the person intentionally or knowingly sells, rents, leases, or gives—or offers to sell, rent, lease, or give—to any child younger than 18 years of age any firearm, club, or location-restricted knife.

### Offense for Display or Use of Firearm on School Property—H.B. 2880

*by Representative Dutton—Senator Sponsor: Senator Menéndez*

According to interested parties, school resource officers have indicated the need for a criminal punishment for the threatened exhibition or use of a firearm in or on school property or on a school bus that recognizes the severity of the threat but also does not bring the lifelong consequences of a felony charge against a student. H.B. 2880 addresses that need by decreasing the penalty for such an offense from a third degree felony to a Class A misdemeanor, unless the actor was in possession of or had immediate access to a firearm. This bill:

Provides that a person commits a third degree felony if, in a manner intended to cause alarm or personal injury to another person or to damage school property (property), the person intentionally exhibits or uses a firearm in or on any property that is owned by a private or public school, or on a school bus (bus) being used to transport children to or from school-sponsored activities of a private or public school; or threatens to exhibit or use a firearm in or on property or on a bus and was in possession of or had immediate access to the firearm.

Provides that a person commits Class A misdemeanor if, in a manner intended to cause alarm or personal injury to another person or to damage property, the person intentionally threatens to exhibit or use a firearm in or on property or on a bus.

**Creating Criminal Offenses for Cybercrimes—H.B. 9**
*by Representative Capriglione et al.—Senate Sponsor: Senators Van Taylor and Zaffirini*

Current law pertaining to cybercrime is reported to be outdated because it focuses on the technology used, rather than the activity perpetrated. H.B. 9 implements a more lasting approach to addressing cybercrime by creating a criminal offense for certain acts of electronic access interference, electronic data tampering, and unlawful decryption. This bill:

Provides that a person, other than a network provider or online service provider acting for a legitimate business purpose, commits an offense if the person intentionally interrupts or suspends access to a computer system or computer network without the effective consent of the owner. Provides that it is a defense to prosecution if a person acts with the intent to facilitate a lawful seizure or search of, or lawful access to, a computer, computer network, or computer system for a legitimate law enforcement purpose.

Provides that a person commits an offense if the person intentionally, through deception and without a legitimate business purpose, alters data as it is transmitted between two computers in a computer network or computer system. Provides that a person commits an offense if the person intentionally, through deception and without a legitimate business purpose, introduces ransomware onto a computer, computer network, or computer system. Provides that, if it is shown on the trial of an offense that the defendant acted with the intent to defraud or harm another, the offense is a certain misdemeanor or felony depending on the aggregate amount involved. Provides that, if it is shown on the trial of an offense that the defendant knowingly restricted a victim's access to privileged information, the offense is a certain felony depending on certain factors.

Authorizes the following conduct to be considered as one offense and authorizes the value of the benefits obtained and of the losses incurred because of such conduct to be aggregated in determining the grade of the offense, if at the time benefits are obtained:

> a victim is defrauded or harmed; or
>
> property is altered, appropriated, damaged, or deleted, regardless of whether in a single incident.

Provides that a person commits an offense if the person intentionally decrypts encrypted private information through deception and without a legitimate business purpose. Provides that, if it is shown on the trial of an offense that the defendant acted with the intent to defraud or harm another, the offense is a certain misdemeanor or felony depending on the aggregate amount involved. Provides that, if it is shown on the trial of an offense that the defendant knowingly decrypted privileged information, the offense is a certain felony depending on certain factors. Provides that it is a defense to prosecution if an actor's conduct is pursuant to an agreement entered into with the owner for assessing or maintaining the security of the information or of a computer, computer network, or computer system or for providing other security-related services.

**Measures to Prevent Wrongful Convictions—H.B. 34**
*by Representative Smithee et al.—Senate Sponsor: Senator Perry*

A recent study reviewed certain criminal cases in Texas in which innocent defendants were convicted and subsequently exonerated. H.B. 34 prevents wrongful convictions by implementing recommendations from the study. This bill:

Requires a law enforcement agency, unless good cause exists that makes electronic recording infeasible, to make a complete and contemporaneous electronic recording of any custodial interrogation that occurs in a place of detention and is of a person suspected of committing or charged with the commission of certain offenses. Provides that an electronic recording of a custodial interrogation is complete only if the recording begins at a certain time and continues until the cessation of the interrogation.

Sets forth provisions for a good cause that makes electronic recording infeasible.

Requires the Texas Commission on Law Enforcement (TCOLE) to establish a comprehensive education and training program on eyewitness identification that includes material regarding variables that affect a witness's vision and memory, practices for minimizing contamination, and effective eyewitness identification protocols. Requires each law enforcement agency to require each peace officer who is employed by the agency and who performs eyewitness identification procedures to complete the education and training.

Sets forth requirements for a policy adopted by a law enforcement agency to include information regarding evidence-based practices.

Requires that a witness who makes an identification based on a photograph or live lineup identification procedure be asked immediately after the procedure to state, in the witness's own words, how confident the witness is in making the identification. Requires a law enforcement agency to document any statement made.

Provides that no oral, sign language, or written statement that is made by a person accused of an offense and that is made as a result of a custodial interrogation occurring in a place of detention is admissible against the accused in a criminal proceeding, unless an electronic recording was made of the statement or the attorney representing the state offers proof that is satisfactory to the court that good cause existed that made an electronic recording of the custodial interrogation infeasible.

Requires the state—if the state intends to use, at a defendant's trial, testimony of a person to whom the defendant made a statement against the defendant's interest while the person was imprisoned or confined in the same correctional facility as the defendant—to disclose to the defendant any information in the possession, custody, or control of the state that is relevant to the person's credibility.

Requires the Texas Forensic Science Commission (FSC) to conduct a study regarding the use of drug field test kits by law enforcement agencies in this state and to conduct a study regarding the manner in which crime scene investigations are conducted in this state. Requires FSC to make certain evaluations, identifications, and recommendations.

**Notification to Victims of Repeat Offenders—H.B. 104**
*by Representative White—Senate Sponsor: Senator Nichols*

It is reported that current law does not adequately provide a notification to crime victims when a defendant released from imprisonment commits additional offenses. H.B. 104 remedies this situation by requiring such notification in certain cases. This bill:

Applies only to a defendant who, in connection with a conviction for certain offenses, received a sentence that included imprisonment at a facility operated by or under contract with the Texas Department of Criminal Justice (TDCJ) and was subsequently released from imprisonment, including a release on parole, to mandatory supervision, or following discharge of the defendant's sentence.

Requires an attorney representing the state, not later than a certain date, to notify an officer designated by TDCJ of the offense charged in an indictment.

Requires TDCJ, if TDCJ receives a notification regarding the indictment of a defendant, to make a reasonable effort to provide notice to each victim, guardian of a victim, or close relative of a deceased victim of an offense charged in the indictment for which the defendant was previously imprisoned at a facility operated by or under contract with TDCJ and subsequently released.

Requires TDCJ to adopt a procedure by which a victim, guardian of a victim, or close relative of a deceased victim may request to receive notice concerning defendant.

Prohibits the Texas Board of Criminal Justice (TBCJ) or TDCJ from disclosing to any person the name or address of a victim, guardian of a victim, or close relative of a deceased victim entitled to notice unless the victim, guardian of a victim, or close relative of a deceased victim approves the disclosure or a court determines that there is good cause for the disclosure and orders TBCJ or TDCJ to disclose the information.

**Community Supervision for Offenses Involving Animals—H.B. 162**
*by Representative Lucio III—Senate Sponsor: Senator Menéndez*

Concerned citizens note the importance of attendance in a pet responsibility course by a person who has committed an offense involving cruelty to animals in order to reduce the likelihood of future acts of such cruelty. Reportedly, concerns have been expressed regarding the availability and quality of such courses. H.B. 162 provides a state-approved online responsible pet owner course. This bill:

Authorizes a judge, if the judge grants community supervision to a defendant convicted of a certain offense, to require the defendant to complete an online responsible pet owner course approved and certified by the Texas Department of Licensing and Regulation (TDLR).

Provides that, for purposes of the online responsible pet owner course, TDLR or the Texas Commission of Licensing and Regulation (TCLR), as appropriate, is responsible for the approval, certification, and administration of the course and course providers; is required to adopt rules regarding the administration of the course and course providers; and is authorized to charge for

certain fees, to monitor and audit the provision of the course by the course providers, and to take enforcement actions as appropriate.

**Defendants' DNA Records in Database System—H.B. 238**
*by Representative Hernandez et al.—Senate Sponsor: Senator Perry*

Interested parties say that current state law does not adequately require certain prostitution offenders to submit a DNA sample for the state's DNA database system or for the federal Combined DNA Index System. H.B. 238 addresses this issue by ensuring that offenses inadvertently excluded from the DNA records requirement are included. This bill:

Provides that a defendant who is indicted or waives indictment for a felony prohibited or punishable under certain sections of the Penal Code, including Section 43.02(b) (providing that it is an offense if a person knowingly offers to engage, agrees to engage, or engages in sexual conduct or solicits another in a public place to engage with the actor in sexual conduct for hire), is required to provide a law enforcement agency one or more specimens for the purpose of creating a DNA record.

**Report on the Confinement of Pregnant Inmates—H.B. 239**
*by Representatives Hernandez and White—Senate Sponsor: Senators Whitmire and Garcia*

Recently enacted legislation provides health care standards for pregnant inmates in Texas, and H.B. 239 ensures the implementation and uniformity of these standards by requiring the Texas Department of Criminal Justice (TDCJ) to report on the confinement of pregnant inmates in TDCJ facilities. This bill:

Requires TDCJ to prepare a report on the confinement of pregnant inmates in facilities operated by or under contract with TDCJ. Requires that the report include:

> a description of TDCJ's implementation of policies and procedures to provide adequate care to pregnant inmates while confined in a TDCJ facility and any policies adopted by TDCJ regarding the placement of a pregnant inmate in administrative segregation;
>
> information regarding health care provided to pregnant inmates, including the availability of obstetrical or gynecological care, prenatal health care visits, mental health care, and drug abuse or chemical dependency treatment;
>
> a detailed summary of nutritional standards, including the average caloric intake of a pregnant inmate and other dietary information, work assignments, housing conditions, and situations in which a pregnant inmate has been restrained, including the reason a determination to use restraints was made under Section 501.006 (Restraint of Pregnant Inmate or Defendant), Government Code, as applicable to pregnant inmates; and
>
> the number of miscarriages experienced by pregnant inmates while confined in a TDCJ facility between September 1, 2017, and September 1, 2018.

Requires TDCJ, not later than December 1, 2018, to provide a copy of the report to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee of the senate and house of representatives that has primary jurisdiction over matters relating to corrections.

### Activities Constituting a Common Nuisance—H.B. 240

*by Representative Hernandez—Senate Sponsor: Senator Huffman*

Reportedly, courts are unsure what evidentiary weight to assign to massage services that occur in violation of laws regulating massage therapy and other massage services at a place unlicensed for that purpose in a nuisance-abatement suit, and there is concern that such uncertainty diminishes the efficacy of suits to combat human trafficking. H.B. 240 addresses this issue by making proof that such violative services occur at such a place prima facie evidence that the defendant in such a suit knowingly tolerated the activity and that the activity was habitual. This bill:

Authorizes a law enforcement agency that makes an arrest related to certain common nuisance activity, such as prostitution, promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution that occurs at property leased to a person operating a massage establishment to provide written notice by certified mail to each person maintaining the property of the arrest.

Provides that proof in the form of a person's arrest or testimony of a law enforcement agent that a certain common nuisance activity is committed at a place licensed as a massage establishment or advertised as offering massage therapy or massage services after notice of an arrest was provided to the defendant is prima facie evidence that the defendant knowingly tolerated the activity and did not make a reasonable attempt to abate the activity.

### Penalizing Law Enforcement for Noncompliance with Reporting Requirements—H.B. 245

*by Representative Eric Johnson et al.—Senator Sponsor: Senator Whitmire*

It has been asserted that while officer-involved injuries and deaths and certain injuries and deaths of peace officers are required to be reported by law, some law enforcement agencies are failing to do so. H.B. 245 addresses such noncompliance by penalizing law enforcement agencies that fail to comply with those reporting requirements following notice from the Office of the Attorney General (OAG). This bill:

Requires OAG to conduct an investigation after receiving a written and signed report, on a form prescribed by OAG, asserting that a law enforcement agency failed to submit a report required by Articles 2.139 (Reports Required for Officer-Involved Injuries or Deaths) or 2.1395 (Reports Required for Certain Injuries or Deaths of Peace Officers), Code of Criminal Procedure. Requires OAG to provide notice of failure to a law enforcement agency, if OAG determines the agency failed to submit a report. Requires that the notice summarize the applicable reporting requirement and include a statement that the agency may be subject to a civil penalty, as applicable.

Provides that a law enforcement agency that fails to submit the required report upon receiving notice is liable for a civil penalty. Authorizes the Texas attorney general to sue to collect a civil penalty.

Requires that a civil penalty collected be deposited to the credit of the compensation to victims of crime fund.

**Expunction of Arrests for Veterans and Nondisclosure for Trafficking Victims—H.B. 322**
*by Representative Canales et al.—Senate Sponsor: Senator Hinojosa*

Concerns have been raised that certain veterans, even after participating in a veterans treatment court program (VTCP) for an offense with which the veteran was charged, must still petition to have the records and files related to that offense expunged, which is a process that often involves hiring a lawyer and paying a fee. H.B. 322 entitles a person who completes such a program to an expunction of the applicable records and files and prohibits the court entering the expunction order from charging any fee or assessing any cost for entering the order. This bill:

Provides that, under certain circumstances, a person is entitled to have all records and files relating to a certain arrest expunged if, among other criteria, the court finds that the indictment or information was dismissed or quashed because the person completed a VTCP or a certain pretrial intervention program other than a VTCP.

Prohibits a court that enters an order for expunction from charging any fee or assessing any cost for the expunction, and waives any fee for an expunction if the petitioner is entitled to a certain expunction after successful completion of a VTCP.

Requires a veterans treatment court, if a defendant successfully completes a VTCP, to provide to the court in which the criminal case is pending information about the dismissal and to include all of the information required about the defendant for a certain petition for expunction. Requires the court in which the criminal case is pending to dismiss the case against the defendant.

Requires a court, after, among other criteria, a determination by the court that a person has not previously received an order of nondisclosure, to issue an order prohibiting criminal justice agencies from publicly disclosing criminal history record information related to the offense for which the defendant was placed on community supervision.

**Alternative Penalties for Certain Offenses and Creation of a Commission—H.B. 351**
*by Representative Canales et al.—Senate Sponsor: Senators Hinojosa and Zaffirini*

Concerns have been raised that too many people are sent to jail because they cannot afford to pay fines or court costs and that judges need more flexibility to waive fines or costs and order community service. H.B. 351 provides this flexibility. This bill:

Authorizes a peace officer who is charging a person, including a child, with committing an offense that is a Class C misdemeanor, other than an offense under Section 49.02 (Public Intoxication), Penal Code, to, instead of taking the person before a magistrate, issue a citation to the person that contains certain information, including information regarding alternatives to the full payment of any fine or costs assessed against the person, if the person is convicted of the offense and is unable to pay that amount.

Requires a court to notify a defendant, either in person or by regular mail, of the amount of any fine or costs assessed in the defendant's court case; information regarding alternatives to the full payment of any fine or costs assessed against the defendant, if the defendant is unable to pay that amount; and, if requested by the defendant, the amount of an appeal bond that the court will approve.

Requires a court, during or immediately after imposing a sentence in a court case in which a defendant enters a plea in open court, to inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. Requires a court, if the court determines that a defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, to determine whether the fine and costs should be met in certain other ways.

Provides that, before a court is authorized to issue a capias pro fine for a defendant's failure to satisfy a judgment, the court is required to provide to the defendant a certain notice and either: (1) the defendant has failed to appear at the hearing or, (2) based on evidence presented at the hearing, the court determines that the capias pro fine should be issued. Requires the court to recall a capias pro fine if, before the capias pro fine is executed, the defendant voluntarily appears to resolve the amount owed, and the amount owed is resolved.

Authorizes a court to order a defendant to perform community service by attending certain programs or activities or for certain entities. Requires an entity that accepts a defendant to perform community service to agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service and report on the defendant's community service to the district probation department or court-related services office. Prohibits a court from ordering a defendant to perform more than 16 hours per week of community service unless the court determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's dependents.

Authorizes a court to waive payments of all or part of a fine or costs imposed on a defendant if the court determines that the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or costs or, at the time the offense was committed, was a child.

Creates a commission to study and review all penal laws of this state, other than certain criminal offenses. Requires the commission to report the commissions, by a certain date, findings and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, the Supreme Court of Texas, the Texas Court of Criminal Appeals, and the standing committees of both the house of representatives and the senate that have primary jurisdiction over criminal justice. Provides a certain expiration date for the commission.

### Task Force to Improve Employability of Formerly Incarcerated Individuals—H.B. 553

*by Representative White et al.—Senate Sponsor: Senators Miles and Garcia*

H.B. 553 creates a task force to identify opportunities for incarcerated individuals to demonstrate their skills to prospective employers by providing incarcerated individuals with academic credit and industry recognition. This bill:

Requires the Windham School District (district), in consultation with the Texas Department of Criminal Justice (TDCJ), to establish a task force to review the work or other productive activities in which persons confined or imprisoned in TDCJ engage.

Sets forth the membership of the task force. Requires the governor to designate a member of the task force to serve as presiding officer. Requires that a vacancy on the task force be filled in the same manner as the initial appointment.

Authorizes the task force to accept gifts and grants from any source to be used to carry out a function of the task force.

Requires the task force to meet at the call of the presiding officer.

Requires the task force to conduct an ongoing comprehensive review of the work or other productive activities in which persons confined or imprisoned in TDCJ engage and to identify opportunities for the award of high school credit, college credit, or joint high school and college credit, or the award of an industry-recognized credential or certificate, for engaging in that work or activity.

Requires the district, in consultation with TDCJ, the Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Workforce Commission, to determine, for any type of work or productive activity for which an opportunity is identified, the actions necessary for obtaining the award of the applicable academic credit or industry recognition.

Requires the task force to submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees of the legislature having jurisdiction over TDCJ a report that summarizes the conducted review and the district's action with regard to obtaining the award of academic credit or industry recognition. Requires the district to provide the task force with any information necessary to complete the report.

### State Remedy for Expunction Order for Acquitted Persons—H.B. 557

*by Representative Collier et al.—Senate Sponsor: Senators Burton and Miles*

H.B. 557 provides legal remedy to attorneys representing the state to request an order of expunction for an acquitted person. This bill:

Authorizes a district court, a justice court, or a municipal court of record, except when prohibited, to expunge all records and files relating to the arrest of a person if an office of the attorney representing the state authorized by law to prosecute the offense for which the person was arrested recommends the expunction to the court, rather than to the appropriate district court, before the person is tried for the offense, regardless of whether an indictment or information has been presented against the person in relation to the offense.

Authorizes a justice court or a municipal court of record to only expunge records and files that relate to the arrest of a person for an offense punishable by fine only.

Amends Article 55.02 (Procedure of Expunction), Code of Criminal Procedure, to change references to "defendant" to either "acquitted person" or "party requesting the order of expunction." Provides clarification where needed.

Authorizes a person who is entitled to or eligible for an expunction of records and files to file an ex parte petition for expunction in a certain district court for the county in which the petitioner was arrested or the offense was alleged to have occurred.

Authorizes a person who is entitled to or eligible for an expunction of records and files if the arrest for which expunction is sought is for an offense punishable by fine only, to file an ex parte petition for expunction in a justice court or a municipal court of record in the county in which the petitioner was arrested or the offense was alleged to have occurred.

Requires that a petition be verified and include certain information or an explanation as to why certain information was excluded.

Requires a petitioner seeking expunction of a criminal record in a justice court or a municipal court of record, in addition to any other fees required by other law, to pay a fee of $100 for filing an ex parte petition for expunction to defray the cost of notifying state agencies of orders of expunction, unless the fees have been waived.

Authorizes a court that grants a petition for expunction of a criminal record to order that any fee, or portion of a fee, required to be paid be returned to the petitioner.

Provides that a justice court has concurrent jurisdiction with a district court and a municipal court of record over expunction proceedings relating to the arrest of a person for an offense punishable by fine only.

Requires a petitioner filing an ex parte petition for expunction in a justice court or a municipal court of record to pay a fee of $100 to defray the costs of notifying state agencies of orders of expunction.

**Restricting Access to Information Regarding Persons with Certain Offenses—H.B. 681**
*by Representative Wu et al.—Senate Sponsor: Senators Zaffirini and Huffines*

Interested parties express concern that the stigma associated with having a minor offense, such as a fine-only misdemeanor, appear on a person's record can disproportionately compromise the person's college and career plans and even jeopardize housing and other opportunities as these low-level offenses may be included in certain criminal record history reports. H.B. 681 address this issue by providing for the confidentiality of certain criminal records. This bill:

Provides that following the fifth anniversary of the date of a final conviction of, or of a dismissal after deferral of disposition for, a misdemeanor offense punishable by fine only, all records and files and information stored by electronic means or otherwise, from which a record or file could be generated that are held or stored by or for an appellate, municipal, or justice court and relate to the person who was convicted of, or who received a dismissal after deferral of disposition for, the offense are confidential and prohibited from being disclosed to the public.

Authorizes records, files, and information to be open to inspection only by certain persons or entities or to comply with certain requirements of federal law.

Provides that this Act does not apply to municipal or justice court records, files, and information that relates to an offense that is sexual in nature.

**Offense of Falsely Identifying as Law Enforcement—H.B. 683**
*by Representative Wu et al.—Senate Sponsor: Senator Menéndez*

It is reported that the use of an insignia associated with law enforcement by private security officers who do not hold the same privileges or powers of law enforcement is a violation of public trust. H.B. 683 clarifies the applicability of certain offenses relating to false identification as a peace officer and misrepresentation of property and revises the applicability of an offense relating to the possession or use of law enforcement identification, insignia, or vehicles. This bill:

Provides that a person commits an offense if, in a municipality, the person intentionally or knowingly performs certain actions relating to identifying himself or herself to law enforcement.

Provides that a person commits an offense if, among certain other actions, the person makes, provides to another person, or possesses a card, document, badge, insignia, shoulder emblem, or other item, including a vehicle, bearing an insignia of a law enforcement agency that identifies the person as a peace officer or a reserve law enforcement officer.

Provides that an exception to the application of Section 37.12 (False Identification as Peace Officer; Misrepresentation of Property), Penal Code, is an item that is used or intended for use exclusively for decorative purposes or in an artistic or dramatic presentation. Provides that, for the purposes of this section, an item bearing an insignia of a law enforcement agency includes an item that contains the word "police," "sheriff," "constable," or "trooper."

Provides that a person commits an offense if the person intentionally or knowingly misrepresents an object, including a vehicle, as property belonging to a law enforcement agency. Provides that intentionally or knowingly misrepresenting an object as property belonging to a law enforcement agency includes intentionally or knowingly displaying an item bearing an insignia of such an agency in a manner that would lead a reasonable person to interpret the item as property belonging to the agency.

**Punishment for Burglary and Theft Involving Controlled Substances—H.B. 1178**
*by Representative Kuempel et al.—Senate Sponsor: Senator Hinojosa*

According to interested parties, the opioid abuse crisis has fueled an increase in pharmacy burglaries and thefts. H.B. 1178 establishes penalties for a certain burglary or theft offense involving a controlled substance. This bill:

Provides that the offense of burglary is a felony of the third degree if the burglary occurs on the premises of a commercial building in which a controlled substance is generally stored, including a pharmacy, clinic, hospital, nursing facility, or warehouse, and the person entered or remained concealed in that building with intent to commit a theft of a controlled substance.

Provides that an offense of burglary of a vehicle is a Class A misdemeanor, except that, among certain other exceptions, the offense is a felony of the third degree if the vehicle broken into or entered is owned or operated by a wholesale distributor of prescription drugs and the actor breaks into or enters that vehicle with the intent to commit theft of a controlled substance.

Provides that the offense of theft is a felony of the third degree if the value of the property stolen is of a certain amount or the property is, among certain other items, a controlled substance, having a value of less than $150,000, if stolen from a commercial building in which a controlled substance is generally stored, including a pharmacy, clinic, hospital, nursing facility, or warehouse or stolen from a vehicle owned or operated by a wholesale distributer of prescription drugs.

**Punishment for Mischief Involving Flood-Control Property—H.B. 1257**
*by Representative Kacal—Senate Sponsor: Senator Birdwell*

Concerned individuals contend that state law is currently unclear in regards to the exact punishment for the offense of criminal mischief involving the impairment or interruption of property used for flood-control purposes and dams. H.B. 1257 clarifies this issue by providing an appropriate penalty for such conduct. This bill:

Provides that an offense under Section 28.03 (Criminal Mischief), Penal Code, except as provided by Subsections (f) and (h), is a state jail felony if the amount of pecuniary loss is less than $30,000 and the actor causes, wholly or partly, impairment or interruption of property used for flood-control purposes or a dam or of public communications, public transportation, public gas or power supply, or other public service.

**Operation of Unmanned Aircraft over Facilities and Sports Venues—H.B. 1424**
*by Representatives Murphy and Workman—Senate Sponsor: Senator Birdwell*

Concerned observers note a lack of restrictions on drone flights above correctional facilities, detention facilities, and large-capacity sports venues in Texas. H.B. 1424 restricts the unauthorized operation of unmanned aircraft over these facilities and venues. This bill:

Provides that a person commits an offense if the person intentionally or knowingly operates an unmanned aircraft over a sports venue or a correctional facility, detention facility, or critical infrastructure facility, and the unmanned aircraft is not higher than 400 feet above ground level. Provides that, for a sports venue, this offense does not apply to conduct committed by certain persons associated with certain governmental entities or the sports venue. Provides that, for a facility, this law does not apply to certain persons who commit these acts and are associated with a governmental entity or the critical infrastructure facility.

Provides that an offense under this Act is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under Sections 423.0045 (Offense: Operation of Unmanned Aircraft over Critical Infrastructure Facility) or, as added by this Act, 423.0046 (Offense: Operation of Unmanned Aircraft over Sports Venue), Government Code.

**Certificate of Collateral Relief—H.B. 1426 [VETOED]**
*by Representatives Allen and White—Senate Sponsor: Senator Burton et al.*

It is reported that although a criminal conviction can create a barrier to licensing and employment, previously incarcerated individuals who are employed are significantly less likely to reoffend than those unemployed. This barrier remains even when such individuals make great strides toward rehabilitation, leaving behind their criminal past. H.B. 1426 allows individuals who have successfully completed deferred adjudication community supervision (DACS) or a term of community supervision for certain offenses and have met certain other conditions to apply for a certificate of relief from collateral consequences (certificate)—such as the revocation, suspension, or denial of a licensure as an indirect consequence of their criminal history record information. This bill:

Provides that a person is eligible for a certificate if the person satisfactorily completes a term of DACS and, after a judge dismisses the proceedings and discharges the person or a term of community supervision, the person's conviction is set aside.

Requires a court, after the court receives verification that an individual has satisfactorily completed the eligibility requirements, to issue or deny issuance of a certificate and, if the latter, provide specific reason for the denial. Requires a court, in determining whether to issue a certificate to an eligible individual, to consider certain conduct and progress of the individual following the individual's placement on community supervision. Authorizes an individual whose petition for a certificate is denied to reapply for the issuance of a certificate relating to the same offense after the first anniversary of the denial.

Requires that a certificate state that a recipient has completed a term of community supervision and all requirements imposed by the court that relate to the offense and is relieved of all penalties, disqualifications, and disabilities resulting from the offense.

Prohibits an eligible person's criminal history record information for an offense that is the subject of a certificate from being used as grounds for denying, suspending, or revoking a professional or occupational license to the person, provided that the person is otherwise qualified for the license, unless the offense that is the subject of the certificate meets certain criteria.

Provides that, if a licensing authority is prohibited by law from granting a specific occupational license to a person who has been convicted of or placed on DACS for a specific offense, a certificate does not overcome that prohibition.

Provides that the effect of a person's certificate is nullified if the appropriate licensing authority finds that the person, after receiving the certificate, has committed an offense that is a Class A misdemeanor or higher.

**Release of Certain Defendants Pending Motion for New Trial or Appeal—H.B. 1442**
*by Representative Wu et al.—Senate Sponsor: Senator Burton*

According to reports, some defendants who have completed a jail sentence for a misdemeanor conviction must remain unjustly in jail on the filing of a motion for a new trial or an appeal. H.B.

1442 provides for the release of such a defendant on personal bond, pending the determination of such a motion. This bill:

Provides that, pending the determination of a defendant's motion for new trial or a defendant's appeal from a misdemeanor conviction, the defendant is entitled to be released after completion of a sentence of confinement imposed for the conviction.

Authorizes a trial court to require a defendant to give a personal bond, but prohibits a trial court, either instead of or in addition to the personal bond, from requiring any condition of the personal bond, another type of bail bond, or a surety or other security.

**Reporting of Attempted Child Abductions—H.B. 1503**
*by Representative Frullo et al.—Senate Sponsor: Senator Huffman*

Concerns have been expressed over inconsistent reporting of information by local law enforcement agencies to the missing children and missing persons information clearinghouse (clearinghouse) regarding an attempted child abduction. Interested parties suggest that a more clearly defined reporting approach could improve analytical capabilities for investigating these events. H.B. 1503 improves public safety by clarifying the responsibilities of local law enforcement agencies in relation to reporting an attempted child abduction to the clearinghouse. This bill:

Requires a local law enforcement agency, on receiving a report of an attempted child abduction, as soon as practicable, but not later than eight hours after receiving the report, to provide any relevant information regarding the attempted child abduction to the clearinghouse. Requires information that is not immediately available to be obtained by the local law enforcement agency and entered into the clearinghouse as a supplement to the original entry as soon as possible.

**Defendant's Rights After Successful Community Supervision—H.B. 1507**
*by Representatives Giddings and Hernandez—Senate Sponsor: Senator West*

There are concerns that some criminal justice officials in Texas lack a general awareness of a judge's ability, on discharging a defendant from community supervision, to grant an order releasing the defendant from all penalties and disabilities resulting from the conviction. H.B. 1507 requires the court to provide notice to the defendant in writing of the court's ability to set aside the plea or conviction and release the defendant from the consequences associated with the adjudicated offense. This bill:

Requires a court, prior to accepting a plea of guilty or a plea of nolo contendere, to admonish the defendant of the fact that if the defendant is placed on community supervision, after satisfactorily fulfilling the conditions of community supervision and on expiration of the community supervision period, the court is authorized to release the defendant from the penalties and disabilities resulting from the offense.

Requires a judge placing a defendant on community supervision to inform the defendant in writing and on a form prescribed by the Texas Office of Court Administration (OCA) that, after

satisfactorily fulfilling the conditions of community supervision and on expiration of the community supervision period, the judge is authorized to release the defendant from the penalties and disabilities resulting from the offense.

Requires OCA to adopt a standardized form for use in discharging a defendant. Requires a judge discharging a defendant to use the form. Requires that the form provide for a judge to:

> discharge a defendant; or
>
> discharge a defendant, set aside the verdict or permit the defendant to withdraw the defendant's plea, and dismiss the accusation, complaint, information, or indictment against the defendant.

Requires that the form state that a defendant who receives a discharge is released from the penalties and disabilities resulting from the offense.

### DPS Reserve Officer Corps Eligibility—H.B. 1780

*by Representative Dale—Senate Sponsor: Senator Birdwell*

Concerned parties point to recent legislation that authorizes the Texas Department of Public Safety (DPS) to create a reserve officer corps consisting of retired or previously commissioned DPS officers to be called into service at the discretion of the director of DPS and express concern over the unnecessary exclusion of highly qualified retired peace officers from other law enforcement agencies throughout Texas. H.B. 1780 expands eligibility for service in the reserve officer corps. This bill:

Authorizes the Public Safety Commission to provide the establishment of a reserve officer corps consisting of retired or previously commissioned peace officers, as defined by Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure, who retired or resigned in good standing.

### Compensation to Crime Victims and Disposition of Unclaimed Restitution—H.B. 1866

*by Representative Geren—Senate Sponsor: Senator Campbell*

It is reported that some probation departments have difficulty locating crime victims for purposes of remitting restitution payments that are owed to those victims and that, as a result, the payments are later presumed abandoned and turned over to the Texas comptroller of public accounts (comptroller) as unclaimed property. H.B. 1866 resolves this issue by realigning incentives for probation departments to facilitate the successful locating of crime victims. This bill:

Provides that the compensation to victims of crime fund (fund) is in the state treasury. Authorizes money in the fund to be used only as provided by the Crime Victims' Compensation Act (Subchapter B, Code of Criminal Procedure) and provides that it is not available for any other purpose.

Requires a community supervision and corrections department (department), if a judge requires a defendant to make restitution to a victim of the defendant's offense and a restitution payment is received by the department from the defendant for transmittal to a victim of the offense, to immediately deposit the payment in a certain required account.

Requires a department, if the department receives an initial restitution payment, to immediately notify the victim by certified mail, sent to the last known address of the victim, that the restitution payment has been received and to inform the victim of how a claim for payment of restitution can be made. Requires the department, if the victim makes a claim for restitution payment with the department, to promptly remit to the victim all restitution payments received by the department from the defendant for transmittal to the victim.

Provides that, if a victim who is entitled to restitution does not make a claim for payment before a certain date or, after the victim makes a claim for payment, the department is unable to locate the victim for a period of five years after a certain date, any unclaimed restitution payments (URPs) being held by the department for payment to the victim are presumed abandoned. Requires the department to report and deliver to the comptroller all URPs presumed abandoned.

Provides that, if a victim who is entitled to restitution does not make a claim for payment before a certain date or, after the victim makes a claim for payment, the Texas Department of Criminal Justice (TDCJ) is unable to locate the victim for a period of five years after a certain date, any URPs being held by TDCJ for payment to the victim are presumed abandoned.

Requires a holder of an URP that is presumed abandoned to mail by a certain date written notice to the last known address of the victim entitled to the URP written notice that provides certain information. Requires each holder of an URP that is presumed abandoned to deliver the property to the comptroller by a certain date. Requires the state, if an URP that is presumed abandoned is reported and delivered to the comptroller, to assume custody of the URP and responsibility for its safekeeping.

Requires the comptroller to review the validity of each claim for an URP filed and, if the comptroller determines that a claim for an URP is valid, to approve and pay the claim.

Authorizes a holder of, if a claim for an URP is filed with the holder who then determines in good faith that the claim is valid, to pay the amount of the claim. Authorizes the comptroller to reimburse the holder for a valid claim paid. Authorizes a person aggrieved by the decision of a claim to appeal the decision by a certain date on which it was rendered.

Requires the comptroller to maintain a record that documents URPs received. Requires the comptroller to deposit all URPs to the credit of the auxiliary fund in the state treasury. Requires that income or interest derived from URPs deposited in the auxiliary fund remain in the auxiliary fund.

## Penalties for Certain Littering Offenses—H.B. 1884

*by Representative Charles "Doc" Anderson—Senate Sponsor: Senator Kolkhorst*

Reportedly, illegal dumping and littering cost the state significant amounts every year. Some defendants convicted of offenses similar to illegally dumping or littering are required to perform community service by picking up litter or working at a recycling facility. H.B. 1884 includes a person convicted of a certain littering or illegal dumping offense. This bill:

Requires a defendant required to perform community service after conviction of an offense under Section 352.082 (Outdoor Burning of Household Refuse in Certain Residential Areas), Local

Government Code, or Sections 365.012 (Illegal Dumping; Discarding Lighted Materials; Criminal Penalties), 365.013 (Rules and Standards; Criminal Penalty), or 365.016 (Disposal of Litter in a Cave; Criminal Penalty), Health and Safety Code, to perform an amount of service, not to exceed 60 hours, ordered by the court.

**Reimbursing Law Enforcement Agencies from Certain Auction Proceeds—H.B. 2306**
*by Representative Guillen et al.—Senate Sponsor: Senator Zaffirini*

Interested parties contend that law enforcement agencies have insufficient ability to obtain reimbursement for any compensation the agency makes to a landowner whose property was damaged as a result of a pursuit. H.B. 2306 addresses this issue by authorizing the use of auction proceeds from the sale of certain abandoned motor vehicles to reimburse law enforcement agencies for compensation paid to certain property owners. This bill:

Provides that a law enforcement agency is entitled to reimbursement from the proceeds of the sale of an abandoned motor vehicle, aircraft, watercraft, or outboard motor for any compensation made by the agency to property owners whose property was damaged as result of a pursuit involving the motor vehicle.

**Common Nuisances—H.B. 2359**
*by Representative Ortega et al.—Senate Sponsor: Senator Rodríguez*

Interested parties contend that some vacant lots or buildings may be used for criminal activities or pose fire hazards and that there is insufficient authority to effectively confront these problems. H.B. 2359 addresses this issue by amending common nuisance provisions. This bill:

Provides that a person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance:

> delivery, possession, manufacture, or use of a substance or other item in violation of Chapter 481 (Texas Controlled Substances Act), Health and Safety Code;
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> criminal trespass;
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> disorderly conduct;
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> arson;
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> criminal mischief that causes a pecuniary loss of $500 or more; or
>
> a graffiti offense.

Authorizes the court to, if a court determines that a person is maintaining a vacant lot, vacant or abandoned building, or multiunit residential property that is a common nuisance, on its own motion

or on the motion of any party, order the appointment of a receiver to manage the property or render any other order allowed by law as necessary to abate the nuisance.

**Allowing SML Commissioner to Obtain Criminal History—H.B. 2580**
*by Representatives Holland and Longoria—Senate Sponsor: Senator Estes*

Interested parties contend that as the regulatory authority of the savings and mortgage lending commissioner has increased, so should the commissioner's ability to obtain criminal history record information from the Texas Department of Public Safety (DPS) that relates to the individuals over whom the commissioner has authority. This bill:

Amends the Government Code to expand the criminal history record information that the savings and mortgage lending commissioner is entitled to obtain from information that relates to an applicant for or holder of a license issued under the Residential Mortgage Loan Company Licensing and Registration Act or the Mortgage Banker Registration and Residential Mortgage Loan Originator License Act to information that relates to (1) an applicant for or holder of a license, charter, or other authority granted or issued by the commissioner under the Texas Savings and Loan Act, the Texas Savings Bank Act, the Residential Mortgage Loan Company Licensing and Registration Act, the Mortgage Banker Registration and Residential Mortgage Loan Originator License Act, the Residential Mortgage Loan Servicer Registration Act, or the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009; (2) an employee of or volunteer with the Texas Department of Savings and Mortgage Lending (SML); (3) an applicant for employment or for an internship with SML; or (4) a contractor or subcontractor of SML.

Prohibits the commissioner from releasing or disclosing criminal history record information unless the information was obtained from a fingerprint-based search and was released or disclosed by a court order to the person subject to the criminal history record information, or with that person's consent.

**Railroad Commission Access to Criminal History Records—H.B. 2588**
*by Representative Clardy—Senate Sponsor: Senator Estes*

Currently, state agencies are required to obtain statutory authorization under Chapter 411 (Libraries and Archives), Government Code, to access criminal history record information maintained by the Texas Department of Public Safety (DPS). Under Chapter 411, at least 30 state agencies and entities currently have authority to access this information. This bill:

Provides that the Railroad Commission of Texas (railroad commission) is entitled to obtain criminal history record information maintained by DPS, by the Federal Bureau of Investigation Criminal Justice Information Services Division, or by another law enforcement agency that relates to a person who is either an applicant for employment with or who is or has been employed by the Public Safety Commission (PSC) or a consultant, contract employee, independent contractor, intern, or volunteer for PSC or an applicant to serve in one of those positions.

Authorizes criminal history record information obtained by the railroad commission to be used only to evaluate an applicant for employment with, or a current or former employee of, the railroad commission.

Prohibits the railroad commission from releasing or disclosing information obtained except on court order or with consent of the person who is the subject of the criminal history record information.

Requires the railroad commission, after the expiration of any probationary term of a person's employment or not later than the 180th day after receiving such information (whichever is later) to destroy all criminal history record information obtained.

## Grant Programs for Peace Officers' Mental Health—H.B. 2619

*by Representative Giddings et al.—Senate Sponsor: Senators Hughes and Miles*

Reportedly, law enforcement officers can experience tremendous amounts of trauma in the course of fulfilling their duties and too often face undiagnosed or untreated mental health issues associated with that trauma. H.B. 2619 creates a peace officer mental health grant program in the criminal justice division (division) of the governor's office and creates a critical incident stress debriefing grant program. This bill:

Requires the division to establish and administer a grant program through which a law enforcement agency may apply for a grant to implement programs, practices, and services designed to address the direct or indirect emotional harm suffered by peace officers employed by the law enforcement agency in the course of the officers' duties or as a result of the commission of crimes by other persons.

Authorizes grant money awarded to be used to pay for certain services and training. Provides that information obtained in the administration of a program, practice, or service funded by a grant is confidential and is not subject to public disclosure.

Prohibits a law enforcement agency from using against a peace officer in a departmental proceeding any information obtained in the administration of a program, practice, or service funded by a grant.

Requires the division to establish eligibility criteria for grant applicants, grant application procedures, guidelines relating to grant amounts, and procedures for evaluating grant applications monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant.

Requires the division to evaluate and compare the programs, practices, and services implemented by each law enforcement agency that receives a grant under this section to determine the most successful programs, practices, and services for maintaining the mental health of peace officers.

Requires the division to establish and administer a grant program to assist law enforcement agencies in providing critical incident stress debriefing to peace officers who experience critical incidents while performing official duties.

Requires a law enforcement agency that receives a grant under this section to:

inform each peace officer employed by the agency about the program, including opportunities to participate in the program and, if the officer participates in the program, confidentiality protections; and

certify in writing that the agency will not use disciplinary action or any other form of punishment, including the refusal of a promotion, to discourage or prohibit an officer's participation in the critical incident stress debriefing offered by the agency.

**Placement of Controlled Substances under Certain Penalty Groups—H.B. 2671**
*by Representative Dean et al.—Senate Sponsor: Senator Hughes*

Reportedly, an increase in demand for synthetic and designer drugs has led to the proliferation of dangerous narcotics with chemical compounds designed to circumvent existing law, necessitating the need to regularly update the Texas Controlled Substances Act (Chapter 481, Health and Safety Code) to account for new types of drugs. H.B. 2671 revises the substances listed in Penalty Groups 1 and 3 of the Act. This bill:

Provides that Penalty Group 1 consists of certain substances, including Phenazepam, U-47700, AH-7921, ADB-FUBINACA, AMB-FUBINACA, and MDMB-CHMICA.

Provides that Penalty Group 3 consists of a material, compound, mixture, or preparation that contains any quantity of certain substances, including Carisoprodol, Etizolam, and Tramadol.

**Emergency Scheduling of Controlled Substances—H.B. 2804**
*by Representatives Price and Fallon—Senate Sponsor: Senator Van Taylor*

Concerns have been raised regarding the ability of the commissioner of state health services (commissioner), in coordination with the Texas Department of Public Safety (DPS), to timely "emergency schedule" certain substances as controlled substances under the Texas Controlled Substances Act (Chapter 481, Health and Safety Code) to avoid an imminent hazard to public safety. H.B. 2804 revises procedures for the emergency scheduling of such substances. This bill:

Requires the commissioner, before emergency scheduling a substance as a controlled substance, to consult with DPS and authorizes the commissioner to emergency schedule the substance only in accordance with DPS recommendations.

Requires the commissioner, in determining whether a substance poses an imminent hazard to public safety, to consider the scope, duration, symptoms, or significance of abuse.

Authorizes the commissioner to extend the emergency scheduling of a substance not more than once and for a period not to exceed one year by publishing the extension in the *Texas Register*. Provides that, if the commissioner extends the emergency scheduling of a substance, an emergency exists for purposes of Section 481.036(c) (relating to authorizing an action by the commissioner that establishes or modifies a schedule to take effect on a certain date), Health and Safety Code, and that the action takes effect on the date the extension is published in the *Texas Register*.

Requires the commissioner to post notice about each emergency scheduling of a substance or each extension of an emergency scheduling of a substance on the Internet website of the Department of State Health Services.

Requires the commissioner to submit a report on each emergency scheduling action taken during the preceding two-year period to the governor, the lieutenant governor, the speaker of the house of representatives, and each legislative standing committee that has primary jurisdiction over DPS or over criminal justice matters.

**Lighting Equipment on Security Patrol Vehicles—H.B. 2812**
*by Representatives Oliverson and White—Senate Sponsor: Senator Huffman*

Reportedly, it is imperative for the public to be able to differentiate between law enforcement vehicles and vehicles used by other security personnel. H.B. 2812 ensures that the public can make such a differentiation by restricting the lights with which a security patrol vehicle may be equipped. This bill:

Authorizes a security patrol vehicle to only be equipped with green, amber, or white lights.

Provides that, for the purposes of this bill, a motor vehicle is equipped with a lamp or illuminating device regardless of whether the lamp or illuminating device is attached temporarily or permanently to the motor vehicle or whether it is activated.

**Inmate Completion of Classes or Programs Before Release on Parole—H.B. 2888**
*by Representative Romero Jr. et al.—Senate Sponsor: Senator Whitmire*

Interested parties contend that some parole-eligible inmates eligible for parole who are required to complete certain classes or programs based on their respective individual treatment plans as a condition of release wait until after their initial parole eligibility dates to enroll in such courses, which extends their detention. H.B. 2888 remedies this situation by requiring the Texas Board of Pardons and Paroles (TBPP) to identify classes or programs it intends to require an inmate to complete before releasing the inmate on parole and requiring the Texas Department of Criminal Justice (TDCJ) to provide inmates with a list of those classes or programs and to make reasonable efforts to provide inmates the opportunity to timely complete such classes or programs. This bill:

Requires TDCJ to make reasonable efforts to provide an inmate the opportunity to complete any classes or programs included in the inmate's individual treatment plan, other than classes or programs that are to be completed immediately before the inmate's release on parole, in a timely manner so that the inmate's release on parole is not delayed due to any uncompleted classes or programs.

Requires TBPP to identify any classes or programs that TBPP intends to require the inmate to complete before releasing the inmate on parole. Requires TDCJ to provide the inmate with a list of those classes or programs.

### Penalizing Criminal Prejudice Against Peace Officers or Judges—H.B. 2908

*by Representative Hunter et al.—Senate Sponsor: Senators Huffman and Lucio*

Concerned observers call for greater protection for peace officers from offenses committed because of bias or prejudice against law enforcement. H.B. 2908 enhances criminal penalties for certain crimes committed against peace officers. This bill:

Requires a judge, in the trial of an offense under certain statutes, to make and enter an affirmative finding of fact in the judgment of the case if, at the guilt or innocence phase of the trial, the judge or jury, whichever is the trier of fact, makes a determination beyond a reasonable doubt that the defendant intentionally selected the person's property that was damaged or affected as a result of the offense because of the defendant's bias or prejudice against a group identified by certain factors, including by status as a peace officer or judge.

Provides that an offense under Section 20.02 (Unlawful Restraint), Penal Code, is a Class A misdemeanor, except that the offense is a felony of the second degree if the actor restrains an individual whom the actor knows is a peace officer or judge while the officer or judge is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty as a peace officer or judge.

Provides that an offense under Section 22.01(a)(1) (relating to an offense if the person causes bodily injury to another), Penal Code, is a felony of the second degree if the offense is committed against a person whom the actor knows is a peace officer or judge while the officer or judge is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty as a peace officer or judge.

Provides that an offense under Section 22.01(a)(2) (relating to an offense if a person threatens to commit any violent offense to any person or property with the intent to place the person in fear of imminent serious bodily injury), Penal Code, is a state jail felony if the offense is committed against a person whom the actor knows is a peace officer or judge.

Provides that an offense under Section 49.07 (Intoxication Assault), Penal Code, is a felony of the first degree if it is shown on the trial of the offense that the person caused serious bodily injury to a peace officer or judge while the officer or judge was in the actual discharge of an official duty.

### Nonsubstantive Revision of Code of Criminal Procedure—H.B. 2931

*by Representative Moody—Senate Sponsor: Senator Whitmire*

During the 83rd Legislature, the House Select Committee on Criminal Procedure Reform recommended that, on an incremental basis, the Code of Criminal Procedure be subject to a nonsubstantive revision each interim and tasked the Texas Legislative Council (TLC) with implementing the project. TLC incorporated the project into its long-standing program related to clarifying and simplifying statutory law as part of its complete nonsubstantive revision of the Texas statutes, which is performed on an ongoing basis as required by the Government Code. H.B. 2931 amends current law relating to the nonsubstantive revision of certain provisions of the Code of Criminal Procedure, including conforming amendments. This bill:

Codifies Articles 18.20 and 18.21, Code of Criminal Procedure, as new Chapters 18A and 18B, Code of Criminal Procedure, respectively, and Chapters 60 and 61, Code of Criminal Procedure, as new Chapters 66 and 67, Code of Criminal Procedure, respectively.

**Eligibility for Order of Nondisclosure of Criminal History Records—H.B. 3016**
*by Representative Senfronia Thompson et al.—Senate Sponsor: Senators Hughes and Huffines*

A stigma reportedly exists that is associated with a person's criminal record, even if the person was convicted of a low-level offense and subsequently becomes a productive member of society through law-abiding behavior. H.B. 3016 extends eligibility for an order of nondisclosure (OND) of criminal history record information to these persons. This bill:

Applies to the issuance of an OND of criminal history record information for an offense committed before, on, or after September 1, 2017, or to a person who receives a discharge and dismissal under Article 42A.111 (Dismissal and Discharge), Code of Criminal Procedure, on or after September 1, 2017.

Applies to a person who was placed on deferred adjudication community supervision for a certain misdemeanor offense and has never been previously convicted of or placed on deferred adjudication community supervision for another offense, other than a traffic offense that is punishable by fine only.

Requires a court to issue an OND if a person receives a discharge and dismissal under Article 42A.111, Code of Criminal Procedure. Authorizes a person who is ineligible to receive an OND of criminal history record information solely because of a certain affirmative finding filed in the papers of the case to file a petition for an OND of criminal history record information if the person otherwise satisfies certain requirements.

Authorizes a person who is convicted of a certain driving while intoxicated offense and who completes the person's sentence, including any term of confinement imposed and the payment of all fines, costs, and restitution imposed, to petition the court that imposed the sentence for an OND of criminal history record information if the person satisfies certain requirements and has never been previously convicted of or placed on deferred adjudication community supervision for another offense, other than a traffic offense that is punishable by fine only. Requires that a petition for an OND of criminal history record information include evidence that the person is entitled to file the petition.

Requires a court, after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and that issuance of the order is in the best interest of justice, to issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information relating to the offense for which the person was convicted. Prohibits a court from issuing an OND of criminal history record information for certain offenses of a violent or sexual nature, offenses involving a motor vehicle accident involving another person, or offenses involving family violence.

Authorizes a criminal justice agency to disclose criminal history record information that is the subject of an OND of criminal history record information only for the purpose of complying with a

requirement under federal law, or if federal law requires the disclosure as a condition of receiving federal highway funds.

Requires a judge, if the judge places on deferred adjudication community supervision a defendant charged with a misdemeanor, other than a misdemeanor under Chapters 20 (Kidnapping, Unlawful Restraint, and Smuggling of Persons); 21 (Sexual Offenses); 22 (Assaultive Offenses); 25 (Offenses Against the Family); 42 (Disorderly Conduct and Related Offenses); 43 (Public Indecency); 46 (Weapons); or 71 (Organized Crime), Penal Code, to make an affirmative finding of fact and to file a statement of that affirmative finding with the papers in the case if the judge determines that it is not in the best interest of justice that the defendant receive an automatic OND.

**Prosecution for Injury to a Child, Elderly, or Disabled Individual—H.B. 3019**
*by Representatives Burkett and Button—Senate Sponsor: Senator Menéndez*

Concerns have been reported about the current scope of the offense of injury to a child, elderly individual, or disabled individual in relation to negligent operators of boarding home facilities. H.B. 3019 addresses these concerns by including certain conduct committed by persons associated with such a facility in the conduct that constitutes that offense. This bill:

Provides that a person commits an offense if the person is an owner, operator, or employee of a group home or other certain facilities, including a boarding home facility or an intermediate care facility for persons with an intellectual or developmental disability, and the person intentionally, knowingly, recklessly, or with criminal negligence by omission causes to a certain individual who is a resident of that group home or facility serious bodily injury; serious mental deficiency, impairment, or injury; or bodily injury.

Provides that it is an affirmative defense to prosecution that before the offense the actor notified, in writing, the Department of Family and Protective Services that the actor would no longer provide any of the care described by Section 22.04(d) (relating to what constitutes an actor assuming care), Penal Code.

**Categories Used to Record Race or Ethnicity for Traffic Offenses—H.B. 3051**
*by Representative Phil King—Senate Sponsor: Senator Hinojosa*

Current Texas statute regarding the collection of race and ethnicity data does not conform to national standards for reporting race and ethnicity when this data is exchanged, stored, retrieved, or analyzed in electronic form. H.B. 3051 amends existing Texas statutes to conform to nationally recognized standards for race and ethnicity reporting and driver licensing in use by other states, the National Law Enforcement Telecommunications System (NLETS), and federal Criminal Justice Information System (CJIS). This helps to not only ensure reporting accuracy and minimize confusion but to also bring uniformity to race and ethnicity codes for reporting requirements. This bill:

Provides that "race or ethnicity" means the following categories:

Alaska native or American Indian;

Asian or Pacific Islander;
black;
white; and
Hispanic or Latino.

**Educational and Vocational Training for State Jail Felony Defendants—H.B. 3130**
*by Representative Parker et al.—Senate Sponsor: Senator Huffman*

It has been reported that individuals reentering the community from prison or jail face significant challenges in finding stable employment, which increases the likelihood that these individuals will reoffend and return to confinement. H.B. 3130 establishes a pilot program to provide educational and vocational training, employment, and reentry services to certain defendants. This bill:

Requires the Texas Department of Criminal Justice (TDCJ) to establish a pilot program (program) to provide educational and vocational training, employment, and reentry services to defendants placed on supervision who are required to serve a term of confinement in a state jail felony facility. Requires TDCJ, in consultation with interested parties, to determine the eligibility criteria for a defendant to participate in the program, including requiring the defendant to arrange for suitable housing while participating in the program.

Requires TDCJ to issue a request for proposals from public or private entities to provide services through the program and to select one or more qualified applicants to provide services through the program to eligible defendants. Provides that the program consists of approximately 180 days of employment-related services and support, and requires the program to include certain services.

Authorizes a judge assessing punishment in a state jail felony case to suspend the imposition of the sentence and place the defendant on community supervision (supervision), under certain conditions, such as participation in the program operated under Section 507.007 (Educational and Vocational Training Pilot Program), Government Code, which is added by this Act. Requires a defendant, before a judge is authorized to place the defendant on supervision, to be assessed using the risk and needs assessment to consider the defendant's prior criminal history. Requires a judge placing a defendant on supervision to impose a period of supervision that does not exceed 270 days.

Requires a defendant placed on supervision to participate fully in the program. Authorizes a judge to revoke a defendant's supervision, or otherwise sanction the defendant, for violating the requirements of the program.

**Expunction for Persons Arrested Solely as Result of Misidentification—H.B. 3147**
*by Representative White—Senate Sponsor: Senator Menéndez*

It is reported that an expunction of records should be more readily available to certain individuals. H.B. 3147 expedites the expunction process for certain persons who are arrested solely as a result of inaccurate identifying information. This bill:

Entitles a person to obtain the expunction of any information that identifies the person, including the person's name, address, date of birth, driver's license number, and social security number, contained in records and files relating to the person's arrest or the arrest of another person if:

> the expunction of identifying information is sought with respect to the arrest of the person asserting the entitlement and the person was arrested solely as a result of identifying information that was inaccurate due to a clerical error; or
>
> the expunction of identifying information is sought with respect to the arrest of a person, other than the person asserting the entitlement, and the information identifying the person asserting the entitlement was falsely given by the arrested person as the arrested person's identifying information, without the consent of the person asserting the entitlement, and the only reason why the identifying information of the person asserting the entitlement is contained in the applicable arrest records and files is because of the deception of the arrested person.

Requires an application for expunction, in order to be verified, to include authenticated fingerprint records of the applicant, and to include the following, or an explanation for why one or more of the following is not included:

> the applicant's full name, sex, race, date of birth, driver's license number, social security number, and address at the time of the applicable arrest; and
>
> a statement, as appropriate, that the applicant was arrested solely as a result of identifying information that was inaccurate due to a clerical error or that the applicant is not the person arrested and for whom the arrest records and files were created and did not give the arrested person consent to falsely identify himself or herself as the applicant.

### Sale of Law Enforcement Vehicles to General Public—H.B. 3223

*by Representative Goldman et al.—Senate Sponsor: Senator Zaffirini*

Law enforcement agencies commonly sell retired patrol vehicles to the general public. However, this practice risks the possibility that such a vehicle could be used to criminally impersonate a law enforcement officer. This bill:

Prohibits a person or political subdivision from selling or transferring ownership of a marked patrol car or any other law enforcement vehicle without first removing equipment or insignia that could mislead a person to believe that the vehicle belongs to law enforcement. Provides that a person who sells or transfers ownership of a marked vehicle is liable for damages caused by the use of that vehicle during the commission of a crime and is liable to the state for a civil penalty of $1,000.

### Texas Peace Officers' Memorial Monument and Ceremony—H.B. 3647

*by Representative Dale et al.—Senate Sponsor: Senators Watson and Bettencourt*

It has been noted that confusion exists as to who is eligible to be included on the Texas Peace Officers' Memorial Monument (monument). H.B. 3647 clarifies that determination. This bill:

Provides that a person eligible to have his or her name on the monument is presumed to have been killed in the line of duty if the Employees Retirement System of Texas makes payments and provides benefits to eligible survivors of the person.

Authorizes a peace officer, law enforcement agency, independent researcher, or organization that advocates on behalf of the survivors of persons killed in the line of duty to submit to the Texas Commission on Law Enforcement (TCOLE) a nomination to have a person's name added to the monument. Requires the executive director of TCOLE to make a preliminary recommendation to TCOLE regarding whether a nominated person is eligible.

Requires TCOLE to place for consideration each nomination on the agenda of a scheduled meeting of TCOLE. Requires TCOLE to allow public testimony and consider any evidence presented regarding the eligibility of the person nominated. Requires TCOLE, after hearing testimony and considering evidence, to determine by a public vote whether the person meets the eligibility requirements. Requires TCOLE to add a person's name to the monument if TCOLE determines that the person meets the eligibility requirements.

Provides that the Texas Peace Officers' Memorial Ceremony Committee (committee) is established to plan, oversee, and facilitate annual ceremonies recognizing and honoring peace officers of this state who were killed in the line of duty. Sets forth requirements for the composition of the committee.

Requires the committee to meet as necessary to plan and coordinate an annual memorial ceremony on the Capitol grounds to honor Texas peace officers who were killed in the line of duty.

## Texas Crime Stoppers Council—H.B. 3690

*by Representative Metcalf—Senate Sponsor: Senators Birdwell and Garcia*

Statutory provisions relating to the Texas Crime Stoppers Council (council) are reportedly in need of an update to reflect modern realities facing the council. H.B. 3690 enhances the efficiency of the council by, among other provisions, changing the method for selecting the director of the council and by revising the reporting system requirements to account for modern practices and technologies. This bill:

Requires the executive director of the criminal justice division of the Office of the Governor (executive director; division), with input from the council, to designate a person to serve as director. Requires the executive director to consult with the council to define the director's authority and responsibilities.

Requires the council to establish a free statewide telephone service, and other appropriate systems, to allow information about criminal acts to be reported to the council and to make the telephone service, and other reporting systems, accessible at all times to persons residing in areas in the state not served by a crime stoppers organization.

Authorizes the division to use 10 percent of its funds for the operation of the free statewide telephone service, or other appropriate systems, for the reporting of crime.

**Forensic DNA Testing of Evidence Previously Subjected to Faulty Testing—H.B. 3872**
*by Representative Lucio III—Senate Sponsor: Senator Menéndez*

It is argued that the recent improper examination of DNA samples that served as key evidence in certain violent crime cases should prompt a thorough review of these cases. H.B. 3872 provides this review by granting relief to certain defendants whose DNA samples were improperly examined in these cases. This bill:

Authorizes a court to grant a convicted person relief on an application for a writ of habeas corpus if the convicted person files an application containing specific facts indicating that the person previously filed a motion for forensic DNA testing of evidence that was denied because of certain negative findings and that, had the evidence not been presented at the person's trial, on a preponderance of the evidence the person would not have been convicted.

Provides that a claim or issue could not have been presented previously in an original application or in a previously considered application if the claim or issue is based on evidence that has been determined by the Texas Forensic Science Commission (FSC) to have been subjected to faulty DNA testing practices.

Authorizes a motion for forensic DNA testing to request only certain evidence that, among other criteria, was tested at a laboratory that has since ceased conducting DNA testing due to an FSC audit revealing that the laboratory engaged in faulty testing practices and evidence that was tested during the period identified in the audit as involving faulty testing practices.

**Grant Program for Body Armor for Law Enforcement Agencies—S.B. 12**
*by Senator West et al.—House Sponsor: Representative Phil King et al.*

Concerns have been raised that local law enforcement agencies have suffered preventable losses of life in the line of duty due to a lack of sufficient resources to acquire bulletproof vests and other body armor that can withstand rounds from high-caliber firearms. S.B. 12 addresses these concerns by providing for the establishment of a grant program to provide law enforcement agencies with the necessary resources to equip their officers with bulletproof vests, ballistic plates, and plate carriers. This bill:

Requires the Criminal Justice Division of the Office of the Governor (division) to establish and administer a grant program to provide financial assistance to a law enforcement agency in this state that seeks to equip its peace officers with bulletproof vests (vests), ballistic plates, and plate carriers.

Requires that a vest or plate purchased with a grant comply with a National Institute of Justice standard for rifle protection.

Authorizes a law enforcement agency to apply for a grant under this section (Bulletproof Vests and Body Armor Grant Program) only if the agency first adopts a policy addressing the deployment and allocation of vests or plates to its officers and usage of vests or plates by its officers.

Requires a law enforcement agency receiving a grant to provide to the division proof of purchase of vests, ballistic plates, and plate carriers, including the price of each item and the number of each type of item purchased.

Requires the division to submit to the Legislative Budget Board a report that provides the name of each law enforcement agency that applied for a grant, the amount of money distributed to each law enforcement agency that received a grant, and as reported, the number of vests, plates, and carriers purchased by each agency.

Authorizes the division to use any revenue available.

**Education Regarding Certain Interactions Between Peace Offers and Civilians—S.B. 30**
*by Senator West et al.—House Sponsor: Representatives Senfronia Thompson and Coleman*

Interested parties contend that improving the education and training of citizens and police officers in Texas with regard to traffic stop procedures may help decrease tensions in such circumstances, which can lead to arguments, injuries, and even death. S.B. 30 achieves this goal by including information on interaction with law enforcement in the curriculum for high school students and in driver education and driving safety courses and to include a civilian interaction training program in the minimum curriculum requirements of law enforcement officers. This bill:

Requires the State Board of Education (SBOE) and the Texas Commission on Law Enforcement (TCOLE) to enter into a memorandum of understanding that establishes each agency's respective responsibilities in developing instruction, including curriculum and instructional modules, on proper interaction with peace officers during traffic stops and other in-person encounters.

Authorizes SBOE and TCOLE to consult with any interested party, including a volunteer work group convened to make recommendations, in developing the instruction. Requires SBOE and TCOLE, before finalizing any instruction, to provide a reasonable period for public comment. Authorizes a school district or open-enrollment charter school, subject to SBOE rules, to tailor the instruction for the district's or school's community. Requires the district or school, in tailoring the instruction, to solicit input from local law enforcement agencies, driver training schools, and the community.

Requires SBOE to adopt rules to include the instruction in one or more required courses for students in grade levels 9 through 12.

Requires the Texas Commission of Licensing and Regulation (TCLR), by rule, to require the inclusion of information relating to law enforcement procedures for traffic stops in driver education and driving safety course's curriculum. Requires TCLR, in developing the curriculum, to consult with any interested party, including a volunteer work group convened to make curriculum recommendations.

Requires TCOLE, as part of the minimum curriculum requirements for law enforcement officers, to require an officer to complete civilian interaction training program on proper interaction with civilians during traffic stops and other in-person encounters.

### Study Regarding Certain Convictions and Deferred Dispositions—S.B. 47
*by Senators Zaffirini and Garcia—House Sponsor: Representative Wu*

Interested parties contend that Class C misdemeanor offenses punishable by fine only are typically considered minor, but that these offenses can derail an individual's college and career plans when contained in criminal history reports frequently required by employers and universities making employment and admissions decisions. Additionally, the public availability of these records can limit housing and other opportunities. S.B. 47 addresses this issue by providing for a study of Class C misdemeanor records retention practices in Texas counties. This bill:

Requires the Office of Court Administration of the Texas Judicial System (OCA) to conduct a study on how records regarding misdemeanors punishable by fine only, other than traffic offenses, are held in different Texas counties.

Requires that the study address, with respect to each county, the public availability of conviction records for misdemeanors punishable by fine only; the public availability of records relating to suspension of sentence and deferral of final disposition for misdemeanors punishable by fine only; the public availability of these records that are related to a child younger than 18 years of age; whether public access to and availability of these records have been expanded or restricted by the county over time; whether local agencies holding these records destroy these records; the reasons and criteria for any destruction of records; and the retention schedule of each local agency holding these records if the agency routinely destroys these records.

Requires OCA to issue a report on the study required by this Act to the lieutenant governor of Texas, the speaker of the house of representatives of Texas, and the appropriate standing committees of the house of representatives and senate.

### Substances Listed in Texas Controlled Substances Act—S.B. 227
*by Senators Huffman and Garcia—House Sponsor: Representative Clardy*

Interested parties note confusion regarding the ability of prosecutors to convict individuals who possess or deliver certain federally approved drugs classified by the Texas Controlled Substance Act under Penalty Group 2 that were not prescribed to those individuals. S.B. 227 eliminates this confusion. This bill:

Repeals Section 481.103(d) (relating to a prohibition on convictions for the manufacture or delivery of certain substances included in Penalty Group 2 that have been approved by the Federal Drug Administration), Health and Safety Code.

### Reducing Opportunities to Challenge Protective Orders—S.B. 257
*by Senator Van Taylor—House Sponsor: Representative Dale*

Interested parties contend that perpetrators of certain acts of serious or repeated violence that result in the issuance of a protective order for the victim should not be allowed to file multiple motions to challenge the continuing need for that protective order. S.B. 257 provides increased protections for

those victims by limiting the number of such motions to one and by prohibiting any such motion relating to a protective order issued for a victim of sexual assault or abuse, stalking, or trafficking. This bill:

Amends the Family Code to prohibit a person who is the subject of a protective order from filing a motion requesting that the court review the protective order and determine whether there is a continuing need for the order earlier than the first anniversary of the date on which the order was rendered. Provides that, following this motion, a person who is the subject of a protective order that is effective more than two years, issued for serious or repeated acts of family violence, and determined likely by the court to reoffend is prohibited from filing more than one subsequent motion requesting court review. Provides that this subsequent motion may not be filed earlier than the first anniversary of the date on which the court rendered the order on the previous motion.

Provides that the authorization for a person who is the subject of a protective order to file a motion requesting court review does not apply to a protective order issued for victims of sexual assault or abuse, stalking, or trafficking.

Repeals Article 7A.07(c), Code of Criminal Procedure, which extends the duration of a protective order for a victim of sexual assault or abuse, stalking, or trafficking if the person who is the subject of such an order is confined or imprisoned on the date the order is to expire.

### Compensatory Time for Certain DPS Employees—S.B. 297

*by Senator Hinojosa—House Sponsor: Representatives Miller and Canales*

Interested parties suggest that authorizing the Texas Department of Public Safety (DPS) to compensate certain commissioned DPS officers with compensatory leave for overtime, rather than payment according to a certain formula, could reduce payroll costs. S.B. 297 provides that authority. This bill:

Provides that if, during a 24-hour period, the total number of hours worked by a commissioned officer equals more than eight hours, the excess is overtime. Provides that if, during a work week, the total number of hours worked by a commissioned officer equals more than 40 hours, the excess is overtime.

Authorizes DPS to compensate an officer commissioned by DPS for the overtime earned by the officer by allowing or requiring the officer to take compensatory leave at the rate of 1-1/2 hours of leave for each hour of overtime earned or by paying the officer for the overtime hours earned at the rate equal to 1-1/2 times the officer's regular hourly pay rate.

### Improper Sexual Activity with Person under Supervision—S.B. 343

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

Interested parties contend that the prohibition against certain inappropriate relationships involving individuals in custody is too lenient. S.B. 343 addresses this issue by revising the conduct constituting an offense for improper sexual activity with a person in custody. This bill:

Provides that certain employees, including an employee of a community supervision and corrections department, a person other than an employee who works for compensation at a juvenile facility or local juvenile probation department, or a volunteer at a juvenile facility or local juvenile probation department, commits an offense if the actor engages in certain sexual acts with an individual who the actor knows is under the supervision of, but not in the custody of, certain departments, including a community supervision and corrections department.

**Increasing Punishment for Offense of Abuse of a Corpse—S.B. 524**
*by Senator Birdwell—House Sponsor: Representatives Geren and Collier*

Interested parties contend that the punishment for abusing a corpse is not severe enough to fit the nature of the crime. S.B. 524 increases the penalty for that offense. This bill:

Increases the punishment for the offense of the abuse of a corpse from a Class A misdemeanor to a state jail felony. Provides that an offense relating to a person vandalizing, damaging, or treating in an offensive manner the space in which a human corpse has been interred remains a Class A misdemeanor.

**Increasing Criminal Penalties for Cruelty to Animals—S.B. 762**
*by Senators Menéndez and Zaffirini—House Sponsor: Representative Moody*

Interested parties believe that the current punishment for cruelty to a non-livestock animal is inadequate and that the existing penalty-enhancement framework for such an offense is overly complicated. S.B. 762 increases certain related punishments and simplifies related penalty enhancements. This bill:

Provides that killing an animal in a cruel manner, torturing an animal, or causing it serious bodily injury is a third degree felony, or a second degree felony if the person has previously been convicted of these offences or has previously been convicted of killing, poisoning, or harming an animal without the owner's effect consent; making one animal fight with another if either animal is not a dog; using a live animal as a lure in dog race training or in dog coursing on a racetrack; or has been convicted of any offense under Section 42.09 (Cruelty to Livestock Animals), Penal Code.

Provides that killing, poisoning, and harming an animal without the owner's effect consent, or making one animal to fight with another if either animal is not a dog, or using a live animal as a lure in dog race training or in dog coursing on a racetrack, is a state jail felony, or a third degree felony if the person has previously been convicted of these offenses or has previously been convicted of any offense under in Section 42.09 (Cruelty to Livestock Animals), Penal Code.

Repeals Section 821.023(b), Health and Safety Code, relating to the inadmissibility of certain statements of an animal owner in a trial for a certain offense.

**Disclosure and Use of Crime Victims' Information—S.B. 843**
*by Senator Perry—House Sponsor: Representatives Herrero and Moody*

Interested parties assert that the sensitive information of a crime victim participating in the Crime Victims' Compensation Program should be better protected. S.B. 843 prevents certain personal information provided by program participants from being shared with offenders and third parties by prohibiting the release or disclosure of the information, except in limited circumstances. This bill:

Provides that an application for compensation in the Crime Victims' Compensation Program and any information, document, summary, or other record provided to or received, maintained, or created by the Texas attorney general (attorney general) is, except in limited circumstances, not subject to disclosure, discovery, subpoena, or other means of legal compulsion for release.

Prohibits the attorney general from releasing or disclosing an application for compensation or any information, document, summary, or other record provided to or received, maintained, or created by the attorney general, except to certain persons, with the permission of certain persons, or in response to certain court orders or subpoenas.

Requires the attorney general, if responding to a subpoena, to release only the victim's completed application form after redacting any confidential information. Provides that the release of a victim's completed application form does not affect the authority of the court to order the release or disclosure of certain additional information.

**Access to Former Residence to Retrieve Personal Property—S.B. 920**
*by Senators Whitmire and Garcia—House Sponsor: Representative Lucio III*

Interested parties contend that the authorization to apply for a writ to enter a residence and retrieve specific items of personal property while accompanied by a peace officer should be extended to those unable to enter a residence because the current occupant poses a clear and present danger of family violence to the applicant or the applicant's dependent. S.B. 920 offers protection for those at risk of family violence when retrieving property by providing for such extension. This bill:

Requires that an application for a writ authorizing the person to enter the residence accompanied by a peace officer to retrieve specific items certify that the applicant is unable to enter the residence because the current occupant of the residence has denied the applicant access to the residence or poses a clear and present danger of family violence to the applicant or the applicant's dependent, as well as allege that the applicant or the applicant's dependent requires copies of electronic records containing legal or financial documents located in the residence, among certain other personal items.

Requires the applicant to execute a certain bond before the justice of the peace (JP) is authorized to issue a writ. Authorizes a JP to issue a writ without providing notice and hearing if the JP finds at a hearing on the application that the current occupant poses a clear and present danger of family violence to the applicant or the applicant's dependent and that the personal harm to be suffered by the applicant or the applicant's dependent will be immediate and irreparable if the application is not granted. Authorizes a JP issuing a writ to waive certain bond requirements.

Authorizes the JP to recess a hearing to notify the current occupant by telephone that the current occupant may attend the hearing or bring to the court the personal property listed in the application.

Requires a peace officer, if the JP grants an application of a writ, to accompany and assist the applicant in certain ways. Requires the peace officer, if the current occupant of the residence is present at the time of the entry, to provide the occupant with a copy of the writ authorizing the entry and property retrieval.

Provides that a landlord or landlord's agent permitting or facilitating entry into a residence in accordance with a writ is not civilly or criminally liable.

Provides that a person commits an offense if the person interferes with a person or peace officer entering a residence and retrieving personal property under the authority of a writ. Provides that it is a defense to prosecution that the actor did not receive a copy of the writ or other notice authorizing entry or property retrieval.

Authorizes the occupant of a residence that is the subject of a writ, not later than a certain date, to file a complaint in the court that issued the writ.

### Statute of Limitations for Offense of Exploitation of Certain Individuals—S.B. 998

*by Senators West and Garcia—House Sponsor: Representative Canales*

Concerned parties note that the current statute of limitations for an offense of exploitation of a child, elderly individual, or disabled individual has often expired or is close to expiring before the case has been discovered or identified by family members, legal advocates, or the courts. S.B. 998 extends the statute of limitations for that offense. This bill:

Authorizes felony indictments to be presented within seven years from the date of the commission of an offense of exploitation of a child, elderly individual, or disabled individual.

Provides that this Act does not apply to an offense if the prosecution of that offense becomes barred by limitation before the effective date of this Act.

### Administrative Attachment of Texas Forensic Science Commission—S.B. 1124

*by Senator Hinojosa—House Sponsor: Representative Geren*

Interested parties note that the Texas Forensic Science Commission (FSC), which is charged with the critical task of improving the integrity and reliability of forensic science used in criminal courts, is currently administratively attached to Sam Houston State University (SHSU). These parties contend that FSC currently functions as an independent agency and would be better served if it were administratively attached to the Texas Office of Court Administration (OCA). S.B. 1124 provides this attachment. This bill:

Provides that FSC is administratively attached to OCA, rather than to SHSU. Requires OCA, rather than the Texas State University System Board of Regents, to provide administrative support to FSC as necessary to enable FSC to carry out certain duties. Provides that OCA does not have any

authority or responsibility with respect to the duties of FSC. Requires SHSU and OCA to adopt a memorandum of understanding to provide for the transfer of the administrative attachment of FSC to OCA.

**Blue Alert System for Apprehension of Certain Individuals—S.B. 1138**
*by Senator Whitmire et al.—House Sponsor: Representative Krause et al.*

Interested parties contend that the state could do more to aid in the apprehension of individuals suspected of killing or causing serious bodily injury to a law enforcement officer. S.B. 1138 provides for the creation of a statewide blue alert system (alert system) for such purposes. This bill:

Requires the Texas Department of Public Safety (DPS), with the cooperation of the Texas Department of Transportation (TxDOT), the office of the governor, and other appropriate law state enforcement agencies, to develop and implement a statewide alert system to be activated to aid in the apprehension of an individual suspected of killing or causing serious bodily injury to a law enforcement officer.

Provides that the public safety director (director) is the statewide coordinator of the alert system. Requires the director to adopt rules and issue directives as necessary to ensure proper implementation of the alert system.

Requires DPS to recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.

Requires a state agency participating in the alert system to cooperate with DPS and assist in developing and implementing the alert system, and establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated. Requires TxDOT to establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Requires a law enforcement agency that receives notice of an individual who is suspected of killing or causing serious bodily injury to a law enforcement officer and who has not yet been apprehended to confirm the accuracy of the information and provide notice to DPS.

Sets forth procedures for the alert system's activation and termination, and the required content of an alert. Requires a law enforcement agency that apprehends a suspect who is the subject of an alert to notify DPS as soon as possible.

**Declaration of Common Nuisance Involving Certain Online Activities—S.B. 1196**
*by Senator Kolkhorst et. al—House Sponsor: Representative Smithee*

Interested parties contend that including certain online activities among the activities regarding which a person is authorized to file a common nuisance suit would provide an additional deterrent for bad actors and sexual predators. S.B. 1196 affords such a deterrent by providing for the declaration of a common nuisance involving a computer network or web address and authorizing the

Texas attorney general (attorney general) to notify applicable Internet service providers, search engine operators, browsing or hosting companies, or device manufacturers on a judicial finding of nuisance based on such activities or to post such finding on the attorney general's website. This bill:

Provides that a person operating a web address or computer network in connection with certain nefarious activities (such as prostitution, trafficking, and the sexual abuse of children, among others) maintains a common nuisance.

Authorizes a suit to declare that a person operating a web address or computer network is maintaining a common nuisance to be brought by an individual, by the attorney general, or by a district, county, or city attorney. Provides that on a finding that a web address or computer network is a common nuisance, the sole remedy available is a judicial finding issued to the attorney general, with a certain exception.

Authorizes a suit to enjoin and abate a common nuisance to be brought by an individual, by the attorney general, or by a district, county, or city attorney. Authorizes the petitioner to file a notice of lis pendens and a certified copy of an order of the court in the office of the county clerk in each county in which the land is located.

### Succession Plan for Certain Regional Public Defender's Offices—S.B. 1214

*by Senators Perry and Garcia—House Sponsor: Representative Frullo*

Interested parties note the positive impact of having a regional public defender's office (RPDO) that primarily handles capital cases. These parties call for a statutory basis for RPDOs to ensure continued operation. S.B. 1214 addresses this issue by providing a mechanism for the continuation of an RPDO if the commissioners court of the county in which the central administrative office of the RPDO is located ceases for any reason to be a party to the agreement creating or designating the RPDO. This bill:

Authorizes the Texas Indigent Defense Commission (TIDC), as a condition of a grant awarded by TIDC to an RPDO that primarily handles capital cases, to establish for the RPDO a succession plan to take effect only if the commissioners court of the county in which the central administrative office of the RPDO is located ceases for any reason to be a party to the agreement creating or designating the RPDO.

Authorizes a succession plan to authorize TIDC to designate a governmental entity to administer the RPDO, require the designated governmental entity to establish an oversight board for the RPDO, and require the RPDO to comply with any rules adopted by TIDC for the RPDO's administration.

### Inappropriate Conduct Between Person and Animal (Bestiality)—S.B. 1232

*by Senators Huffman and Menéndez—House Sponsor: Representative Alvarado*

Interested parties assert that current law should punish acts of animal sexual abuse more severely. S.B. 1232 addresses this issue by creating the offense of bestiality, as well as increases certain penalties for certain acts of animal cruelty. This bill:

Provides that a person commits an offense if the person knowingly:

engages in an act involving contact between the person's mouth, anus, or genitals and the anus or genitals of an animal or contact between the person's anus or genitals and the mouth of the animal;

fondles or touches the anus or genitals of an animal in a manner that is not generally accepted and otherwise lawful animal husbandry or veterinary practice;

causes an animal to contact the person's seminal fluid;

inserts any part of a person's body or any object into the anus or genitals of an animal in a manner that is not generally accepted and otherwise lawful animal husbandry or veterinary practice;

possesses, sells, transfers, purchases, or otherwise obtains an animal with the intent that the animal be used for the described conduct;

organizes, promotes, conducts, or participates as an observer of described conduct;

causes a person to engage or aids a person in engaging in described conduct;

permits described conduct to occur on any premises under the person's control;

engages in described conduct in the presence of a child younger than 18 years of age; or

advertises, offers, or accepts the offer of an animal with the intent that the animal be used in this state for described conduct.

Provides that an offense under this Act is a state jail felony, unless the offense is committed in the presence of a minor or results in the animal's serious bodily injury or death, in which event the offense is a felony of the second degree. Provides that it is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful animal husbandry or veterinary practice.

Provides that an offense relating to a person committing certain harmful acts to an animal or committing certain harmful acts to an animal without the owner's effective consent is a felony of the third degree, except that the offense is a felony of the second degree if the person has previously been convicted under certain statutes. Provides that an offense relating to a person causing non-dog animals to fight or relating to a person using a live animal as a lure in certain circumstances is a state jail felony, except that the offense is a felony of the third degree if the person has previously been convicted.

Authorizes a judge, if the judge grants community supervision to a defendant convicted of an offense regarding bestiality to require the defendant to relinquish custody of any animals in the defendant's possession; prohibit the defendant from possessing or exercising control over any animals or residing in a household where animals are present; or require the defendant to participate in a psychological counseling or other appropriate treatment program for a period to be determined by the court.

**Electronic Recording and Admissibility of Custodial Interrogations—S.B. 1253**
*by Senator West et al.—House Sponsor: Representative Smithee*

Interested parties contend that the quality of evidence gathered through interrogations recorded by law enforcement agencies across Texas is at times inconsistent due to the variation in procedures employed at each agency. S.B. 1253 addresses this issue by creating uniform procedures for the recording of certain custodial interrogations performed by law enforcement agencies in Texas. This bill:

Requires a law enforcement agency, unless good cause exists that makes electronic recording infeasible, to make a complete and contemporaneous electronic recording of any custodial interrogation that occurs in a place of detention and is of a person suspected of committing or charged with the commission of certain offenses.

Provides that an electronic recording of a custodial interrogation is complete only if the recording begins at or before the time the person being interrogated enters the area of the place of detention in which the custodial interrogation will take place or receives a certain warning, whichever is earlier, and continues until the interrogation ceases.

Provides that a recording of a custodial interrogation that complies with this Act is exempt from public disclosure.

Provides that no oral, sign language, or written statement that is made by a person accused of certain offenses and made as a result of a custodial interrogation occurring in a place of detention is admissible against the accused in a criminal proceeding unless an electronic recording was made of the statement or the attorney representing the state offers proof satisfactory to the court that good cause existed that made electronic recording of the custodial interrogation infeasible.

**Access to Criminal Records by an Emergency Communication District—S.B. 1290**
*by Senator Creighton—House Sponsor: Representative Metcalf*

Interested parties note that an emergency communication district is responsible for enabling and maintaining the communications network infrastructure that may be utilized to share critical emergency incident data with first responders. S.B. 1290 entitles an emergency communication district to obtain from the Texas Department of Public Safety (DPS) criminal history record information regarding certain individuals to help ensure the security of that infrastructure. This bill:

Provides that an emergency communication district (district) is entitled to obtain from DPS criminal history record information maintained by DPS that relates to a person who is an applicant for employment by or an employee of the district, an applicant for a volunteer position or a volunteer with the district, or an applicant for employment by or an employee of a person that contracts with the district.

Prohibits criminal history record information obtained by a district from being released or disclosed to any person except in a criminal proceeding, on court order, or with the consent of the person who is the subject of the criminal history record information.

**Capture, Use, or Recording of Items for Commercial Purposes—S.B. 1343**
*by Senator Hughes—House Sponsor: Representative Parker*

Interested parties contend that music piracy is a devastating economic crime and that many actors now make use of digital media to create a new breed of fraudulent music product. S.B. 1343 addresses this issue by providing deterrents against the digital distribution of pirated music. This bill:

Provides that an offense under this Act is punishable by imprisonment for a certain term, a certain fine, or both imprisonment and the fine if the offense involves a certain number of improperly labeled recordings over a certain period. Deletes existing text relating to the name of the performer or group not being disclosed on the outside cover, box, or jacket of the recording among the required elements of an offense.

Requires the court in certain circumstances to order the person to make restitution to an owner or lawful producer of a master recording that has suffered financial loss as a result of the offense or to a trade association that represents that owner or lawful producer. Requires that the amount of restitution ordered be the greater of two certain amounts and the costs associated with investigating the offense.

Provides that the calculation of the aggregate wholesale value is based on the average wholesale value of the lawfully manufactured and authorized recordings and that the specific wholesale value of each nonconforming recording is not relevant to the calculation.

Provides that the possession of a nonconforming recording intended for sale constitutes an actual financial loss to an owner or lawful producer equal to the actual value of the legitimate wholesale purchases displaced by the nonconforming recordings.

**Conditions of Community Supervision—S.B. 1584**
*by Senators Garcia and Rodríguez—House Sponsors: Representatives Allen and White*

Interested parties contend that the use of probation as an alternative to incarceration is most effective when conditions of community supervision are based on individualized risk and needs assessments and when probation departments are properly resourced to provide tools that address the root causes of criminal behavior. S.B. 1584 ensures probation is as effective as possible by requiring conditions of community supervision to reflect these personalized assessments and to address factors that lead to criminal involvement. This bill:

Requires the judge of the court having jurisdiction of the case to determine the conditions of community supervision based on the results of a risk and needs assessment conducted with respect to the defendant. Requires that the assessment be conducted using an instrument that is validated for the purpose of assessing the risks and needs of a defendant placed on community supervision.

Authorizes the judge to impose any reasonable condition that is not duplicative of another condition and that is designed to protect or restore the community, protect or restore the victim, or punish, rehabilitate, or reform the defendant. Requires the judge, in determining the conditions, to consider the extent to which the conditions impact the defendant's work, education, and community service schedule or obligations; and ability to meet financial obligations.

Requires the judge, before the judge may require as a condition of community supervision that the defendant receive treatment in a state-funded substance abuse treatment program, to consider the results of an evaluation conducted to determine the appropriate type and level of treatment necessary to address the defendant's alcohol or drug dependency.

**Increase in Punishment for Offenses of Criminal Trespass—S.B. 1649**
*by Senator Watson—House Sponsor: Representative Moody*

Interested parties note that while colleges and universities across Texas are unique environments that provide scholarship and innovation, they may also attract individuals with malicious and dangerous intentions. The parties contend that these individuals are insufficiently deterred by current criminal trespass penalties. S.B. 1649 improves campus safety by revising conduct that constitutes an offense of criminal trespass. This bill:

Provides that an offense of criminal trespass is a Class A misdemeanor, if the offense is committed on or in the property of an institution of higher education (IHE) and it is shown on the trial of the offense that the person has previously been convicted of an offense relating to entering or remaining on or in the property of an IHE.

Authorizes a defendant, at the punishment stage of a trial in which the attorney representing the state seeks the increase in punishment provided by this Act, to raise the issue as to whether, at the time of the instant offense or the previous offense, the defendant was engaging in speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8 (Freedom of Speech and Press; Libel), Article I (Bill of Rights), Texas Constitution. Provides that, if the defendant proves the issue in the affirmative by a preponderance of the evidence, the increase in punishment does not apply.

**Interactions Between Law Enforcement and Arrested Individuals—S.B. 1849**
*by Senator Whitmire et al.—House Sponsor: Representative Coleman et al.*

It is reported that the events leading up to Sandra Bland's jailing and eventual death proved the need for comprehensive criminal justice reform in Texas to avoid future unnecessary incarcerations and deaths in county jails. S.B. 1849 provides that reform by enacting the Sandra Bland Act (Article 1, Code of Criminal Procedure) to address a variety of criminal justice topics. This bill:

Requires a sheriff, not later than 12 hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability, including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, to provide written or electronic notice of the information to the magistrate.

Requires each law enforcement agency to make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction, if:

there is an available and appropriate treatment center in the agency's jurisdiction to which the agency is authorized to divert the person;

it is reasonable to divert the person;

the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

Requires the Department of State Health Services (DSHS), to the extent funds are appropriated to DSHS for that purpose, to make grants to certain entities to establish or expand community collaboratives that bring the public and private sectors together to provide services to certain persons.

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 establish certain requirements for a county jail and minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners.

Requires TCJS, on the death of a prisoner in a county jail, to appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

Requires the Texas Commission on Law Enforcement (TCOLE) to develop and TCJS to approve an examination for a person assigned to the jail administrator position overseeing a county jail. Requires TCOLE, as part of the minimum curriculum requirements, to require peace officers to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

Requires each law enforcement agency's written policy on racial profiling to provide public education relating to the agency's compliment and complaint process and to require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and relating to arrests made as a result of those stops, including other certain information.

Requires a law enforcement agency to examine the feasibility of equipping each peace officer, who regularly detains or stops motor vehicles, with a body-worn camera and the standards for reviewing video and audio documentation and to identify any improvements the law enforcement agency could make in its practices and policies regarding motor vehicle stops.

### Offense of Theft of Petroleum Products—S.B. 1871

*by Senator Zaffirini—House Sponsor: Representative Raymond*

The growing theft of fuel and equipment in Texas's oil fields includes increasingly sophisticated hydrocarbon theft operations, pipe and scrap metal theft, solar panel and battery theft, and vandalism. The increased oil and gas activity from the boom in the Eagle Ford Shale and in the

Permian Basin has made the oil and gas industry a prime target for criminals and has led to increased crime rates. Even in the industry's most recent downturn, crime rates did not decrease; layoffs and disgruntled workers reportedly account, at least in part, for this continued theft. The federally led oil field theft task force in Midland estimates that the Permian Basin region alone averages between $200,000 and $300,000 each month in theft of tools, pipes, and valves that easily can be resold. This figure does not include the estimated one to three percent of products that are stolen in the state, according to the Energy Security Council (ESC). Based upon the production of more than one billion barrels of oil and condensate in Texas in 2016, ESC estimates that the industry is realizing an annual loss of 10 to 30 million barrels, equivalent to a revenue loss ranging from $450 million to almost $1.5 billion at today's prices.

While stealing petroleum products and oil and gas equipment is currently illegal, stakeholders believe that a more specifically targeted oil and gas theft statute with a steeper penalty ladder would provide prosecutors a better tool to dismantle these criminal enterprises, thus allowing prosecutors to put heightened pressure on a defendant to implicate other involved persons "higher up the chain." This bill:

Amends Chapter 31 (Theft), Penal Code, by adding Section 31.19.

Creates a new offense in Chapter 31 (Theft), Penal Code, of theft of petroleum products or oil and gas equipment. Provides that a person commits such an offense if the person unlawfully appropriates petroleum products with the intent to deprive the owner of the property by possessing, removing, delivering, receiving, purchasing, selling, moving, concealing, or transporting the petroleum product; or making or causing a connection to be made with, or drilling or tapping or causing a hole to be drilled or tapped in, a pipe, pipeline, or tank used to store or transport a petroleum product. Provides that a person commits an offense if the person unlawfully appropriates oil and gas equipment with the intent to deprive the owner of the oil and gas equipment. Provides that for purposes of this offense, appropriation is unlawful if it is without the owner's effective consent. Provides that an offense would be classified as a felony, with the degree based upon the total value of the stolen petroleum products or oil and gas equipment.

**Criminal Consequences and Fees Imposed on Certain Arrested Persons—S.B. 1913**
*by Senator Zaffirini et al.—House Sponsor: Representative Senfronia Thompson et al.*

Interested parties contend that low-income individuals throughout Texas are often unable to afford traffic tickets and other low-level fine-only citations. The parties explain that, without an alternative means to discharge these fines, many of these defendants are caught in a cycle of debt and jail time. S.B. 1913 interrupts this cycle by providing more opportunities for fines and fees to be waived or discharged through community service. This bill:

Authorizes a peace officer who is charging a person, including a child, with a certain offense to, instead of taking the person before a magistrate, issue the person a citation that contains, among certain other items, information regarding the alternatives to the full payment of any fine or costs assessed against the person, if the person is convicted of the offense and is unable to pay the amount.

Requires a court to notify a defendant, either in person or by regular mail, of the amount of any fine or costs assessed in the case; information regarding alternatives to the full payment of any fine or

costs assessed against the defendant, if the defendant is unable to pay that amount; and, if requested by the defendant, the amount of an appeal bond that the court will approve.

Requires a court to inquire whether a defendant has sufficient resources or income to immediately pay all or part of the fine and costs. Requires the court, if the court determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, to determine whether the fine and costs should be paid, discharged, waived, or satisfied in certain manners.

Prohibits a court from issuing a capias pro fine for a defendant's failure to satisfy the judgment according to its terms, unless the court holds a hearing on the defendant's ability to satisfy the judgment and the defendant fails to appear at the hearing or, based on evidence presented at the hearing, the court determines that a capias pro fine should be issued.

Requires a court, in the court's order requiring a defendant to perform community service, to specify the number of hours of community service that the defendant is required to perform and the date by which the defendant is required to submit to the court documentation verifying the defendant's completion of the community service. Authorizes the court to order the defendant to perform community service by attending certain activities or for certain entities or organizations.

Prohibits a court from ordering a defendant to perform more than 16 hours per week of community service, unless the court determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's dependents.

Authorizes a court to waive payment of all or part of a fine or costs imposed on a defendant if the court determines that the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or costs or that, at the time the offense was committed, the defendant was a child.

Authorizes a judge, when a judgment and sentence have been entered against a defendant and the defendant defaults in the discharge of the judgment, to order the defendant confined in jail until discharged by law, if the judge at a hearing makes a written determination that the defendant is not indigent and has failed to make a good faith effort to discharge the fine or costs or the defendant is indigent and has failed to make a good faith effort to discharge the fine or costs through community service.

**Prevention of Prostitution, Racketeering, and Human Trafficking—H.B. 29**
*by Representative Senfronia Thompson et al.—Senate Sponsor: Senator Huffman et al.*

The Human Trafficking Prevention Task Force (task force) was established in part to develop recommendations on how to strengthen state and local efforts to prevent human trafficking, to protect and assist human trafficking victims, and to prosecute human trafficking offenders. H.B. 29 assists in the prevention and elimination of human trafficking in Texas by enacting recommendations made by the task force. This bill:

Requires a sexually oriented business to post on the premises a sign containing certain information that directs a victim of human trafficking to contact the National Human Trafficking Resource Center. Provides that a person commits an offense if the person is an owner or operator of a sexually oriented business and fails to post the sign required.

Authorizes the Texas attorney general (attorney general), if the attorney general has reason to believe that a person may be in possession, custody, or control of any documentary material or other evidence or may have any information relevant to a civil racketeering investigation, to issue in writing a civil investigative demand requiring the person to produce any of the documentary material for inspection and copying, to answer in writing any written interrogatories, to give oral testimony, or to provide any combination of certain civil investigative demands.

Authorizes the attorney general, if a person fails to comply with a civil investigative demand, to file in court and to serve to the person a petition for a court order for enforcement. Provides that a person commits an offense if the person, with intent to avoid, evade, or prevent compliance with a civil investigative demand, knowingly removes from any place, conceals, withholds, destroys, mutilates, alters, or by any other means falsifies any documentary material, or otherwise provides inaccurate information.

Requires the Texas Higher Education Coordinating Board (THECB) and the Texas Workforce Commission (TWC), by rule, to require each public junior college offering a commercial driver's license training program to include as part of that program education and training on the recognition and prevention of human trafficking.

Requires the Texas Department of Public Safety (DPS) to provide informative materials regarding the recognition and prevention of human trafficking for distribution to commercial driver's license applicants.

Provides an elevation of penalties for certain sexual offenses against victims younger than 18 years of age and victims younger than 14 years of age.

Provides that an offense under Section 20A.02(b) (relating to benefits received from participation in trafficking), Penal Code, is a felony of the first degree, regardless of whether the actor knows the age of the child at the time of the offense.

Provides that a person commits an offense if the person knowingly offers or agrees to receive a fee from another to engage in sexual conduct. Provides that a person commits an offense if the person knowingly offers or agrees to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another.

Provides that an offense under Section 43.04(b) (Aggravated Promotion of Prostitution), Penal Code, is a felony of the second degree, except that the offense is a felony of the first degree, if the prostitution enterprise uses as a prostitute 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.

### Coercion in an Offense of Trafficking of Persons—H.B. 2529

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

It is reported that current conditions under which an offense of trafficking of a person is prosecuted could be clarified by addressing the actions that constitute coercion for purposes of the offense for prostitution-related conduct. H.B. 2529 specifies that certain actions constitute coercion for an offense of trafficking of persons. This bill:

Provides that, for purposes of Section 20A.02 (a)(3) (relating to an offense if a person traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in certain prohibited conduct), Penal Code, "coercion" includes destroying, concealing, confiscating, or withholding from the trafficked person, or threatening to destroy, conceal, confiscate, or withhold from the trafficked person, the trafficked person's actual or purported government records or identifying information or documents.

### Measures to Deter Human Trafficking, Prostitution, and Other Offenses—H.B. 2552

*by Representatives Senfronia Thompson and Dukes—Senate Sponsor: Senator Huffman et al.*

Concerns have been raised that certain establishments claiming to offer massage therapy or massage services are actually fronts for prostitution-related activities, that this activity is closely connected with human trafficking, and that the state's options for addressing these issues should be expanded. H.B. 2552 provides this expansion. This bill:

Reenacts Subsection(b), Section 17.46, (Deceptive Trade Practices Unlawful), Business & Commerce Code, as amended by Chapters 1023 (H.B. 1265) and 1080 (H.B. 2573), Acts of the 84th Legislature, Regular Session, 2015, and amends it to redefine "false, misleading, or deceptive acts or practices."

Requires a law enforcement agency, if a law enforcement agency makes an arrest related to an activity described by certain statutory subdivisions that occurs on a property leased to a person operating a massage establishment, to provide written notice by certified mail to each person maintaining the property of the arrest.

Authorizes a suit to enjoin and abate a common nuisance by the Texas attorney general (attorney general), or by a district, county, or city attorney. Authorizes a petitioner, in an action regarding common and public nuisances, to file a notice of *lis pendens* and a certified copy of a court order in the office of the county clerk.

Authorizes a suit to declare that a person operating a web address or computer network is maintaining a common nuisance to be brought by an individual, by the attorney general, or by a district, county, or city attorney.

Provides that proof in the form of a person's arrest or the testimony of a law enforcement agent that an activity described by Section 125.0015(a)(6) (relating to certain prostitution in a place constituting common nuisance) or (7) (relating to compelling prostitution in a certain area constituting common nuisance), Civil Practice and Remedies Code, is committed at a place licensed as a massage establishment, or advertised as offering massage therapy or massage services after notice of an arrest was provided to the defendant, is prima facie evidence that the defendant knowingly tolerated the activity.

Requires any facility that offers abortion services to display a sign in each restroom or patient consulting room with the following information:

> no one, including an individual's parents, may force any individual to have an abortion;
>
> it is illegal for a person to force an individual to engage in sexual acts;
>
> a woman who needs help may call or text a state or national organization that assists victims of human trafficking and forced abortions; and
>
> the toll-free number of such an organization.

Requires the Texas Commission of Licensing and Regulation (TCLR) to require continuing education programs for cosmetologists to include information on activities commonly associated with human trafficking, recognition of potential victims of human trafficking, and methods for assisting victims of human trafficking, including how to report human trafficking.

Provides that a tenant's right of possession terminates, and the landlord has a right to recover possession of the leased premises, if the tenant is using the premises or allowing the premises to be used for the purposes of prostitution, promotion of prostitution, aggravated promotion of prostitution, compelling prostitution, or trafficking of persons.

**Human Trafficking—S.B. 128**

*by Senators Garcia and Campbell—House Sponsor: Representative Senfronia Thompson*

Human trafficking is a problem in Texas. According to the Texas Department of Public Safety (DPS), sex trafficking is the fastest growing business of organized crime and the third-largest criminal enterprise in the world.

Legislators note that there are currently approximately 685,000 commercial drivers in Texas who comprise a significant network of eyes and ears on the road and in such areas as rest stops, public plazas, and hotels that are frequented by traffickers and victims. This bill:

Includes education and training on the recognition and prevention of human trafficking in the curriculum of commercial driver's license training programs. Requires DPS to provide informational

materials regarding the recognition and prevention of human trafficking for distribution to commercial driver's license applicants.

**Human Trafficking and Sexual Abuse Prevention—S.B. 2039**
*by Senator Zaffirini—House Sponsor: Representative Senfronia Thompson*

Despite the great strides made to combat human trafficking and sexual abuse in recent years, interested parties explain that these problems stubbornly persist, as it is difficult and resource-intensive to prevent such incidents from recurring. These parties suggest giving more attention to the provision of age-appropriate early intervention and prevention practices to more effectively overcome these problems. S.B. 2039 addresses these issues by providing the inclusion of human trafficking and sexual abuse instruction in a school district's health curriculum. This bill:

Requires the commissioner of education (commissioner), in cooperation with the human trafficking prevention task force and any other persons the commissioner considers appropriate, to develop one or more sexual abuse and sex trafficking instructional modules (modules) that a school district may use in the district's health curriculum. Authorizes the modules to include certain information regarding sexual abuse and assault, sex trafficking, risk factors, reporting, and healthy relationships, among other topics. Requires that the modules emphasize compassion for the victims of sexual abuse or sex trafficking and the creation of a positive school-reentry experience for survivors of sexual abuse or sex trafficking.

Requires that, before the beginning of each school year, a school district that elects to use a module in the district's health curriculum provide written notice to the parent of each student enrolled in the district that includes information regarding the module and parental rights. Authorizes the parent to file a complaint. in accordance with the district's grievance procedure, if the school district does not comply with these requirements.

Includes sex trafficking in the policies that each school district and open-enrollment charter school is required to implement in its district improvement plan. Authorizes a school district to collaborate with local law enforcement and outside consultants with expertise in the prevention of sexual abuse and sex trafficking to create the required policy and to create a referral protocol for high-risk students. Sets forth provisions regarding the required policy.

Applies beginning with the 2017–2018 school year, and takes effect only if a specific appropriation for the implementation of the bill is provided in a General Appropriations Act of the 85th Legislature.

**Entering of Plea or Stipulation of Evidence by a Child—H.B. 678**
*by Representative Wu—Senate Sponsor: Senator Miles*

It is reported that juvenile court judges would benefit from additional assistance in handings juvenile determinate sentence pleas. H.B. 678 provides this assistance. This bill:

Authorizes a referee or associate judge to hold a hearing to allow a child who is subject to a determinate sentence to enter a plea or stipulation of evidence when the state and the child agree, wholly or partly, to the disposition of the case.

Requires a referee or associate judge, after a hearing, to transmit the referee's or associate judge's written findings and recommendations regarding the plea or stipulation of evidence to the juvenile court judge for consideration.

Authorizes a juvenile court judge to accept or reject a plea or stipulation of evidence.

**Statistics of Juvenile Offenders Previously in Foster Care—H.B. 932**
*by Representative Jarvis Johnson et al.—Senate Sponsor: Senator West*

Concerns have been expressed about insufficient sharing of information between the Texas Juvenile Justice Department (TJJD) and the child welfare system, since it is reported that the conditions that force a child into foster care can also lead to the child's involvement with the juvenile justice system. H.B. 932 requires information to be collected on the number of juvenile offenders committed to TJJD who have been in foster care. This bill:

Requires TJJD, during the admission process, to determine whether a child committed to TJJD has at any time been in foster care. Requires TJJD to record on a child's intake form whether the child is currently in foster care and, if applicable, the number of times the child has previously been placed in foster care.

Requires the Department of Family and Protective Services (DFPS), after receiving a request from a local juvenile probation department (probation department), to provide certain information regarding a child in custody of the probation department.

Requires TJJD, DFPS, and probation departments to collaborate to create a method or methods by which probation departments statewide may access information from DFPS that relates to a child's placement in foster care. Requires TJJD to submit a report containing the method or methods to each member of the legislature and each standing committee of the legislature having primary jurisdiction over TJJD.

**Providing Services to Delinquent Juveniles and Creating a Study—H.B. 1204**
*by Representative White et al.—Senate Sponsor: Senator West et al.*

Many young adolescents are in a developmental phase in which impulse control and decision-making skills are still being mastered. Interested parties contend that while an offense committed by such youth should incur consequences, it is important that adults offer guidance and support as well.

H.B. 1204 amends current law relating to the provision of services as an alternative to adjudication for certain children who engage in certain delinquent conduct and creates a study on juvenile justice issues. This bill:

Requires a person conducting a preliminary investigation on a child, as appropriate, to refer the child's case to a community resource coordination group, a local-level interagency staffing group, or other community juvenile service provider for services, if:

> the person determines that the child is younger than 12 years of age;
>
> there is probable cause to believe that the child engaged in delinquent conduct or conduct indicating a need for supervision;
>
> the child's case does not require referral to a certain prosecuting attorney;
>
> the child is eligible for deferred prosecution; and
>
> the child and the child's family are not currently receiving services under Section 53.011 (Deferred Prosecution), Family Code, as created by this bill, and would benefit from receiving the services.

Requires a community resource coordination group, a local-level interagency staffing group, or another community juvenile services provider, on receipt of a referral, to evaluate a child's case and make recommendations to the applicable juvenile probation department for appropriate services for the child and the child's family.

Requires a probation officer to create and coordinate a service plan or a system of care for a child or the child's family that incorporates service recommendations provided to the juvenile probation department for the child or the child's family. Requires the child and the child's parent, guardian, or custodian to consent to the services, with knowledge that consent is voluntary.

Authorizes a probation officer to hold a child's case open for not more than three months to monitor adherence to the service plan or system of care. Authorizes the probation officer to adjust the service plan or system of care as necessary during the monitoring period. Authorizes the probation officer to refer the child to the prosecuting attorney, if the child fails to successfully participate in the required services during that period.

Requires a juvenile board to establish policies that prioritize the diversion of children younger than 12 years of age from referral to a prosecuting attorney and the limitation of detention of children younger than 12 years of age to circumstances of last resort.

Requires the Texas Office of Court Administration to conduct a study to examine the use of the terms "juvenile," "child," and "minor" throughout Texas statutes relating to criminal justice and juvenile justice and the varying definitions assigned those terms. Requires that the study also determine whether the adjudication, under the adult criminal justice system, of juveniles charged with misdemeanors punishable by fine only is just and efficient and whether certain procedures under the juvenile justice system, if used in the adjudication of juveniles charged with misdemeanors punishable by fine only, would provide a more just and efficient process for responding to violations of the law by juvenile offenders.

**Expunction of Alcoholic-Related Arrests Involving Minors—H.B. 2059**
*by Representatives Phillips and Canales—Senate Sponsor: Senator Hughes*

It has been reported that existing procedures regarding a request for an expunction of certain records relating to an offense involving alcohol for which a person, while a minor, was arrested but not convicted are more time-consuming and expensive than the procedures for an expunction of records relating to an offense that resulted in a conviction. H.B. 2059 authorizes certain persons who were arrested as minors but not convicted of an offense relating to alcoholic beverages to petition the court with original jurisdiction of the offense to have the records of the arrest expunged. This bill:

Requires a court, if the court finds that an applicant was not convicted of any other violation of the Alcoholic Beverage Code while the applicant was a minor, to order the conviction and certain other items, including the prosecutorial and law enforcement records, to be expunged from the applicant's record.

Authorizes any person who, while a minor, was placed under a custodial or noncustodial arrest for not more than one violation of the Alcoholic Beverage Code and who was not convicted of the violation to apply to the court in which the person was charged to have the records of the arrest expunged. Requires the application to contain the applicant's sworn statement, stating that the applicant was not arrested for a violation of this code, other than the arrest the applicant seeks to expunge. Requires the court, if the court finds that the applicant, while a minor, was not arrested for any other violation of this code, to order all complaints, verdicts, prosecutorial and law enforcement records, and other documents relating to the violation to be expunged from the applicant's record.

**Local Juvenile Justice Information Systems—H.B. 3705**
*by Representative White—Senate Sponsor: Senator Whitmire*

Reportedly, some entities' use of local juvenile justice information systems (LJJISs) exceeds statutory authority. H.B. 3705 protects information contained in an LJJIS, while also making information sharing more efficient. This bill:

Authorizes an LJJIS to contain certain components, including case management for juveniles in juvenile facilities.

Authorizes an LJJIS to include certain information, including information obtained for the purpose of diagnosis, examination, evaluation, treatment, or referral for a child's treatment by a public or private agency or institution that provides supervision of the child by arrangement of the juvenile court or that has custody of the child under order of the juvenile court, for each juvenile taken into custody, detained, or referred.

Requires that an LJJIS, to the extent possible, include certain partner agencies, including service providers approved by the county juvenile board and juvenile facilities approved by the county juvenile board, within that county.

Requires that an LJJIS for a multicounty region, to the extent possible, include certain partner agencies for each county in the region and certain partner agencies from within the multicounty

region, including service providers and juvenile facilities, that have applied for membership in LJJIS and have been approved by the regional juvenile board committee.

Authorizes information described by Section 58.304(b)(23) (relating to an LJJIS including information obtained for certain purposes by a certain public or private agency or institution), Family Code, to be accessed only by the juvenile court and court clerk; the county juvenile probation department; a governmental juvenile facility that is a partner agency; and a private juvenile facility that is a partner agency, except that access is limited to information that relates to a child detained or placed in the custody of the facility.

Requires that information in an LJJIS be protected from unauthorized access by a system of access security and that any access to information in a local juvenile information system performed by browser software be at the level of at least 2048-bit encryption.

**32nd Judicial District Juvenile Board—H.B. 4280**

*by Representatives Lambert and Springer—Senate Sponsor: Senator Perry*

Reportedly, the manner in which the 32nd Judicial District Juvenile Board currently operates is inconsistent with the manner in which similar juvenile boards operate. H.B. 4280 better meets the judicial needs of the 32nd Judicial District Juvenile Board's area by clarifying its operation, administration, and composition. This bill:

Provides that Fisher, Mitchell, and Nolan Counties are included in the 32nd Judicial District Juvenile Board.

Provides that the Juvenile Board is composed of county judges, statutory county judges, and district judges from Fisher, Mitchell, and Nolan Counties. Sets forth certain requirements for board membership, meetings, and officers.

Authorizes the commissioners courts of Fisher, Mitchell, and Nolan Counties to pay members of the 32nd Judicial District Juvenile Board an annual supplemental compensation from the general fund or from any other available fund of the counties.

Requires the 32nd Judicial District Juvenile Board to appoint an advisory council composed of one person from each county.

**Underage Drinking by Individuals Reporting Sexual Assault—S.B. 966**

*by Senators Watson and Menéndez—House Sponsor: Representative Neave*

Interested parties contend that institutions of higher education (IHEs) in Texas face serious challenges in effectively addressing sexual assault, particularly given that the victims and witnesses are less likely to report sexual assault when doing so may result in criminal charges for underage drinking. S.B. 966 removes a barrier discouraging victims and witnesses from reporting sexual assault by creating an exception in statute. This bill:

Provides that statute regarding a minor committing an offense by consuming or possessing an alcoholic beverage does not apply to a minor who reports the sexual assault of the minor or another person, or is the victim of a sexual assault reported by another person, to a health care provider treating the victim of the sexual assault; an employee of a law enforcement agency, including an employee of a campus police department of an IHE; or the Title IX coordinator of an IHE.

Entitles a minor to raise the defense in the prosecution of an offense of statute regarding the consumption or possession of alcohol by a minor only if the minor is in violation of this statute at the time of the commission of a sexual assault reported. Provides that a minor who commits a sexual assault and reports it is not entitled to raise this defense in the prosecution of the minor for the consumption or possession of an alcoholic beverage.

### Confidentiality, Sharing, Sealing, and Destruction of Juvenile Records—S.B. 1304

*by Senator Perry et al.—House Sponsor: Representative White*

It has been reported that, despite the confidentiality protections afforded under state law for juvenile records, technological advancements and the expanded number of persons and entities with access to juvenile records have diminished the assurance of confidentiality of those records and increased the long-term consequences of a juvenile offender's delinquency history. S.B. 1304 makes certain statutory changes recommended by a committee composed of juvenile justice system practitioners in order to protect the confidential records of juveniles. This bill:

Requires the court to, at the conclusion of the dispositional hearing, inform the child of certain information, including the procedures for the sealing of the child's records. Prohibits a child from being photographed or fingerprinted without the consent of the juvenile court unless the child is taken into custody or referred to the juvenile court for conduct that constitutes a felony or misdemeanor punishable by confinement in jail, regardless of whether the child has been taken into custody.

Authorizes a law enforcement officer to take temporary custody of a child to take the child's photograph, or to obtain a photograph of a child from a juvenile probation department in possession of a photograph of the child if the officer has certain probable cause.

Requires a custodian of a juvenile court record to redact certain personally identifiable information before disclosing any juvenile court record of a child, unless the information is shared with an attorney representing the child in a proceeding or shared with an attorney representing any other person in a juvenile or criminal court proceeding arising from the same act or conduct for which the child was referred to juvenile court.

Prohibits law enforcement records concerning a child and information concerning a child that are stored by electronic means or otherwise and from which a record could be generated from being disclosed to the public and requires that these records be stored in certain ways that keep them separate and distinct from adult and state and federal records.

Provides that a person who was referred to a juvenile probation department for delinquent conduct is entitled to have all records related to the person's juvenile matters, including records relating to any

matters involving conduct indicating a need for supervision, sealed without applying to the juvenile court if the person meets certain criteria.

Authorizes law enforcement records concerning a child to be inspected or copied by a juvenile justice agency, a criminal justice agency, the child, or the child's parent or guardian. Requires the custodian of a record concerning the child, before a child or a child's parent or guardian may inspect or copy a record, to redact any personally identifiable information about a juvenile suspect, offender, victim, or witness who is not the child and any information that is excepted from required disclosure. Authorizes information about a child, if the child has been reported missing by a parent, guardian, or conservator of that child, to be forwarded to and disseminated by the Texas Crime Information Center and the National Crime Information Center.

Requires an employee of the juvenile probation department, when a child is referred to the juvenile probation department, to give the child and the child's parent, guardian, or custodian a written explanation describing the process of sealing records.

Authorizes a juvenile board, the head of a law enforcement agency, and a prosecuting attorney to authorize the destruction of records in a closed juvenile matter.

**Regulating Substance Abuse Facilities and Programs for Juveniles—S.B. 1314**
*by Senator Rodríguez—House Sponsors: Representatives Moody and Wu*

Interested parties contend that the different standards applicable to juvenile justice facilities and programs and substance abuse facilities and programs present compliance problems for facilities and programs that provide both juvenile justice and substance abuse services. S.B. 1314 seeks to resolve this issue by requiring the Texas Juvenile Justice Board (board) to set minimum standards for the operation of substance abuse facilities or programs that are juvenile justice facilities or juvenile justice programs. This bill:

Includes a juvenile justice facility or juvenile justice program, as defined by Section 261.405 (Investigations in Juvenile Justice Programs and Facilities), Family Code, in the list of programs or facilities to which this subchapter (Regulation of Chemical Dependency Treatment Facilities) does not apply.

Includes minimum standards for the operation of substance abuse facilities or programs that are juvenile justice facilities or juvenile justice programs in the list of certain standards for which reasonable rules adopted by the board are required to provide. Provides that a substance abuse facility or program operating under the standards adopted by this Act is not required to be licensed or otherwise approved by any other state or local agency.

**Post-Discharge Services for Child After Probation Period—S.B. 1548**
*by Senator Menéndez—House Sponsor: Representative Minjarez*

Interested parties contend that it would be in the general public's best interest to permit a child who is discharged from probation to complete services the child began to receive before discharge relating to vocational, educational, behavioral, or other goals. S.B. 1548 provides for the continuation of such services to a child discharged from probation up to six months following discharge. This bill:

Defines "post-discharge services" to mean certain community-based services offered after a child is discharged from probation to support the child's vocational, educational, behavioral, or other goals and to provide continuity for the child as the child transitions out of juvenile probation services.

Authorizes a juvenile board or juvenile probation department, provided that existing resources are available, to provide post-discharge services to a child for not more than six months after the date the child is discharged from probation, regardless of the child's age on that date.

Prohibits a juvenile board or juvenile probation department from requiring a child to participate in post-discharge services.

**Release of Child by Law Enforcement—S.B. 1571**
*by Senator Huffman—House Sponsor: Representative Frullo*

Interested parties contend that law enforcement would benefit from clear guidelines regarding the release of a minor who is taken into possession in an emergency by an officer without a court order. S.B. 1571 provides such guidelines. This bill:

Authorizes a law enforcement officer who takes possession of a child in an emergency without a court order to release the child to an authorized residential childcare facility licensed by the Department of Family and Protective Services (DFPS), to a juvenile probation department, to DFPS, or to any other person authorized by law to take possession of the child.

Provides that before a law enforcement officer may release a child to an authorized person, the officer must first verify with the National Crime Information Center (NCIS) that the child is not a missing child and must search relevant NCIS databases pertaining to protection orders, warrants, sex offender registries, and persons on supervised release to verify that the person to whom the child is being released meets certain criteria necessary for the welfare of the child.

Provides that before a law enforcement officer may release a child to an authorized person, the officer must call the DFPS Texas Abuse Hotline to determine whether the person to whom the child is being released is listed in the registry as a person who has abused or neglected the child; verify that the person whom the child is being released is at least 18 years of age; and maintain a record regarding the child's placement, including identifying information about the child and the name and address of the person to whom the child is being released.

**Composition of Comal County Juvenile Board—S.B. 2255**
*by Senator Campbell—House Sponsor: Representative Bernal*

Interested parties in Comal County assert the benefits of changing the membership of the Comal County Juvenile Board. S.B. 2255 provides for these changes. This bill:

Changes the composition of the Comal County Juvenile Board by adding to its membership a judge of the 22nd and 274th District Courts, rather than the local administrative district judge biennially appointing to the board a single judge of the district courts having jurisdiction in Comal County.

**Statewide Electronic Tracking System for Evidence of Sex Offense—H.B. 281**
*by Representative Howard et al.—Senate Sponsor: Senator Huffman et al.*

It is reported that a growing backlog of sexual assault evidence kits means that there is an increased need for transparency between the victims of sexual assault and the systems that process such material. H.B. 281 provides such a victim secure access to the status of evidence relating to the victim's case and the opportunity to obtain such information conveniently and easily. This bill:

Requires the Texas Department of Public Safety (DPS) to develop and implement a statewide electronic tracking system (tracking system) for evidence collected in relation to a sexual assault or other sex offense. Authorizes DPS to accept gifts, grants, or donations from any person or entity to assist in establishing and maintaining the tracking system. Requires that the tracking system:

> track the location and status of each item of evidence through the criminal justice process—including the initial collection of an item of evidence in a forensic medical examination, receipt and storage of an item of evidence at a law enforcement agency, receipt and analysis of an item of evidence at an accredited crime laboratory, and storage and destruction of an item of evidence after the item is analyzed;
>
> allow a facility or entity performing a forensic medical examination on a survivor, law enforcement agency, accredited crime laboratory, prosecutor, or other entity providing a chain of custody for an item of evidence to update and track the status and location of the item; and
>
> allow a survivor to anonymously track or receive updates regarding the status and location of each item of evidence collected in relation to the offense.

Requires DPS to require participation in the tracking system by any facility or entity that collects evidence of a sexual assault or other sex offense or that investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected.

Provides that records entered into the tracking system are confidential and are not subject to disclosure under Chapter 552 (Public Information), Government Code. Authorizes records relating to evidence tracked under the system to be accessed only by the survivor from whom the evidence was collected or an employee of the appropriate facility or entity for purposes of updating or tracking the status or location of an item of evidence.

Prohibits an employee of DPS or a facility or entity from disclosing to a survivor's parent or legal guardian information that would aid the parent or legal guardian in accessing records relating to evidence tracked under the system, if the employee knows or has reason to believe that the parent or legal guardian is a suspect or a suspected accomplice in the commission of the offense, with respect to which evidence was collected.

**Prohibition of Sex Offenders Residing on College Campuses—H.B. 355**
*by Representative Raney et al.—Senate Sponsor: Senator Buckingham*

Despite the increasing prominence of sexual assault and rape on college campuses, it is reported that registered sex offenders are not prohibited from living in on-campus dormitories or housing facilities. H.B. 355 adds a layer of protection for college students by prohibiting certain registered sex offenders from residing on the campus of a public or private institution of higher education (IHE). This bill:

Prohibits a person subject to registration Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, from residing on the campus of a public or private IHE unless the person is assigned a numeric risk level of one based on an assessment conducted using the sex offender screening tool developed or selected under Article 62.007 (Risk Assessment Review Committee; Sex Offender Screening Tool), Code of Criminal Procedure, and the IHE approves the person to reside on the IHE's campus.

**Child Safety Zone Exceptions for Registered Sex Offenders—H.B. 1111**
*by Representative Senfronia Thompson—Senate Sponsor: Senator Rodríguez*

It is reported that the current prohibition against certain individuals released on parole or to mandatory supervision from going near premises where children commonly gather is too restrictive and often does not allow the releasee to lawfully travel to a place, such as a parole office, rehabilitation facility, or workplace, with which the release has legitimate business. H.B. 1111 provides an exception to that prohibition when such a release is either in or going immediately to or from certain locations. This bill:

Provides that the requirement that a releasee not go in, on, or within a specified distance of certain premises does not apply while the releasee is in or going immediately to or from:

a parole office;

a premises at which the releasee is participating in a program or activity required as a condition of release;

a residential facility or a private residence in which the releasee is required to reside as a condition of release; or

any other premises, facility, or location that meets certain criteria.

Authorizes the governing body of a general law municipality, by ordinance, to provide public safety by restricting a registered sex offender from going in, on, or within a specified distance of a child safety zone in the municipality.

Provides that it is an affirmative defense to prosecution of an offense under such ordinance if a registered sex offender is in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child with whom the registered sex offender is legally permitted to be, transportation to and from work, and other work-related purposes.

Requires that such ordinance establish procedures for a registered sex offender to apply for an exemption from the ordinance. Requires that the ordinance exempt a registered sex offender who establishes residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted. Requires that the exemption apply only to areas to that are necessary for the registered sex offender to have access and to live in the residence, and only to the period the registered sex offender maintains residency in the residence.

### Grant Program for Testing Evidence of Sexual Assault—H.B. 1729

*by Representative Neave et al.—Senator Sponsor: Senators Garcia and Nelson*

Interested parties express concern about the number of rape kits in Texas that remain untested. H.B. 1729 addresses these concerns by establishing a grant program under which funds are dispersed to assist law enforcement agencies or counties in testing evidence collected in relation to a sexual assault or other sex offense. This bill:

Authorizes a person, when the person applies for an original or renewal personal or commercial driver's license or personal identification certificate, to contribute $1 or more to an evidence testing grant program (grant program). Requires the Texas Department of Public Safety (DPS) to include certain information on the application for an original or renewal driver's license or personal identification certificate and provide an opportunity to contribute to the grant program during the application process on DPS's website. Requires DPS to send any contribution to the Texas comptroller of public accounts (comptroller) for deposit to the credit of the evidence testing account by a certain date. Authorizes DPS, before sending the money to the comptroller, to deduct money equal to the amount of reasonable administrative expenses.

Requires the criminal justice division in the Office of the Governor (division) to establish and administer the grant program and to disburse funds to assist law enforcement agencies or counties in testing evidence collected in relation to a sexual assault or other sex offense. Authorizes grant funds to be used only for testing by an accredited crime laboratory of evidence collected in relation to a sexual assault or other sex offense. Authorizes the division to establish additional eligibility criteria for grant applicants and requires the division to establish grant application procedures, guidelines relating to grant amounts, and criteria for evaluating grant applications. Requires the division to include in the required biennial report detailed reporting of the results and performance of the grant program.

Creates the evidence testing account as a dedicated account in the general revenue fund of the state treasury. Authorizes money in the account to be appropriated only to the division for purposes of the grant program. Provides that distributed funds are subject to audit by the comptroller.

### Prosecution and Punishment of Certain Trafficking and Sexual Offenses—H.B. 1808

*by Representative Meyer et al.—Senate Sponsor: Senators Garcia and Perry*

Concerns have been raised that some actors who have solicited sex from a prostitute who is a minor have been able to use the defense that they were not aware of the prostitute's age at the time of the solicitation. H.B. 1808 prevents this line of defense by establishing that an actor who engages in

conduct constituting certain trafficking and sexual offenses commits the applicable offense, regardless of whether the actor knows the age of the victim at the time of the offense. This bill:

Provides that a person commits an offense if, at the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older and the victim is a child younger than 14 years of age, regardless of whether the actor knows the age of the victim at the time of the offense.

Provides that a person commits an offense if, with certain intent, the person engages in a certain act with a child of the same or opposite sex who is younger than 17 years of age, regardless of whether the person knows the age of the child at the time of the offense.

Provides that a person commits an offense if the person intentionally threatens, including by coercion or extortion, to commit a certain offense to obtain, in return for not committing the threatened offense or in connection with the threatened offense, intimate visual material; to obtain an act involving sexual conduct causing arousal or gratification; or to obtain a monetary benefit or other benefit of value. Provides that this Act applies to a threat, regardless of whether the threat is communicated through e-mail, Internet website, social media account, or chat room, and to a threat made by other electronic or technological means.

Provides that a person commits an offense if the person, with the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act, or if the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense.

Increases penalties for certain sexual offences against victims younger than 14 years of age, regardless of whether the actor knows the age of the victim at the time of the offense.

### Offense of Lewd Visual Material Depicting a Child—H.B. 1810

*by Representative Dale et al.—Senate Sponsor: Senator Buckingham*

Reportedly, there is currently no disincentive for some criminals to possess or promote certain images portraying children depicted in a sexually suggestive manner. H.B. 1810 addresses this issue by creating an offense of possession or promotion of lewd visual material depicting a child. This bill:

Provides that a person commits an offense if the person knowingly possesses, accesses with intent to view, or promotes visual material that depicts the lewd exhibition of the genitalia or pubic area of an unclothed, partially clothed, or clothed child who, at the time the visual material is created, is younger than 18 years of age; that appeals to a prurient interest in sex; and that has no serious literary, artistic, political, or scientific value.

Provides that an offense under Section 43.262 (Possession or Promotion of Lewd Visual Material Depicting Child), Penal Code, as created by this Act, is a state jail felony—except that such offense is a felony of the third degree, if it is shown on the trial of the offense that the person has been previously convicted one time of an offense under this section or Section 43.26 (Possession or Promotion of Child Pornography), Penal Code, and a felony of the second degree if it is shown that

the person has been previously convicted two or more times of an offense under Sections 43.262 or 43.26.

Provides that it is not a defense to prosecution if the depicted child consents to the creation of the visual material.

**Funding a Grant Program for Testing Sexual Assault Kits—H.B. 4102**
*by Representative Neave et al.—Senate Sponsor: Senator Garcia*

Reportedly, the costs associated with testing evidence collected, including a rape kit, in relation to a sexual assault or other sex offenses is sometimes cited as one of the reasons for the backlog of untested kits in Texas. H.B. 4102 establishes a grant program to fund the testing of such evidence, authorizing the criminal justice division of the Office of the Governor (governor's office) to use any revenue available to fund the program and authorizing certain voluntary contributions to the program. This bill:

Requires the criminal justice division of the governor's office to establish and administer a grant program and to disburse funds to assist law enforcement agencies or counties in testing evidence collected in relation to a sexual assault or other sex offense. Authorizes grant funds to be used only for the testing by an accredited crime laboratory of evidence that was collected in relation to a sexual assault or other sex offense.

Authorizes a person, when the person registers or renews the registration of a motor vehicle, to contribute any amount to the evidence testing grant program (grant program), as established in this bill. Requires the Texas Department of Motor Vehicles (TxDMV) to provide, in a conspicuous manner, an opportunity to contribute to the grant program in any registration renewal system used by TxDMV.

Requires a county assessor-collector to send any contribution made to the Texas comptroller of public accounts (comptroller) for deposit to the credit of the evidence testing account, as established in this bill, at least once every three months. Authorizes TxDMV, before sending the money to the comptroller, to deduct money for reasonable administration expenses.

Provides that the ending homelessness fund (EHF), as created in this bill, is a trust fund outside the state treasury to be held by the comptroller and administered by the Texas Department of Housing and Community Affairs (TDHCA) as trustee. Provides that EHF is composed of money deposited to the credit of EHF and requires that money in EHF be used to provide grants to counties and municipalities to combat homelessness.

Authorizes a person to contribute any amount to EHF when the person registers or renews the registration of a motor vehicle. Requires TxDMV to provide, in a conspicuous manner, an opportunity to contribute to EHF in any registration renewal system used by TxDMV.

Requires TDHCA to adopt rules governing the application for grants from EHF and the issuance of those grants.

### Treatment Services for Certain Sexually Violent Offenders—S.B. 613

*by Senators Whitmire and Perry—House Sponsor: Representative Sarah Davis*

Interested parties contend that legislation is needed to provide for inpatient mental health services for certain civilly committed sexually violent predators with special needs to better treat these persons. S.B. 613 requires the Health and Human Services Commission (HHSC) to provide such services. This bill:

Requires HHSC, for a committed person who the Texas Civil Commitment Office (TCCO) has determined is unable to effectively participate in the sex offender treatment program because the person's mental illness prevents them from understanding and internalizing the concepts presented by the program's treatment material, to provide inpatient mental health services until the person is able to participate effectively in the sex offender treatment program.

### Issuing CTWs to Persons Entering Schools—S.B. 1553

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

S.B. 1553 requires that an explanation of the provisions regarding the refusal of entry to or ejection from a school district's property be included in the code of conduct. The bill guarantees that a person cannot be refused entry to a campus unless the person poses a substantial risk of harm to any person or behaves in a manner that is not appropriate for a school setting. The person must be given a verbal warning that the person's behavior might result in a criminal trespass warning (CTW) before the CTW, which may not exceed two years, can be issued. The district would be required to accommodate a parent who has been issued a CTW by allowing the parent to participate in the student's admission, review, and dismissal (ARD) meeting or in the child's 504 committee meeting, established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794). The bill provides remedy to the parents of children with special needs, as those parents have received CTWs at a rate that far exceeds the rate of CTWs issued to parents who have children in general education, according to interested parties. This bill:

Requires an official of a penal institution to inform a person who is present and registered under the Texas Sex Offender Registration Program that the person is required to immediately notify the administrative office of the school, if the person enters the premises of any school in this state during the standard operating hours of the school, as described by Article 62.064 (Entry onto School Premises; Notice Required), Code of Criminal Procedure, as created by this Act.

Reenacts provisions to require that a school district's student code of conduct, in addition to establishing standards for student conduct, include an explanation of the provisions regarding refusal of entry to or ejection from district property, including a certain appeal process.

Authorizes a school administrator, school resource officer, or school district peace officer of a school district to refuse to allow a person to enter on or to eject a person from property under the district's control, if the person refuses to leave peaceably on request; poses a substantial risk of harm to any person; and behaves in a manner that is inappropriate for a school setting and if the administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection and the person persists in that behavior.

Requires that each school district maintain a record of each issued verbal warning, including the name of the person to whom the warning is issued and the date of issuance.

Requires that a school district, at the time a person is refused entry to or ejected from the school district's property, provide to the person written information explaining the appeal process.

Requires that a school district, if a parent or guardian of a child enrolled in the school district is refused entry to the district's property, accommodate the parent or guardian to ensure that the parent or guardian may participate in the child's ARD committee or in the child's 504 team, in accordance with federal law.

Prohibits the term of a person's refusal of entry to or ejection from a school district's property from exceeding two years.

Requires that a school district post on the district's Internet website, and requires that each district campus post on any Internet website of the campus, a notice regarding the school district's policy on the refusal of a person's entry to or ejection from school district property, including the established appeal process.

Requires the commissioner of education to adopt rules to implement this Act, including rules establishing a process for a person to appeal the decision to refuse a person's entry to or eject the person from a school district's property to the board of trustees of the school district.

### Civil Commitment of Sexually Violent Predators and TCCO Operations—S.B. 1576

*by Senator Perry—House Sponsor: Representative Ken King*

Informed observers report that while recently enacted legislation has made changes to the Texas Civil Commitment Office (TCCO), formerly known as the Office of Violent Sex Offender Management, additional measures are needed to strengthen the laws regarding the civil commitment of sexually violent predators. S.B. 1576 provides these additional measures. This bill:

Provides that certain personal identifying information pertaining to an officer or employee of TCCO, certain persons who contract with TCCO, or an individual related within the first degree by consanguinity or affinity to such an individual is privileged from discovery by an individual who is imprisoned or confined in any correctional facility or who is civilly committed as a sexually violent predator (SVP).

Requires a peace officer, on TCCO request, to execute an emergency detention order issued by TCCO. Prohibits a magistrate from releasing on personal bond a defendant who, at the time of the commission of the charged offense, is civilly committed as an SVP.

Requires an individual subject to having to register as a sex offender who is civilly committed as an SVP to report to the local law enforcement authority designated as the person's primary registration authority by the Texas Department of Public Safety (DPS) to verify certain registration information, such as whether the person resides at a civil commitment center (CCC).

Authorizes a criminal justice agency to disclose criminal history record information that is the subject of an order of nondisclosure of criminal history record information to TCCO. Provides that

TCCO is entitled to obtain from DPS criminal history record information that is maintained by DPS and that relates to a person who seeks TCCO's approval to act as a contact or chaperone for a person who is civilly committed as an SVP.

Requires that an SVP entering a CCC submit to a particular type of tracking service, if the person:

while residing at a CCC, leaves the CCC for any reason;

is in one of the two most restrictive tiers of treatment, as determined by TCCO;

is on disciplinary status, as determined by TCCO; or

resides in the community.

Provides that information regarding TCCO security and monitoring procedures is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code.

Authorizes an employee of TCCO or a person who contracts with TCCO, or an employee of that person, to use mechanical or chemical restraints on a committed person residing in a CCC or while transporting a committed person who resides at a CCC only if the employee or person completes a training program approved by TCCO on the use of restraints that includes instruction on TCCO's approved restraint techniques and devices and de-escalation policies, procedures, and practices. Provides that the use of restraint meet certain criteria.

Provides that a civilly committed person who is not indigent is responsible for the cost of repairs to or replacement of the tracking equipment, if the person intentionally causes the damage to or loss of the equipment, as determined by TCCO.

Includes the premises of a civil commitment facility in the list of certain facilities or premises where a person licensed to carry a handgun commits an offense if the license holder carries a handgun under certain conditions into the facility or premises.

### Determining Eligibility for Texas Armed Services Scholarship—H.B. 66

*by Representative Guillen et al.—Senate Sponsors: Senators Zaffirini and Rodríguez*

The Texas Armed Services Scholarship Program (TASSP) was established to encourage students to participate in Reserve Officers' Training Corps (ROTC) programs at public colleges and to commit to four years of military service. Interested parties note that if a student appointed to receive TASSP loses eligibility for the scholarship, the appointing official is unable to make another appointment until the next year. This bill:

Requires a student to maintain satisfactory academic progress as determined by the Texas Higher Education Coordinating Board (THECB), rather than as determined by the institution in which the student is enrolled, to continue to receive a scholarship awarded.

Authorizes the elected official who had initially appointed the student to appoint another eligible student to receive any available funds designated for the former student who no longer meets the requirements for the scholarship, if THECB has determined that the former student has failed to maintain eligibility or otherwise meet the requirements to continue receiving the scholarship, beginning with the academic year following the determination.

### Filing a Degree Plan at Public Junior Colleges—H.B. 655

*by Representative Clardy et al.—Senate Sponsor: Senator Zaffirini*

Texas has the highest percentage of college students who were previously enrolled at two-year institutions of higher education (IHEs) but who completed their degrees at four-year IHEs. Data indicates that in 2016, Texas taxpayers, students, and families spent in excess of $120 million on excess course credits. This bill:

Requires students to declare a major by the time they attain a certain amount of credit hours to ensure that students stay on track at two-year IHEs and better plan their courses to efficiently and successfully transfer to four-year IHEs.

Directs community college students who are enrolled in an associate or bachelor degree program to file a degree plan no later than the semester after having completed 30 semester credit hours at the college or at the end of the second regular semester at the college if a student begins his or her semester with 30 or more semester credit hours.

### Electing Junior College District Trustees by Plurality Vote—H.B. 961 [VETOED]

*by Representative Justin Rodriguez—Senate Sponsor: Senator Seliger*

Interested parties argue that runoff elections for junior and community college district trustees are often costly and have especially low voter turnout. This bill:

Requires that each position on a board of trustees of a junior college district (board) be filled by an election in accordance with certain sections of the Education Code.

Authorizes the resolution, not later than the 180th day before the date of an election, to provide that a candidate is required to receive a plurality of the votes cast for a position to be filled at the election for the board.

Provides that an adopted resolution is effective for subsequent elections until rescinded by a subsequent resolution adopted not later than the 180th day before the date of the first election to which the rescission applies.

**Investment Options for Public Junior College District—H.B. 1472**
*by Representative Capriglione et al.—Senate Sponsor: Senator Nelson*

Current law requires junior colleges to invest in low-interest bearing and short-term instruments, such as government bonds. The earnings on these investments lose purchasing power over time and limit junior colleges' funding options. This bill:

Authorizes the governing board of a public junior college district to invest the district's funds received from a lease or contract for the management and development of land owned by the district and leased for oil, gas, or other mineral development in any investment authorized to be made by a trustee.

Requires that funds invested by the governing board of a public junior college district, under conditions set forth in this bill, are to be segregated and accounted for separately from the district's other funds.

**Increasing Accountability in Dual Credit Programs—H.B. 1638**
*by Representative Guillen—Senate Sponsor: Senator West et al.*

H.B. 1638 reduces inconsistencies in program accountability by providing statewide goals for dual credit programs provided by school districts. This bill:

Requires the Texas Education Agency and the Texas Higher Education Coordinating Board to jointly develop statewide goals for dual credit programs, including early college high school programs, career and technical education dual credit programs, and joint high school and college credit programs, and to provide uniform standards for evaluating those programs. Requires the goals to address, at a minimum, a dual credit program's achievement of enrollment in and acceleration through postsecondary education, performance in college-level coursework, and the development of an effective bridge between secondary and postsecondary education in the state.

Requires any agreement, including a memorandum of understanding or articulation agreement, between a school district (district) and public institution of higher education (IHE) to provide a dual credit program described by this Act to include specific program goal aligned with the statewide goals; establish, or provide a procedure for establishing, the course credits that may be earned under the agreement, including by developing a course equivalency crosswalk or other method for equating high school courses with college courses and identifying the number of credits that may be earned for each course completed through the program; describe the academic supports and, if applicable,

guidance that will be provided to students participating in the program; establish the district's and the IHE's respective roles and responsibilities in providing the program and in ensuring the quality and instructional rigor of the program; state the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees or textbooks for students participating in the program; and be posted each year on the district's and the IHE's respective Internet websites.

Requires the Texas Education Agency and the Texas Higher Education Coordinating Board to jointly develop the statewide goals not later than August 31, 2018.

Makes application of this Act prospective.

**Qualifications to Serve as President of UNT Health Science Center—H.B. 1913**
*by Representative Geren—Senate Sponsor: Senator Nelson*

Unlike other governing boards of Texas public institutions of higher education, the University of North Texas System Board of Regents has two statutory provisions that apply inequitable limitations on the University of North Texas Health Science Center at Fort Worth (UNTHSC).

The first provision limits the qualifications for a leadership position at UNTHSC by stipulating that the president of UNTHSC must be a licensed physician with a doctor of osteopathy (DO) degree from an accredited college of osteopathic medicine. The second provision restricts the degrees that can be awarded by UNTHSC to only DO degrees. This bill:

Repeals both provisions by allowing someone other than a DO to be the president of UNTHSC and by allowing UNTHSC to offer both DO and doctor of medicine degrees.

Amends current law relating to the required qualifications for serving as president of UNTHSC and to the prohibition against the award of certain degrees by UNTHSC's governing board.

**Board of Trustees of Weatherford Junior College District—H.B. 2194**
*by Representative Phil King et al.—Senate Sponsor: Senator Estes*

Interested parties suggest that each county in which a branch campus of the Weatherford Junior College District is located and which imposed a branch campus maintenance tax on a certain date should have representation on the district's board of trustees. This bill:

Modifies the membership of Weatherford Junior College District's board of trustees to include one representative from each county that imposed a branch campus maintenance tax on September 1, 2017.

**Developmental Coursework under Texas Success Initiative—H.B. 2223**
*by Representatives Giddings and White—Senate Sponsor: Senator Zaffirini*

Institutions of higher education (IHEs) in Texas are required to assess the college readiness of incoming students who may be required to complete developmental education courses prior to enrolling in a freshman-level course. Although current law requires developmental coursework to be designed based on best practices that include course pairings of developmental education courses with credit courses, students are enrolling in up to 27 hours of remedial education before earning a single college credit, increasing both time and debt. This bill:

Updates the Texas Success Initiative and directs IHEs to implement developmental coursework using a corequisite model by which at least 75 percent of students can concurrently enroll in a developmental education course and a freshman-level course in the same subject.

Limits the amount of state appropriations for developmental coursework and requires that the corequisite model be phased in over time with benchmark requirements.

**The Texas Institute for Coastal Prairie Research and Education at UH—H.B. 2285**
*by Representative Ed Thompson et al.—Senate Sponsor: Larry Taylor*

The University of Houston (UH) plays a vital role in meeting various needs of the state, including prairie conservation. Currently, UH manages a coastal center on 925 acres in La Marque, Texas, that serves as a field laboratory. The UH coastal center possesses unique biological assets and has the potential to become a national research center for studying coastal prairies and prairie restoration. This bill:

Establishes the Texas Institute for Coastal Prairie Research and Education (institute) at UH.

Provides that the organization, control, and management of the institute are vested in the UH System Board of Regents (board).

Requires UH to conduct environmental research and education on coastal prairie and prairie restoration, provide a setting for other entities to conduct such research and education, and provide national leadership and education regarding the best methods to restore coastal prairies.

Requires UH to encourage public or private entities to participate in or support the operation of the institute and authorizes UH to enter into an agreement with any public or private entity for that purpose.

Authorizes an agreement to allow the institute to provide information, services, or other assistance to an entity in exchange for the entity's participation or support.

Authorizes the board to solicit, accept, or administer gifts and grants from any public or private source for the purposes of the institute and to employ personnel for the institute as necessary.

**Participation of Public State Colleges in JET Grant Program—H.B. 2431**
*by Representative Deshotel—Senate Sponsor: Senator Creighton*

The Jobs and Education for Texans (JET) grant program was established in 2009 to meet the demands for a skilled workforce. The JET program allocates an estimated $10 million each biennium to public, community, and technical colleges, as well as to independent school districts, in Texas. Upon the transfer of certain functions from the Texas Comptroller of Public Accounts (comptroller) to the comptroller to the Texas Workforce Commission, public colleges are no longer eligible for JET grants. This bill:

Amends current law relating to the participation of public state colleges in the JET grant program.

**Posting Mental Health Resources on an IHE's Website—H.B. 2895**
*by Representative Price et al.—Senate Sponsor: Senator Seliger*

Interested parties contend that too few institutions of higher education (IHEs) have complied with the requirement to create a Web page dedicated to information regarding mental health resources available to students. This bill:

Amends current law relating to the requirement that certain public IHEs post mental health resources on the institution's Internet website.

Requires that each IHE create on its Internet website a Web page dedicated solely to information regarding mental health resources available to students at the IHE, regardless of whether the resources are provided by the IHE, and include the address of the nearest local mental health authority.

Requires that each IHE maintain a conspicuous link on its Internet website home page.

Requires the president of an IHE or the president's designee to certify the IHE's compliance to the Texas Higher Education Coordinating Board not later than August 1 of each year.

**Workforce Continuing Education at Public Junior Colleges—H.B. 2994**
*by Representative Ashby et al.—Senate Sponsor: Senator Hinojosa*

Interested parties contend that legislative direction is insufficient as it pertains to workforce continuing education courses offered at public junior colleges and with regard to how the Texas Higher Education Coordinating Board (THECB) should treat minors enrolled in these courses for the reimbursement of contact hours. This bill:

Defines "adult," "avocational course," "coordinating board," "workforce continuing education," and "workforce continuing education course."

Requires that contact hours attributable to a student's enrollment in a workforce continuing education course offered by a public junior college be included in the contact hours used to determine the

college's proportionate share of state money appropriated and distributed to public junior colleges, regardless of whether the college waives all or part of the tuition or fees for the course.

Authorizes a public junior college to offer or enter into an agreement with a school district, organization, or other person who operates a high school to offer workforce continuing education courses, other than learning framework courses; basic employability courses; and basic learning skills courses to a person who is (1) enrolled in high school on the completion of the person's sophomore year; (2) at least 16 years of age and enrolled in a school that is not formally organized as a high school; or (3) attending high school while incarcerated, is at least 16 years of age, and is not eligible for release from incarceration before the person's 18th birthday.

Authorizes a public junior college to offer community interest continuing education courses using local funds.

Authorizes a public junior college to waive all or part of the tuition or fees charged to a student for a workforce continuing education course only if the student (1) is enrolled in high school or in a school that is not formally organized as a high school; (2) is 16 years of age or older, has had the disabilities of minority removed, and is not enrolled in secondary education; or (3) is under the age of 18 and is incarcerated.

Authorizes a public junior college to waive all or part of the tuition or fees charged to a student for a workforce continuing education course only if all or a significant portion of the college's costs for facilities, instructor salaries, equipment, and other course expenses are covered by business, industry, or other local public or private entities or the course is taught in a federal correctional facility in which the facilities, equipment, supplies, and other course expenses are funded by the federal government.

Requires THECB to adopt any necessary and to use certain negotiated rulemaking procedures.

**Repayment of Certain Mental Health Professional Education Loans—H.B. 3083**
*by Representative Price et al.—Senate Sponsor: Senator Hinojosa*

Interested parties note that Texas's mental health workforce shortage continues to impede patients' ability to receive necessary mental health care. While the state has created many incentivizing programs to bolster the mental health workforce, those incentives are not always available to licensed chemical dependency counselors. This bill:

Adds "chemical dependency counselor" to the definition of "mental health processional."

Amends the Education Code to authorize the Texas Higher Education Coordinating Board (THECB) to allocate any unused funds to award repayment assistance grants to mental health professionals, if not all funds available for purposes of the program are used in a state fiscal year.

Prohibits the total amount of repayment assistance received by a mental health professional from exceeding $10,000 for a licensed chemical dependency counselor who has received an associate's degree related to chemical dependency counseling or behavior science.

Requires THECB to adopt rules establishing a process for allocating any unused funds.

Requires THECB to administer a certain program in a manner that maximizes any matching funds available through the state loan repayment program under the National Health Service Corps program of the United States Department of Health and Human Services Health Resources and Service Administration and to seek the maximum amount of funds available through the state loan repayment program.

**Student Loan Repayment Assistance for LMFT Mental Health Professionals—H.B. 3808**
*by Representative Clardy—Senate Sponsor: Senator Menéndez*

Over 200 counties are designated as mental health professional shortage areas. To address the state's mental health accessibility and workforce issues, the legislature passed S.B. 239 (Schwertner et al; SP: Zerwas and Coleman) (relating to student loan repayment assistance for certain mental health professionals), 84th Legislature, Regular Session, 2015, establishing a program at the Texas Higher Education Coordinating Board (THECB) to provide student loan repayment assistance for certain mental health professionals who agree to practice in underserved areas. Interested parties suggest that licensed marriage and family therapists (LMFTs) would benefit from student loan repayment assistance. This bill:

Adds "licensed marriage and family therapist" to the definition of "mental health professional" and defines "practice of psychology" and "psychological services."

Authorizes THECB to award a grant to mental health professionals who are LMFTs, in accordance with provisions set by this bill.

Authorizes THECB to allocate any unused funds to award repayment assistance grants to mental health professionals, except that priority must be given to non-LMFTs, if funds are available for purposes of the program after funding grants to all eligible mental health professionals, except for LMFTs, in a state fiscal year.

Provides that statutory the limitations that prohibit the number of grants awarded from exceeding a certain percentage do not apply to certain grants.

Prohibits the total amount of repayment assistance received by a mental health professional from exceeding $80,000 for an LMPT who a doctoral degree related to marriage and family therapy.

Requires THECB to adopt rules establishing a process for allocating any unused funds under the program in a state fiscal year.

**Expanding the Paris Junior College District Governing Board—H.B. 4276**
*by Representative VanDeaver—Senate Sponsor: Senator Hughes*

H.B. 4276 requires that the governing board of the Paris Junior College District be expanded to represent Lamar County voters who are now providing tax revenue to the Paris Junior College District. This bill:

Sets forth provisions regarding the governing board of the Paris Junior College District, including term lengths and election information.

**Elected Officials' Appointment of Students to Receive TASSP Scholarships—S.B. 49**
*by Senator Zaffirini et al.—House Sponsor: Representative Guillen*

In 2009, the Texas Legislature created the Texas Armed Services Scholarship Program (TASSP) to encourage students to participate in Reserve Officers' Training Corps (ROTC) programs at public colleges and to commit to four years of military service. The governor and the lieutenant governor are each authorized to appoint two students and teach legislator is authorized to appoint one student every year to receive an award. Appointed students must meet eligibility criteria to receive an initial scholarship. However, if an appointed student were not to meet eligibility requirements, no mechanism exists under current law by which the nominator could instead choose a replacement recipient so that the scholarship opportunity would not be wasted. This bill:

Authorizes an elected official who appoints a student to receive a TASSP scholarship to appoint an alternate student who could receive the award, if the original student were to fail to meet initial eligibility.

Amends current law relating to certain elected officials' appointments of students to receive a TASSP scholarship.

**Governing Board of Trinity Valley Community College District—S.B. 286**
*by Senator Nichols—House Sponsor: Representative Gooden*

The Trinity Valley Community College (TVCC) District currently serves five counties and has been experiencing exponential growth due to annexations. Recently, school districts have shown interest in being annexed into the TVCC's taxing district; however, current law allows only nine members on TVCC's governing board. This bill:

Authorizes the governing board of TVCC, by resolution or order of the governing board, to increase the number of board members from nine to 11.

Requires that a resolution or order of the governing board establish transitional terms of office to conform to elections held in even-numbered years and staggered six-year terms.

Requires initial board members to draw lots to determine members' terms and to establish the length of initial terms.

### Temporary Approval to Continue Participation in TEG Program—S.B. 331

*by Senator West—House Sponsors: Representatives Rose and Alonzo*

Current law requires a private or independent college or university to be accredited by the Southern Association of Colleges and Schools to participate in the Tuition Equalization Grant (TEG) program. Interested parties note that a private or independent college or university may lose its accreditation in some instances and contend that if a college or university is on track to restore its accreditation, it should be granted temporary approval to continue participating in the TEG program. This bill:

Authorizes the Texas Higher Education Coordinating Board to grant a temporary two-year approval for continued participation in the TEG program, which may be renewed twice.

### Family Medicine in Texas Statewide Preceptorship Program—S.B. 491

*by Senators Watson and Zaffirini—House Sponsor: Representative Howard*

Currently, there is a shortage of primary care providers in Texas when compared to the growing population. The Texas Statewide Preceptorship Program provides direct funding to Texas medical students to encourage them to choose primary care careers in the areas of family practice, general internal medicine, or general pediatrics. The Texas Higher Education Coordinating Board (THECB) administers the grants for this program. The Texas Statewide Preceptorship Program offers on-site experiences in physicians' offices during the summer between the first and second year of medical school. This bill:

Authorizes THECB to contract with one or more organizations to operate the Texas Statewide Preceptorship Program in general internal medicine, family medicine, and general pediatrics for medical students enrolled in Texas medical schools.

Redefines "medical school" to include the University of the Incarnate Word School of Osteopathic Medicine.

### Disclosing Special Course Fees at IHEs—S.B. 537

*by Senator Hinojosa—House Sponsor: Representative Lozano*

According to the United States Bureau of Labor Statistics, textbook prices have risen nearly 80 percent over the last decade, resulting in many courses now requiring students to purchase an access code. Access codes are used for supplemental textbook material, homework assignments, and quizzes; cost around $100 on average; can be purchased individually or in a bundle; and can only be used by one student for a set period of time. The high costs of access codes and rising textbook prices place a burden on students who may ultimately have to make the choice whether to receive a lower grade by not purchasing an access code or to forego basic necessities by purchasing an access code.

In addition to high textbook prices and access code costs, courses requiring a laboratory component include a "lab fee" ranging from no less than $2 to no more than $30 per course. While a course

catalog often includes information informing students of a lab fee, it does not include how much the lab fee will be. This bill:

Requires each institution of higher education (IHE) to include a description and amount of any special course fee, including an online access fee or a lab fee, to be charged specifically for the course for each course listed in the IHE's online course catalog.

Authorizes an IHE to publish any fees specifically charged for each course by using the amounts charged in the most recent academic year, if the IHE publishes a paper course catalog.

**Data Regarding Workforce Education Programs—S.B. 719**
*by Senator Zaffirini—House Sponsor: Representative Raney*

S.B. 37 (Zaffirini and West; SP: Naishtat), 84th Legislature, Regular Session, 2015, required the Texas Higher Education Coordinating Board (THECB) to collect and study data regarding the participation of persons with intellectual and developmental disabilities (IDDs) in institutions of higher education (IHEs), to maintain a database for the information submitted, to continuously study the collected data, and to make the information easily accessible to the public. The language in S.B. 37 directed THECB to collect data relating to undergraduate-level and graduate-level participation, which technically does not include programs in which persons with IDDs participate, including workforce continuing education programs. Workforce continuing education programs help persons with IDDs obtain gainful and meaningful employment and were intended to be included in the data collection. Although THECB interpreted the bill and its intent in such a way that it does collect data from workforce continuing education programs that are eligible for state funding during its rulemaking process, there is currently no clear statutory authority. This bill:

Requires THECB to collect and maintain data relating to the participation, retention, graduation, and professional licensing of persons with IDDs enrolled in a workforce education program, including a workforce continuing education program that is eligible for state-appropriated formula funding.

Requires THECB, in consultation with public junior college districts, to identify five certain junior college districts representative of each of the public junior college district peer groups, as identified by THECB for the purpose of implementing a pilot program to develop and recommend minimum reporting language for financial and instructional cost information, including information relating to instruction of persons with intellectual and developmental disabilities.

Requires the junior college districts participating in the program, in consultation with the Legislative Budget Board (LBB), to study best practices for the reporting of revenue and costs allocated across the districts and the practicability of disaggregating financial and instructional cost information by instructional site within a junior college district. Requires participants in the study to consider certain data.

Requires THECB and the participating junior college districts, not later than June 1, 2018, to report to LBB the findings from the study, including best practices in reporting, methodologies in reporting, and a template for reporting.

Requires each participating junior college district to report to THECB the district's financial and instructional costs using the reporting template not later than September 1, 2019, for the state fiscal year ending August 31, 2019, and September 1, 2020, for the state fiscal year ending August 31, 2020.

Provides that, to the extent of any conflict, these provisions prevail over any rider regarding a reporting requirement following the appropriations to Public Community/Junior Colleges in Senate Bill No. 1, Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

### Best Practices in Course Credit Transfers Between Public IHEs—S.B. 802

*by Senator Seliger et al.—House Sponsor: Representative Howard*

Partnerships among institutions of higher education (IHEs) to transfer and accept specific course credits from one IHE to another are prevalent throughout Texas's institutions and are an integral part of the transfer system. The number and scope of agreements vary from IHE to IHE and can be difficult for transfer students to navigate. Currently, no data is being collected regarding which IHEs have articulation agreements or which academic majors the agreements are centered around. This bill:

Requires the Texas Higher Education Coordinating Board (THECB) to conduct a study to identify best practices in ensuring that courses transferred to an IHE for course credit, including courses offered for dual credit, apply toward a degree program at the IHE.

Requires the study to evaluate existing articulation agreements that govern the transfer of course credit between IHEs and identify the IHEs that are implementing the best practices.

Requires an IHE to provide information to THECB as necessary for THECB to perform certain duties on request.

Requires THECB to submit to the legislature the results of its study and recommendations for legislative or other action no later than November 1, 2018.

Provides that Section 61.0667 (Study on Best Practices in Credit Transfer), Education Code, expires on September 1, 2019.

### Purchasing and Using Open Educational Resources—S.B. 810

*by Senator Kolkhorst et al.—House Sponsor: Representative Howard*

In 2012, the American Enterprise Institute estimated that college textbook prices increased by 812 percent between 1978 and 2012. In the same period of time, the Consumer Price Index (CPI) rose by 250 percent. CollegeBoard estimates that the average student attending a public four-year in-state on-campus university spent $1,255 on books and supplies during the 2014–2015 academic year.

According to the National Conference of State Legislatures, over 15 states have enacted laws addressing college textbook costs since 2007. Some states require publishers to offer bundled and unbundled versions of textbooks, or provide more information to faculty about the changes made to

textbooks from one edition to the next. Other states have required instructors to consider lower-cost options when choosing course materials, and have urged colleges and universities to implement options that will reduce costs. Georgia addressed rising textbook costs at the University of Georgia system by encouraging the adoption of open educational resources (OER). Recognizing the costs associated with creating a new curriculum based on OER, the system began to give grants to professors who wished to use OER material in their classes. To help facilitate the proliferation of OER-oriented courses, they also established an OER repository for students and professors. This bill:

Defines "open education resource instructional material" to include teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

Defines "open education resource instructional material" and redefines "instructional material."

Authorizes a school district or open-enrollment charter school to consider OER instructional materials and other electronic instructional materials included in the instructional materials repository (repository) to determine whether each student has instructional materials that cover all elements of the required essential knowledge and skills.

Changes references to instructional materials allotment to instructional materials and technology allotment to state instructional materials fund to state instructional materials and technology funds and to open-source instructional material to OER instructional material.

Requires the State Board of Education (SBOE) to consider a school district's need for technology as well as instructional materials and authorizes SBOE in any biennium to limit the adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum, when reviewing and adopting instructional materials.

Requires SBOE to include information regarding OER instructional materials during the adoption cycle, including any cost savings associated with the adoption of OER instructional materials.

Requires the commissioner of education (commissioner) to develop and maintain a web portal to assist school districts and open-enrollment charter schools in selecting instructional materials. Requires that the web portal include certain information.

Requires the commissioner by rule to establish the procedure by which a publisher may submit instructional materials for inclusion in the web portal to use a competitive process to contract for the development of the web portal, and to use money in the state instructional materials and technology fund to pay any expenses associated with the web portal.

Requires the commissioner to contract with a private entity to conduct certain independent analysis of each instructional material submitted by a publisher for inclusion in the web portal and include each analysis in the web portal.

Requires the commissioner to include the repository in the web portal that school districts and open-enrollment charter schools may access at no cost.

Authorizes a publisher to submit instructional materials for inclusion in the repository.

Authorizes the commissioner to adopt rules as necessary.

Authorizes a school district or open-enrollment charter school to consider the use of open OER instructional materials in selecting instructional material each year.

Defines "open educational resource."

Requires each institution of higher education (IHE) to include with the course schedule a list of the required and recommended textbooks that specifies, to the extent practicable, whether the textbook is an OER.

Requires an IHE or bookstore, if an IHE or college bookstore publishes a textbook list with a course schedule on an Internet website that provides a search function, to ensure that the search function permits a search based on whether a course or section of a course requires or recommends only OER or provide a searchable list of courses and sections of courses that require or recommend only OER.

Requires an IHE to make reasonable efforts to disseminate to its students information regarding the availability of courses and sections of courses that require or recommend only OER to the extent practicable.

Requires the Texas Higher Education Coordinating Board (THECB) to establish and administer a grant program to encourage faculty at IHEs to adopt, modify, redesign, or develop courses that use only OER.

Authorizes a faculty member of an IHE to apply to THECB for a grant to adopt, modify, redesign, or develop one or more courses at the IHE to exclusively use OER.

Requires THECB to select at least three persons qualified to review the curriculum of the course, as determined by THECB, to evaluate the application with respect to that course identified in an application for a grant. Requires the reviewing persons to provide feedback on the application to the faculty member if the application is rejected.

Requires that a faculty member who receives a grant under the program to ensure that any OER used in in each applicable course is provided to an enrolled student at no cost other than the cost of printing.

Requires that a faculty member who receives a grant submit to THECB for each of the four semesters immediately following the implementation of each applicable course a report that includes certain information.

Authorizes a faculty member who receives a grant to continue to submit a report for a semester that occurs after the faculty member's duty to submit a report has expired.

Authorizes THECB to consider a faculty member's failure to submit additional reports in evaluating a subsequent grant application submitted by the faculty member and provides that a faculty member who is no longer employed by an IHE forfeits any grant awarded under the program.

Requires THECB to submit to the governor, lieutenant governor, speaker of the house of representatives, and each standing legislative committee with primary jurisdiction over higher education a report on the total number of grants distributed under the program; the number of students who completed a course adopted, modified, redesigned, or developed under the program; an estimate of the total amount of money saved by students due to the use of OER in courses adopted, modified, redesigned, or developed under the program; a list of any subject areas that would benefit from the adoption, modification, or development of OER; and recommendations on future steps for adopting, modifying, or developing OER, not later than December 1 of each even-numbered year.

Authorizes THECB to solicit and accept gifts, grants, and donations from any public or private source for purposes of the program. Requires THECB to adopt rules for the program's administration.

Requires THECB to conduct a certain study to determine the feasibility of creating a state repository of OER.

Requires THECB to collaborate with relevant state agencies, textbook publishers, representatives of the OER community, and other stakeholders, including the Texas Education Agency and representatives of public IHEs and school districts, in conducting the study.

Requires THECB to submit to the governor, lieutenant governor, speaker of the house of representatives, and each standing legislative committee with primary jurisdiction over higher education a report on the results of the study and any recommendations for legislative or other action not later than September 1, 2018. Requires that the report include certain information.

**Providing Loan Debt Information to Certain Students—S.B. 887**
*by Senator Seliger et al.—House Sponsor: Representatives Clardy and Justin Rodríguez*

One of the new higher education goals in the 60x30 TX plan for the state is that by 2030 student debt not exceed 60 percent of first-year wages for graduates of Texas' public institutions. To attain this goal, students must be well informed on their student debt and understand the short-term and long-term implications of it. This bill:

Provides that Section 52.335 (Required Loan Debt Disclosure), Education Code, applies to a participating institution of higher education (IHE) that enrolls one or more students receiving state financial aid administered by the Texas Higher Education Coordinating Board (THECB).

Requires a participating IHE that receives education loan information for a student enrolled at the institution to provide to that student: (1) an estimate of the total amount of state and federal education loans incurred by the student; (2) an estimate of the total payoff amount, or a range for that amount, including principal and interest; and (3) an estimate of the monthly repayment amount that the student may incur, including principal and interest, in an electronic communication at least annually.

Requires a participating IHE to include in the disclosure only education loan debt information regarding the student that the institution receives or otherwise obtains from the United States

Department of Education's central database for student aid and may reasonably collect from its own records.

Requires that the disclosure identify the types of education loans included in the IHE's estimates and include: (1) a statement that the disclosure is not a complete and official record of the student's education loan debt; (2) an explanation regarding why the disclosure may not be complete or accurate, including a certain explanation for a transfer student; and (3) a statement that the estimates are general in nature and are not intended as a guarantee or promise.

Provides that a participating IHE does not incur liability for any representation made under Section 52.335, Education Code.

Requires THECB to adopt rules.

**Reporting Sexual Assault at IHEs—S.B. 968**
*by Senator Watson et al.—House Sponsor: Representative Alvarado et al.*

Interested parties raise concerns over the underreporting of certain offenses, such as sexual assault, on and off college campuses. S.B. 968 encourages victims and witnesses to report these crimes by requiring a public, private, or independent institution of higher education (IHE) to provide students and employees an option to electronically report certain offenses to the IHE. This bill:

Defines "postsecondary educational institution" (institution) as an IHE or a private or independent IHE, as those terms are defined by Section 61.003 (Definitions), Education Code.

Requires each postsecondary educational institution (institution) to adopt a policy on sexual assault applicable to each student enrolled at the institution and each employee of the institution. Requires that the policy include certain information and be made available to students, faculty, and staff members by certain means. Requires each institution to require each entering freshman or undergraduate transfer student to attend an orientation on the institution's sexual assault policy.

Requires each institution to develop and implement a public awareness campaign to inform students enrolled at and employees of the institution of the institution's sexual assault policy. Requires the institution, as part of the campaign, to provide to students information regarding the protocol for reporting incidents of sexual assault by e-mailing the information to each student at the beginning of each academic term and by including the information in the required orientation.

Requires each institution, as part of the protocol for responding to reports of sexual assault, to the ensure that each alleged victim or alleged perpetrator and any other person who reports an incident of sexual assault are offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident, and to allow an alleged victim or alleged perpetrator 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 assault policy and, with approval of the institution's governing board, revise the policy as necessary.

Requires each institution to provide an option for a student enrolled at or an employee of the institution to electronically report to the institution an allegation of sexual harassment, sexual assault,

dating violence, or stalking committed against or witnessed by the student or employee, regardless of the location at which the alleged offense occurred. Requires that the provided electronic reporting option enable a student or employee to report the alleged offense anonymously and be easily accessible through a clearly identifiable link on the institution's Internet website home page.

Requires the Texas Higher Education Coordinating Board to adopt administrative rules following recommendations from a certain advisory committee established by the commissioner of higher education.

### Student Amnesty for Reporting Certain Incidents at IHEs—S.B. 969

*by Senator Watson et al.—House Sponsor: Representative Leach et al.*

Interested parties raise concerns that many college students do not report incidents of sexual assault for fear of facing repercussions for other student conduct violations, such as underage drinking, that may have occurred ancillary to the incident. S.B. 969 encourages victims and third-party witnesses to report incidents of sexual assault by requiring a public, private, or independent institution of higher education (IHE) to provide amnesty to certain students who report incidents of sexual assault. This bill:

Prohibits an IHE, as defined in the bill, from taking any disciplinary action against a student enrolled at the IHE who in good faith reports being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation of the IHE's student code of conduct occurring at or near the time of the incident.

Provides that an IHE may determine whether a report of an incident of sexual harassment, sexual assault, dating violence, or stalking is made in good faith and provides that determinations of student amnesty are final and may not be revoked.

Provides that student amnesty does not apply to a student who reports the student's own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, or stalking.

Requires the commissioner of higher education to establish an advisory committee, composed of certain members, to recommend to the Texas Higher Education Coordinating Board (THECB) rules of adoption to enforce the provisions of the bill. Requires the advisory committee to submit the committee's recommendations to THECB by December 1, 2017.

### Conveyance of Certain Real Property from TTU to TTUHSC—S.B. 1033

*by Senator Perry—House Sponsor: Representative Frullo*

In 2016, the United States Department of Veterans Affairs (VA) approved a tract of land owned by Texas Tech University (TTU) as a site for the new clinic. In order to complete the project, the Texas Tech University Health Sciences Center (TTUHSC) must acquire the land from TTU and, in turn, offer the VA a ground lease for the new clinic. This bill:

Authorizes the TTU Board of Regents (board), notwithstanding Section 109.054 (Management of Lands), to execute a conveyance of real property that is part of the original main campus of TTU in

Lubbock, Lubbock County, to TTUHSC under terms and conditions that the board determines are in the best interest of both institutions.

Requires that the transaction be in the form of an agreement and appropriate conveyancing documents between the two institutions.

**Meeting Graduate Medical Education Needs—S.B. 1066**
*by Senator Schwertner et al.—House Sponsor: Representative Lozano*

Studies have shown that physicians who complete their medical school and graduate medical education (also known as residency) in Texas are more likely to practice in the state permanently. However, unless the state can maintain an adequate number of graduate medical education slots to satisfy the number of Texas medical school graduates each year, some could be forced to leave the state in order to complete their residency. This bill:

Requires an institution of higher education (IHE) to 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 new degree program as soon as practicable after an IHE completes preliminary planning for a new doctor of medicine (M.D.) or doctor of osteopathic medicine (D.O.) degree program.

Requires that the plan propose an increase in the number of those first-year residency positions that, when combined with the total number of existing first-year residency positions in this state, will reasonably accommodate the number of anticipated graduates from all M.D. or D.O. degree programs that are offered in this state and provide adequate opportunity for those graduates to remain in this state for the clinical portion of their education.

Provides that submission of a plan is a prerequisite for THECB's approval of the proposed degree program.

Provides that an IHE's projected increase in first-year residency positions is presumed to be sufficient if the increase will achieve the purposes with respect to all graduates from degree programs that are offered or will be offered by the IHE.

Authorizes the IHE to consult with THECB as necessary to develop the plan required.

Provides that a resident engaged in graduate medical education in a public or nonprofit hospital in association with a medical and dental unit (unit) is an employee of a state agency regardless of whether the resident receives a stipend or other payment from the unit for their services.

**Limitations on Dual Credit Courses—S.B. 1091**
*by Senator Seliger et al.—House Sponsor: Representatives Howard and Morrison*

Earning dual credit has proven to be beneficial for students seeking a postsecondary degree by allowing them to attain college credit at no cost or low cost while still in high school. While Texas

only funds dual credit courses that fall within certain curriculum areas, institutions of higher education (IHEs) can still offer dual credit courses outside of those areas. This bill:

Requires a dual credit course offered under Section 28.009 (College Credit Program), Education Code, to be (1) in the core curriculum of the public IHE providing college credit; (2) a career and technical education course; or (3) a foreign language course. Provides that this provision does not apply to a dual credit course offered as part of the early college education program or as part of any other early college program that assists students in earning a certificate or an associate's degree while in high school.

Requires THECB, in coordination with TEA, to adopt rules to implement certain subsections.

Requires THECB and TEA to use negotiated rulemaking procedures and to consult with relevant stakeholders in adopting these rules.

Requires a course offered under Section 130.008 (Courses For Joint High School and Junior College Credit), Education Code, to be (1) in the core curriculum of the public junior college; (2) a career and technical education course; or (3) a foreign language course.

Provides that this provision does not apply to a course offered to a student as part of the early college education program or as part of any other early college program that assists student's in earning a certificate or an associate's degree while in high school.

### Annual Report on Texas College Work-Study Program—S.B. 1119

*by Senator Zaffirini—House Sponsor: Representatives Howard and Button*

Current law requires the Texas Higher Education Coordinating Board (THECB) to submit a biennial report regarding students in the Texas college work-study program. The report includes information about including the employment position's location on or off campus and the employer's status as a for-profit or nonprofit entity. However, demographics regarding work-study participants are not documented. By increasing the frequency of the report and requiring more informative and relevant information, a more accurate, up-to-date, and reliable set of data can be acquired. This bill:

Requires THECB to submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over higher education and post on THECB's Internet website a report on the Texas college work-study program not later than January 1 of each year.

Requires that the report include the total number of students employed through the program, disaggregated by: (1) race, ethnicity, and gender; (2) major and certificate or degree program; (3) classification as a freshman, sophomore, junior, or senior or the equivalent; (4) enrollment in a full course load or less than a full course load, as determined by THECB; (5) the employment position's location on or off campus; and (6) the employer's status as a for-profit or nonprofit entity.

**Exemption for Foster Care Students—S.B. 1123**

*by Senator Zaffirini et al.—House Sponsor: Representative Clardy*

The 83rd Legislature established satisfactory academic progress (SAP) requirements for students who receive tuition and fee exemptions and waivers. Certain tuition and waiver exemptions, such as the children in foster care exemptions, are excluded from SAP requirements. There are currently two separate but related statutory provisions for tuition exemptions for children in foster care. The first provision, created in 2011, is for children currently in foster care or who were adopted from foster care after September 1, 2009, and the second provision, which has existed since 2003, is for children who are adopted out of foster care.

Due to an oversight, only the first of the tuition exemptions is excluded from the new SAP requirements, while the tuition exemption for children adopted out of foster care is not excluded, as was originally intended for all students receiving a foster care-related tuition exemption. This bill:

Amends the Education Code to exempt the tuition and fee exemption at public institutions of higher education (IHE) for adopted students formerly in foster or other residential care from statutory provisions placing certain conditions on the continued receipt of tuition and fee exemptions or waivers at public IHEs.

**Policies Relating to Training in the Use of Epinephrine Auto-Injectors—S.B. 1367**

*by Senators Menéndez and Hinojosa— House Sponsor: Representative Howard et al.*

Anaphylactic shock can cause life-threatening symptoms due to food or other types of allergic reactions. Because of these life-threatening symptoms, it is vital to react quickly and correctly to any episode of anaphylactic shock. The quickest and most efficient way to treat anaphylactic shock is through the use of epinephrine auto-injectors. The 84th Legislature authorized school districts and charter schools to adopt and implement policies regarding the use of auto-injectors to treat individuals suffering from anaphylactic shock. This bill:

Requires the commissioner of state health services to establish an advisory committee to examine and review the administration of epinephrine auto-injectors to a person experiencing an anaphylactic reaction on a campus of a school district, an open-enrollment charter school, or an institution of higher education.

Sets forth requirements regarding the advisory committee to include that at least one member be an employee of a general academic teaching institution and that at least one member be an employee of a public junior college or a public technical institute.

Defines "general academic teaching institution," "institution of higher education," "public junior college," "public technical institute," "advisory committee," "anaphylaxis," "campus," "epinephrine auto-injector," "personnel," and "physician."

Sets forth provisions relating to advisory committee duties; maintenance, storage, administration, and disposal of epinephrine auto-injectors; report on administering epinephrine auto-injectors; prescription of epinephrine auto-injectors; gifts, grants, and donations; rules; and immunity from liability.

**THECB Regulation of Certain Education Institutions—S.B. 1781**
*by Senator West—House Sponsor: Representative Mary González*

The Texas Higher Education Coordinating Board (THECB) is charged with overseeing certain career colleges. While most of these institutions of higher education (IHEs) are stable and reputable, some fall victim to sudden closures due to mismanagement, financial weakness, or other difficulties. Between 2008 and 2014, the number of students attending career colleges in Texas increased by 230 percent while 57 career colleges operating in Texas have closed since 2012. This bill:

Defines "academic records."

Provides that, unless specifically provided otherwise, certain provisions do not apply to an IHE that is fully accredited by, and is not operating under sanctions imposed by, a recognized accrediting agency, or an IHE or degree program that has received approval by a state agency authorizing the IHE's graduates to take a professional or vocational state licensing examination administered by that agency.

Authorizes THECB to issue a certificate of authorization to grant degrees to an exempt IHE or person. Authorizes THECB to adopt rules regarding a process to allow an exempt institution or person to apply for and receive a certificate of authorization.

Authorizes THECB to require an exempt IHE or person to ensure that the financial resources and financial stability of the IHE or person are adequate to provide education of a good quality and to fulfill the IHE's or person's commitments to its enrolled students. Authorizes THECB to require the IHE or person to provide documentation to THECB of the IHE's or person's compliance.

Requires that rules adopted under a certain subsection: (1) require the IHE or person to maintain reserves, lines of credit, or surety instruments that, when combined with tuition and fee receipts, are sufficient to allow the IHE or person to fulfill its educational obligations to its enrolled students if the IHE or person is unable to continue to provide instruction to its enrolled students for any reason and (2) require that the maintained financial resources be conditioned to allow only THECB to withdraw funds for the benefit of the IHE's or person's enrolled students under certain circumstances.

Authorizes THECB by rule to require an exempt IHE or person to report to THECB on a continuing basis other appropriate information in addition to the required documentation to enable THECB to verify the conditions under which a certificate of authorization issued is held.

Provides that an exempt IHE or person continues in that status only if the IHE or person maintains accreditation by, and is not operating under sanctions imposed by, a recognized accrediting agency or otherwise meets certain provisions.

Requires THECB by rule to provide for due process and procedures for revoking or placing conditions on the exemption status of an IHE or person or for revoking or placing conditions on a previously issued certificate of authorization.

Authorizes THECB to revoke or place conditions on an IHE's or person's exemption status or certificate of authorization only if THECB has reasonable cause to believe that the IHE or person has violated a certain subchapter or any adopted rules.

Requires THECB to provide to the IHE or person written notice of THECB's impending action and include the grounds for that action before revoking or placing conditions on an IHE or person's exemption status or certificate of authorization under a certain subsection.

Authorizes THECB to reexamine the applicable IHE or person at least twice annually following the date THECB provided notice under a certain subsection if THECB places conditions on an IHE's or person's exemption status or certificate of authorization until THECB removes the conditions.

Authorizes THECB by rule to require an IHE operating under a certificate of authority, or seeking to operate under a certificate of authority, to ensure that the financial resources and financial stability of the IHE are adequate to provide education of a good quality and to fulfill the IHE's commitments to its enrolled students. Authorizes THECB to require the IHE to provide to THECB documentation of the IHE's compliance with those requirements.

Sets forth certain requirements for the adopted rules.

Authorizes the authorized or certified IHE to be required to provide a list of their agents to THECB and to maintain in a manner specified by THECB the academic records of enrolled or former students, including records of credits and degrees awarded, and provide those records to the board on request.

Authorizes THECB to maintain a repository for academic records from closed IHEs that were exempt or were authorized to operate under a certificate of authorization or certificate of authority. Authorizes THECB to discontinue its maintenance of the repository if adequate funding is not provided for that maintenance. Provides that the academic records repository is considered to be a repository of last resort.

Requires a closed IHE to maintain the academic records if it is part of a larger educational system or corporation.

Requires the IHE responsible for accepting the transferring students to maintain those academic records, if students of the closed IHE transfer to another IHE through an agreement between the IHEs to continue the students' degree programs.

Requires any authorized or certified IHE that fails to maintain—in a manner specified by THECB—the academic records of enrolled or former students, or fails to protect the personally identifiable information of enrolled or former students to be assessed an administrative penalty of not less than $100 or more than $500 for each student whose academic record was not maintained or whose personally identifiable information was not protected.

Requires THECB, in consultation with the Texas Workforce Commission, the Texas Veterans Commission, and IHEs, to: (1) develop standardized curricula within degree and certificate programs commonly offered by IHEs toward which qualified veterans or military service members may be awarded appropriate academic credit for experience, education, and training earned during military service and (2) require the transferability between IHEs of course credit for curricula developed under a certain section that is awarded to qualified veterans or military service members to promote the purposes of the College Credit for Heroes program. Requires THECB to adopt rules for the administration.

**Elimination of Certain Formula Funding—S.B. 1782**
*by Senator West—House Sponsor: Representatives Clardy and Murphy*

Current statute places formula restrictions on the number of repeated or dropped courses, and the number of hours accumulated beyond a student's higher education degree plan. These restrictions are meant to encourage timely degree completion, but can be a barrier to adult non-completers wishing to return to higher education. This bill:

Requires the Texas Higher Education Coordinating Board (THECB) to adopt rules under which an institution of higher education (IHE) shall permit a student to drop one additional course under certain described circumstances than the number of courses permitted to be dropped or under a certain policy if the student: (1) has reenrolled at the IHE following a break in enrollment from the IHE or another IHE covering the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment and (2) successfully completed at least 50 semester credit hours of course work at an IHE before that break in enrollment.

Prohibits THECB from excluding from the number of semester credit hours reported to the Legislative Budget Board for formula funding under this section (Appropriations) semester credit hours for any course taken up to three times by a student who: (1) has reenrolled at an IHE following a break in enrollment from the IHE or another IHE covering the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment and (2) successfully completed at least 50 semester credit hours of course work at an IHE before that break in enrollment.

Sets forth the criteria relating to the determination of whether the student has previously earned the number of semester credit hours to include: (1) the first additional 15 semester credit hours earned toward a degree program by a student who has reenrolled at an IHE following a break in enrollment from the IHE or another IHE covering the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment and (2) successfully completed at least 50 semester credit hours of course work at an IHE before that break in enrollment.

**Student Loan Default Prevention and Financial Aid Literacy Program—S.B. 1799**
*by Senator West—House Sponsor: Representative Clardy*

The student loan default prevention and financial aid literacy pilot program (pilot) was enacted by S.B. 680 (West and Hegar; SP: Diane Patrick), 83rd Legislature, Regular Session, 2013, and included no state appropriations. The Texas Guaranteed Student Loan (TG), through a memorandum of understanding with the Texas Higher Education Coordinating Board (THECB), agreed to implement the pilot at its own expense. TG successfully sought permission from the United States Department of Education to use federal funds under its management to expand the pilot into a larger, more robust program in 2015. This new federal program targets funds, programs, and services to the most at-risk colleges and universities in Texas—its minority-serving institutions (MSIs), which pairs TG with participating MSIs to help schools identify student risk factors affecting graduation, retention, and cohort default rates. Together, TG and MSIs develop proactive strategies, including providing financial assistance to students. This bill:

Requires the pilot to be established at selected postsecondary educational institutions to ensure that students of those institutions are informed consumers with regard to all aspects of student financial aid not later than January 1, 2014.

Requires that institutions that are recognized by the United States Department of Education as MSIs, including minority institutions under Section 1067k of the Higher Education Act of 1965 (20 U.S.C. Section 1001 et seq.) be given priority in selecting postsecondary educational institutions to participate in the pilot.

Requires the Texas Guaranteed Student Loan Corporation (corporation), in accordance with an agreement with THECB.

Requires the corporation to submit to the governor, the lieutenant governor, and the speaker of the house of representatives any annual report or end of program report the corporation submits to the United States Department of Education in administering the pilot.

Provides that a certain subsection expires December 31, 2019.

Repeals Sections 61.0763(e), (f), and (g) (relating to THECB rulemaking for and administration of the pilot), Education Code.

**Adoption of Common Admission Application Forms for IHEs—S.B. 1813**
*by Senators Buckingham and West—House Sponsor: Representative Turner*

Students applying to certain institutions of higher education (IHEs) in Texas utilize the Apply-TEXAS application process. This process allows students to fill out one uniform application online and submit it to participating universities through a single website. Currently, the Apply-TEXAS application is used by all public universities as well as a number of private IHEs in Texas. Uniformity in the process has allowed students to better prepare for their application and devote time to one application rather than repeating the process for each school.

The Texas Higher Education Coordinating Board (THECB) is responsible for administering the Apply-TEXAS application. To oversee this process, THECB has created an advisory committee, that is currently comprised of representatives from general academic teaching institutions, junior college districts, public state colleges, and public technical institutions. However, interested parties have suggested that the current structure of the committee would benefit by expanding the committee to include additional stakeholder representatives. This bill:

Defines "private or independent institution of higher education."

Requires THECB, with the assistance of high school counselors and an advisory committee composed of representatives of general academic teaching institutions, junior college districts, public state colleges, public technical institutes, and private or independent IHEs and with the consultation of all IHEs that admit freshman-level students, to adopt certain rules.

**Optional Retirement Program for IHE Employees—S.B. 1954**
*by Senator Hughes—House Sponsor: Representative Lozano*

According to interested parties, certain employees of institutions of higher education (IHEs) are not adequately informed of the deadline by which they must choose between participation in the Teacher Retirement System of Texas (TRS) or the optional retirement program for those employees. S.B. 1954 addresses this issue by changing the law regarding participation in and contributions to the optional retirement program for certain employees of IHEs. This bill:

Requires a person who becomes eligible to participate in the optional retirement program to elect to participate before the 91st day after becoming eligible or the 31st day after the date the person receives notice of the opportunity to participate in the program.

Requires that a person who becomes eligible to participate in the optional retirement program, and is notified of the opportunity to participate by the person's employer on or after the 91st day after the date the person becomes eligible, be notified by the employer before the 151st day after the day after the date the person becomes eligible. Requires the person to elect to participate in the program before the later of the 151st day after the date they become eligible or the 31st day after the date the person receives notice of the opportunity to participate in the program.

Provides that an employer submits a member contribution to TRS on behalf of a person in error if the person previously elected to participate in the optional retirement program, participated in the program for at least one year, and is or was employed by an IHE in a position normally covered by TRS and is or was at the time of that employment not eligible for resumption of membership in TRS.

Provides that if an employer commits an error and the person on whose behalf the member contribution is erroneously made is a participant in the optional retirement program, the person's participation in the program is required to be immediately restored and funds are required to be deposited in the person's participant account in the program or otherwise remitted to the person. Requires TRS to take certain actions relating to the optional retirement program, the employer, and the person on discovery of an error and on certification by an employer that the employer committed the error.

Requires the Texas comptroller of public accounts, on certification by an employer that the employer committed an error, to transfer to or credit the employer an amount equal to the state contribution that would have been paid for the benefit of the person plus an amount representing earnings on the state contribution at the assumed rate of return. Provides that the assumed rate of return is earned monthly and computed at the rate of four percent per year.

**THECB Work-Study Student Mentorship Program—S.B. 2082**
*by Senator Larry Taylor—House Sponsor: Representatives Clardy and Jarvis Johnson*

Reaching the 60x30TX goals requires implementing initiatives focused on higher education access and success in all facets of higher education. The Texas Higher Education Coordinating Board (THECB) recommends expanding the current program's allowable use of funds to go beyond student access to more directly supporting college success programs. Currently, the funds support mentoring

and tutoring at participating institutions of higher education, high school GO Centers, or similar high school-based recruiting centers designed to improve student access to higher education. This bill:

Requires THECB, in accordance with this section Work-Study Student Mentorship Program and THECB rules, to administer a work-study student mentorship program under which certain students may be employed by participating entities under the Texas college work-study program to support student interventions at participating eligible institutions that are focused on increasing completion of degrees or certificates, such as interventions occurring through advising or supplemental instruction, among other criteria.

Requires an eligible institution and one or more school districts or nonprofit organizations interested in jointly participating in the program to file with THECB a joint memorandum of understanding (MOU) detailing the roles and responsibilities of the participating entities in order to participate in certain aspects of the work-study student mentorship program.

Requires THECB to develop, when applicable and in consultation with eligible institutions, school districts, and nonprofit organizations that express interest in participating in the work-study student mentorship program, a standard contract establishing the roles and responsibilities of participating entities to be used as an MOU entered into by participating entities.

Requires THECB to establish criteria to ensure that the participating eligible institution's contribution toward the wages and benefits of a student employed under the work-study student mentorship program as provided by certain subsections is matched by funds provided by the participating entity benefiting from the services of the employed student.

Authorizes, rather than requires, THECB to partner with participating nonprofit organizations to establish additional GO Centers or similar high school-based recruiting centers designed to improve student access to and success in higher education in this state.

Authorizes an eligible institution participating in the work-study student mentorship program to require students who are on academic probation at the institution to be matched with a student mentor or advisor employed under the program.

### Authorization to Offer Baccalaureate Degree Programs—S.B. 2118

*by Senator Seliger et al.—House Sponsor: Representative Sarah Davis et al.*

Over the last several legislative sessions, there has been continued debate regarding whether to allow specific community colleges to offer baccalaureate degree programs in specific high-need workforce programs. This has generally been approved through a patchwork effort, resulting in select community colleges being granted legislative approval to offer four-year degrees. This bill:

Defines "coordinating board," "general academic teaching institutions, and "medical and dental unit."

Sets forth provisions relating to general authorization of baccalaureate degree programs; authorization for certain baccalaureate degree programs; baccalaureate in dental hygiene;

accreditation; limitation; requirements; special requirements for a nursing degree program; required articulation agreements; funding; reports; and rules.

**Restructuring Public School Performance Evaluations—H.B. 22**
*by Representative Huberty et al.—Senate Sponsor: Senator Larry Taylor*

H.B. 22 restructures statutory campus and district performance domains by reducing the current required five domains of indicators to a minimum of three—student achievement domain, school performance domain, and school climate domain—to focus on information relevant to parents, the school community, and policymakers. H.B. 22 focuses on students who are continuously enrolled to ensure that the information reflects the efficacy of the school and defines the goals of the accountability system to drive continuous improvement and close achievement gaps. This bill:

Provides that the purpose of the required district improvement plan is to guide school district (district) and school campus (campus) staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators adopted under this Act.

Requires the principal of each campus, with the assistance of the campus-level committee, each school year, to develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in certain programs, with respect to the achievement indicators adopted under this Act, and any other appropriate performance measures for special needs populations.

Requires that a certain report include student attrition rates and the performance of each public school in each class described by Section 12.1013(b) (relating to the required format of the report), Education Code, as measured by the achievement indicators adopted under this Act.

Requires the Texas Education Agency (TEA), in accordance with the policy of the state, to evaluate the effectiveness of programs under Subchapter B (Bilingual Education and Special Language Programs), Chapter 29 (Educational Programs), Education Code, based on the achievement indicators adopted under this Act.

Provides that a student is eligible to receive a public education grant or attend another public school in the district in which the student resides under Subchapter G (Public Education Grant Program), Chapter 29, Education Code, if the student is assigned to attend a public campus assigned an unacceptable performance rating that is made publicly available under Section 39.054 (Methods and Standards for Evaluating Performance), Education Code, for the student achievement domain and the school progress domain.

Requires the commissioner of education (commissioner), in adopting a rule under Chapter 39 (Public School System Accountability), Education Code, to solicit input statewide from persons who would likely be affected by the proposed rule, including district boards of trustees, administrators and teachers employed by districts, parents of students enrolled in districts, and other interested stakeholders. Provides that an advisory committee appointed under Chapter 39, Education Code, is not subject to Chapter 2110 (State Agency Advisory Committees), Government Code.

Requires the commissioner, in determining the accreditation status of a district, to evaluate and consider performance on achievement indicators adopted under this Act.

Requires the commissioner to adopt a set of indicators of the quality of learning and achievement and to periodically review the indicators for the consideration of appropriate revisions. Requires that

such indicators measure and evaluate districts and campuses with respect to, among certain other factors, informing parents and the community regarding campus and district performance. Requires that performance on the achievement indicators be compared to state-established standards. Requires that districts and campuses be evaluated based on three domains of indicators of achievement. Sets forth provisions regarding the three domains of indicators of achievement: the student achievement domain, the school progress domain, and the closing the gaps domain.

Requires that any standard for improvement determined by the commissioner allow for appropriately crediting a student for growth if the student performs at the highest achievement standard in the previous and current school year.

Sets forth provisions regarding the definition of a student formerly receiving special education services, as to be reported through the Public Education Information Management System (PEIMS).

Requires the commissioner to annually define the state standard for a current school year for each achievement indicator. Requires the commissioner, in consultation with certain persons, as necessary, to establish and modify standards to continuously improve student performance to achieve the goals of eliminating achievement gaps based on race, ethnicity, and socioeconomic status and to ensure that Texas is a national leader in preparing students for postsecondary success. Deletes existing text requiring the commissioner, as necessary, to periodically raise the state standards for a certain achievement indicator for accreditation as necessary to reach certain goals not later than the 2019–2020 school year.

Prohibits the commissioner, in computing dropout and completion rates (such as high school graduation rates), from considering as a dropout a student whose failure to attend school results from certain factors.

Requires the commissioner, in computing such dropout and completion rates, to exclude certain students.

Requires each district to submit to the commissioner the data required for the adopted indicators.

Requires the commissioner to study the feasibility of incorporating an indicator that accounts for extracurricular and cocurricular student activity (student activity) for evaluating district and campus performance under Subchapter C (Accreditation), Chapter 39, Education Code. Authorizes the commissioner, if the commissioner determines that a student activity indicator is appropriate, to adopt the indicator and to determine the feasibility of adopting a student activity indicator, to require a district or campus to report requested information relating to student activity. Authorizes the commissioner to establish an advisory committee to assist in determining the feasibility of incorporating a student activity indicator for evaluating district and campus performance. Requires the commissioner, no later than December 1, 2022, to report to the legislature on the feasibility of incorporating a student activity indicator, unless the commissioner adopts an indicator before that date.

Requires the commissioner, in addition to the overall performance rating, to assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain of achievement. Provides that an overall or domain performance rating of D reflects performance that needs improvement and that an overall or domain performance rating of F reflects unacceptable performance. Requires the commissioner, if a district has been approved, to assign campus

performance ratings and, if the commissioner has not assigned a campus an overall performance rating of D or F, to assign the campus an overall performance rating based on the district assigned performance rating under Section 39.0544 (Local Accountability System), Education Code, as created by this Act. Provides that a reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, C, or D or performance that is exemplary, recognized, or acceptable or performance that needs improvement.

Requires the commissioner, for purposes of assigning an overall performance rating for a district or campus, to consider either the district's or campus's performance rating under the student achievement domain or the school progress domain, whichever performance rating is higher, unless under certain conditions and to attribute not less than 30 percent of the performance rating to the closing the gaps domain.

Authorizes the commissioner, by rule, to adopt certain procedures relating to repeated performance ratings of a district or campus.

Requires that each annual performance review include an analysis of the achievement indicators adopted under this Act to determine district and campus performance in relation to standards established for each indicator.

Requires the commissioner, for campus performance ratings issued in August 2018 for the 2017–2018 school year, to issue only a rating of improvement required or met standard, as applicable, to a campus. Provides that the commissioner's requirement to do so expires January 1, 2019.

Requires the commissioner, for purposes of assigning districts and campuses an overall and a domain performance rating, to ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.

Prohibits a certain student, in the computation of dropout and completion rates (such as high school graduation rates) from being considered to have dropped out from a certain district or campus unless that district or campus is the one to which the student is regularly assigned.

Authorizes the commissioner to adopt certain indicators and standards at any time during a school year before the evaluation of a district or campus.

Requires the commissioner, each school year, to provide each district a document in a simple, accessible format and district is able to easily distribute to parents of students enrolled in the district and other interested members of the public that explains the accountability performance measures, methods, and procedures that will be applied for that school year in assigning each district and campus a performance rating. Requires the commissioner, in collaboration with interested stakeholders, to develop standardized language for each domain that does not exceed 250 words and that clearly describes the annual status of a district and campus relating to district and campus performance on the indicators used for that domain to determine the letter performance rating assigned to a district and campus.

Requires the commissioner to adopt rules regarding the assignment of campus performance ratings by districts and open-enrollment charter schools. Sets forth provisions regarding the requirements of the rules.

Requires the commissioner to develop a process to approve a request by a district or open-enrollment charter school to assign campus performance ratings. Requires a district or charter school, under that process, to obtain approval of a local accountability plan submitted by the district or charter school to TEA. Authorizes a plan to be approved only if certain requirements are met.

Requires the commissioner to appoint a review panel that includes a majority of members who are superintendents or members of the board of trustees or governing body of districts or open-enrollment charter schools with approved local accountability plans.

Provides that a certain requirement applies only after performance ratings are issued in August 2019 and only if at least 10 districts or open-enrollment charter schools have obtained approval of locally developed accountability plans.

Requires a district or authorized open-enrollment charter school to assign campus performance ratings to evaluate the performance of each campus and assign each campus a performance rating of A, B, C, D, or F for overall performance and for each locally developed domain or set of accountability measures. Requires the district or charter school, not later than a date established by the commissioner, to report the performance rating to TEA and make the performance ratings available to the public.

Requires the commissioner to use the alternative completion rate to determine the graduation rate indicator for a dropout recovery school. Deletes existing text authorizing only a student enrolled continuously for at least 90 days during the school year evaluated to be considered for purposes of evaluating a dropout recovery school under certain accountability procedures.

Provides that, notwithstanding any other law, if a district or campus is assigned an overall or domain performance rating of D, the commissioner is required to order the district or campus to develop and implement a targeted improvement plan approved by the board of trustees of the district and the provided interventions and sanctions based on failure to satisfy performance standards apply to the district or campus only.

Provides that the provided interventions and sanctions based on failure to satisfy performance standards apply to a district or campus ordered to develop and implement a targeted improvement plan only if the district or campus is assigned an overall or domain performance rating of F or an overall performance rating of D.

Requires the commissioner, if a district or campus is assigned an overall performance rating of D for a school year after the district or campus is ordered to develop and implement a targeted improvement plan, to implement interventions and sanctions that apply to an unacceptable campus and those interventions and sanctions are required to continue for each consecutive school year thereafter in which the campus is assigned an overall performance rating of D.

Requires that performance on certain adopted indicators be evaluated in the same manner provided for evaluation of the achievement indicators adopted under this Act.

Repeals Section 39.054(c) (relating to requiring the commissioner to define acceptable performance in evaluating district and campus performance on the student achievement indicators), Education Code, effective September 1, 2017.

Repeals Sections 39.0545 (School District Evaluation of Performance in Community and Student Engagement; Compliance) and 39.0546 (Performance in Community and Student Engagement as Component of Overall District and Campus Rating), Education Code.

Provides that if H.B. 1500, 85th Legislature, Regular Session, 2017, becomes law, that law has no effect.

Requires the commissioner, no later than January 1, 2019, to submit a report to the standing committees of the legislature having primary jurisdiction over primary and secondary education that provides for a preliminary evaluation of campuses under Section 39.054, Education Code, as amended by this Act. Requires that the report include certain information.

Provides that this Act applies beginning with the 2017–2018 school year.

### Performance Assessments and Video Cameras in Classrooms—H.B. 61 [VETOED]

*by Representatives Guillen and Minjarez—Senate Sponsor: Senator Uresti*

H.B. 61 amends the Education Code to add to the fourth domain of indicators of achievement under the public school accountability system the percentage of students formerly receiving special education services who achieve satisfactory academic performance, as determined by rule of the commissioner of education (commissioner), on statewide standardized tests administered in grades three through eight. H.B. 61 adds the percentage of such students to the criteria the commissioner is required to adopt in establishing an academic distinction designation for school districts and campuses with outstanding performance in attainment of postsecondary readiness.

H.B. 61 also amends statute to promote student safety by providing guidelines regarding the placement and operation of video cameras in certain self-contained classrooms or other settings that provide special education services. This bill:

Requires a school district or open-enrollment charter school, in order to promote student safety, on receipt of a certain authorized, written request to provide equipment, including a video camera, to the school or schools in the district or to the charter school campus or campuses specified in the request, rather than to the school or campus in which a student who receives special education services in a self-contained classroom or other special education setting is enrolled.

Requires a school or charter school campus that receives equipment to place, operate, and maintain one or more video cameras in the self-contained classrooms and other special education settings in which a majority of the students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms, or other special education settings for at least 50 percent of the instructional day, provided that certain required conditions are met.

Authorizes the following persons or bodies to request in writing that equipment be provided to a school or charter school campus: a parent of a child who receives special education services; a board of trustees or governing body of a school or campus at which one or more children receive special education services in self-contained classrooms or other special education settings; the principal or

assistant principal of a school or campus at which one or more children receive special education services in self-contained classrooms or other special education settings; and a staff member assigned to work with one or more children receiving special education services in self-contained classrooms or other special education settings.

Requires each school district or open-enrollment charter school to designate an administrator at the primary administrative office of the district or school who is to be responsible for coordinating the provision of equipment to schools and campuses.

Sets forth provisions regarding the process of submitting a written request.

Requires a school or charter school campus that places a video camera in a self-contained classroom or other special education setting to operate and maintain the video camera in the classroom or setting, as long as the classroom or setting continues to satisfy the requirements set forth in this Act, for the remainder of the school year in which the school or campus received the request, unless the requestor withdraws the request in writing. Sets forth notification requirements.

Requires that video cameras be capable of covering all areas of the self-contained classroom or other special education setting, including a room used for time-out that is attached to the classroom or setting, and of recording audio from all areas of the classroom or setting, including a room that is attached to the classroom or setting and used for time-out. Sets forth certain restrictions.

Requires a school or charter school campus, before a school or campus activates a video camera in a self-contained classroom or other special education setting, to provide written notice of the placement to all school or campus staff and to the parents of each student attending class or engaging in school activities in the classroom or setting.

Requires a school district or open-enrollment charter school to retain video recorded from a video camera for at least three months, rather than six months, after the date the video was recorded.

Requires a school district or open-enrollment charter school, if a certain person requests to view a video recording from a video camera, to retain the recording from the date of receipt of the request until the person has viewed the recording and a determination has been made as to whether the recording documents an alleged incident. Requires the district or school, if the recording documents an alleged incident, to retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

Sets forth the persons for whom a school district or open-enrollment charter school is required to release a recording for viewing.

Provides that a contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording is not in violation of confidentiality requirements.

Requires certain persons who view a video recording and believe that the recording documents a possible violation to notify the Department of Family and Protective Services for an investigation. Authorizes certain persons who view a video recording and believe that the recording documents a

possible violation of district or school policy, to allow access to the recording to appropriate legal and human resources personnel. Authorizes a video recording that is believed to document a possible violation of district or school policy relating to the neglect or abuse of a student to be used as part of a disciplinary action against district or school personnel and requires that the recording be released at the request of a student's parent in a legal proceeding.

Sets forth requirements of a school district's or open-enrollment charter school's policy relating to the placement, operation, or maintenance of video cameras.

Authorizes a school district, parent, staff member, or administrator to request an expedited review by the Texas Education Agency (TEA) of the district's denial of a request; the district's request for an extension of time to begin operation of a video camera; or the district's determination to not release a video recording to a certain person. Sets forth certain requirements for TEA and a district.

Requires the commissioner to adopt rules relating to the expedited review process, including standards for making a determination, and authorizes the commissioner to adopt rules relating to an expedited review process for an open-enrollment charter school.

Requires TEA to collect data relating to requests and actions taken by a school district or open-enrollment charter school in response to a request, including the number of requests made, authorized, and denied.

Provides that a video recording is a governmental record only for purposes of Section 37.10 (Tampering with Governmental Record), Penal Code.

Provides that a video camera is not required to be in operation for the time during which students are not present in the classroom or other special education setting.

Defines "parent," "school business day," "self-contained classroom," "staff member," and "time-out."

Requires that school districts and charter school campuses be evaluated based on five domains of indicators of achievement that include, in the fourth domain, for evaluating the performance of middle and junior high school and elementary campuses and districts that include those campuses, the percentage of students formerly receiving special education services who achieve satisfactory academic performance, as determined by commissioner rule, on certain assessment instruments in grades three through eight. Changes a reference to the No Child Left Behind Act of 2001 to the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.).

Requires the commissioner to adopt criteria for an academic distinction designation, including percentages of students formerly receiving special education services who achieve satisfactory academic performance, as determined by commissioner rule, on certain assessment instruments in grades three through eight. Sets forth the criteria for a person to qualify as a student formerly receiving special education services.

Provides that this Act applies beginning with the 2017–2018 school year.

**Expanding TEA's Statutory Mission to Include CTE and Workforce Training—H.B. 136**
*by Representatives Bell et al.—Senate Sponsor: Senator Uresti*

As more Texas jobs require knowledge of science, mathematics, engineering, and technology, schools have a responsibility to teach students the necessary skills to succeed in those workforce areas. Because current statute does not direct the Texas Education Agency (TEA) to include career and technical education (CTE) and workforce training in its statutory mission, H.B. 136 makes two changes to TEA's mission, which currently consists of 10 objectives. Objective 4 is amended to ensure that students are prepared for postsecondary readiness in workforce training, employment, and enrollment in higher education. Objective 11 is created to ensure that TEA, the State Board of Education (SBOE), and the commissioner of education assist school districts in providing CTE and workforce opportunities to students. This bill:

Provides that the objectives of public education establish a well-balanced and appropriate curriculum that will prepare students to succeed in a variety of postsecondary activities, including employment, workforce training, and enrollment in institutions of higher education.

Requires that SBOE, TEA, and the commissioner of education assist school districts and charter schools in providing CTE to students.

**Discipline and Instruction through Junior Reserve Officers' Training Corps—H.B. 156**
*by Representative Raymond—Senate Sponsor: Senator Zaffirini*

Students who are placed in an alternative education program due to disciplinary issues are excluded from meaningful interactions with their peers and suffer disruptions in their educational progress and achievements. By allowing these students to instead receive appropriate discipline and instruction through the Junior Reserve Officers' Training Corps (JROTC) program, students will be able to remain in their regular classes with their peers. Not only is this minimally disruptive solution to disciplinary problems cost beneficial for school districts, but it also will improve student outcomes by keeping students on track to graduate.

H.B. 156 establishes a pilot program for the placement of high school students in a JROTC program as an alternative to placement in a disciplinary alternative education program (DAEP) or a juvenile justice alternative education program (JJAEP). The pilot program is restricted to Webb County and will not be implemented in more than two high schools in which a JROTC program already exists. Students in the pilot program will continue to attend regularly assigned classes, although their schedules could be modified to accommodate JROTC participation. This bill:

Creates Subchapter A-1 (Pilot Program in Designated High Schools in Certain Municipalities for Alternative Disciplinary Placement: Junior Reserve Officers' Training Corps), Education Code.

Establishes a pilot program in designated high schools for the placement of high school students in JROTC programs as an alternative to placement in DAEPs or JJAEPs.

Requires the Texas Education Agency (TEA) to designate not more than two high schools that offer JROTC programs to participate in the pilot program.

Requires the commissioner of education and TEA to establish rules for the two designated public high schools.

Sets forth eligibility provisions regarding the pilot program.

Authorizes a student who is otherwise required or permitted to be placed in an DAEP or JJAEP under Subchapter A (Alternative Settings for Behavior Management), Chapter 37 (Discipline; Law and Order), Education Code, to instead choose to participate in a JROTC program, if the student meets the initial eligibility requirements of the program.

Sets forth provisions regarding student participation in a JROTC program.

Requires, in addition to the requirements for the student code of conduct under Section 37.001 (Student Code of Conduct), Education Code, that the student code of conduct for a school district that includes a certain designated school specify certain conditions, considerations, and guidelines but that it not specify a minimum term for participation in a JROTC program.

Creates Sections 37.035 (Notice To Parents) and 37.037 (Notice To Educators), Education Code, and sets forth provisions regarding the provided notices. Authorizes the State Board for Educator Certification to revoke or suspend the certification of an educator who intentionally violates Section 37.037 or Section 37.038 (Transfer of Student Under Pilot Program), as created by this Act.

Requires the board of trustees of a school district, or the board's designee, to set a term for student participation in a JROTC program that is consistent with current statutes.

Requires the board of trustees of a school district in which a student was participating in the pilot program, if the student enrolls in another school district before the expiration of the designated participation period, to provide to the school district in which the student enrolls, at the same time other records of the student are provided, a copy of the placement order.

Provides that a student who chooses to participate in a JROTC program is subject to the provisions of Subchapter A, Education Code, relating to removal from class and placement in a DAEP or JJAEP, if the student fails to complete the designated period of participation under the terms of a certain order, or after completion of any participation in a JROTC program, engages in subsequent conduct requiring or permitting the student to be removed from class and placed in a DAEP or JJAEP under Subchapter A.

Requires the commissioner of education, not later than January 1, 2019, to review the pilot program and produce a written report regarding the pilot program's progress in improving student educational outcomes.

Provides that Subchapter A-1 expires September 1, 2019.

Requires a school district, for each placement in a JROTC program, to report certain information regarding each student.

Requires that the pilot program be implemented in each designated high school beginning with the spring semester of the 2017–2018 school year.

**Updating the Public School Outreach Template—H.B. 264**
*by Representative Hernandez—Senate Sponsor: Senator Garcia*

In 2015, H.B. 18 (Aycock et al.; SP: Perry and West), 84th Legislature, Regular Session, created measures to encourage academic achievement for public school students and to support high school, college, and career preparation. It established a uniform template for public outreach materials intended to inform students and parents on important curriculum components, including information vital on pursuing a higher education. Because certain components of the outreach materials are outdated, H.B. 264 will update the uniform template to include only information relating to existing state financial aid resources and will extend the period for which the template is to be used. This bill:

Deletes existing text requiring materials developed under Section 28.015 (Public Outreach Materials to Promote Curriculum Change Awareness), Education Code, to include curriculum requirements for the Texas B-On-time loan program.

Provides that Section 28.015, Education Code, expires September 1, 2020, rather than September 1, 2018.

**Eligibility of Children of First Responders for Free Public Kindergarten—H.B. 357**
*by Representative Huberty et al.—Senate Sponsor: Senator Huffman et al.*

Interested parties observe that state-funded prekindergarten programs provide access to early education and care for children who live with limited means or without the full support of parents or guardians. H.B. 357 expands the availability of these programs to children whose parents or guardians are eligible for the Star of Texas Award, which is presented to first responders who are severely injured, fatally injured, or killed in the line of duty. This bill:

Provides that a child is eligible for enrollment in a prekindergarten class under Section 29.153 (Free Prekindergarten for Certain Children), Education Code, if the child is at least three years of age and is the child of a person eligible for the Star of Texas Award as a certain peace officer, firefighter, or emergency medical first responder.

Provides that this Act applies beginning with the 2017–2018 school year.

**Requiring the Observance of Memorial Day—H.B. 441**
*by Representative "Mando" Martinez—Senate Sponsor: Senator Lucio*

H.B. 441 properly recognizes Memorial Day by prohibiting schools from offering instruction on that day. For school districts needing to hold classes on Memorial Day in order to meet the required instructional minutes for the year, the bill directs the commissioner of education to authorize a waiver that reduces the minute requirement to allow schools to remain closed on this day. This bill:

Prohibits a school district from providing student instruction on Memorial Day. Requires the commissioner of education—if a school district is required to provide student instruction on Memorial Day to compensate for minutes of instruction lost because of school closures caused by a disaster, flood, extreme weather condition, fuel curtailment, or another calamity—to approve the

minutes of student instruction for fewer than the number of minutes required under Section 25.081(a) (relating to requiring each school district to provide at least 75,600 minutes of instruction, including intermissions and recesses, for students), Education Code.

**Purchasing Insurance Coverage for Students in CTE Programs—H.B. 639**
*by Representative Charles "Doc" Anderson et al.—Senate Sponsor: Senator Menéndez*

School officials and partnering businesses have recognized the need for insurance coverage for students who participate in career and technology education (CTE) programs created as a result of a partnership between CTE campuses and businesses to develop curriculum and to offer hands-on internships for the students during their junior and senior years. Interested parties believe that students who participate in such programs should have more liability protection from accidents that may occur during their participation. H.B. 639 addresses this concern by allowing public schools to obtain certain insurance coverage for the benefit of businesses and students participating in CTE programs and by providing immunity from liability for certain public school students. This bill:

Creates Section 29.191 (Accident, Liability, and Automobile Insurance Coverage), Education Code, which authorizes the board of trustees of a school district or the governing body of an open-enrollment charter school to obtain accident, liability, or automobile insurance coverage to protect a business or entity that participates with the district or school to provide students a CTE program as well as the district or student who participates in a district or school CTE program.

Provides requirements under Section 29.191, Education Code, regarding the source of the insurance; the minimum and maximum amount of coverage to be provided; and the notification of parents or guardians of each participating student.

Prohibits a student, parent, or guardian from being charged for the cost of providing the insurance.

Prohibits the failure of any board of trustees of a district or a governing body of a school to obtain adequate coverage from being construed as placing any legal liability on the district or the district's officers, agents, or employees or the school or the school's officers, agents, or employees.

Creates Section 29.192 (Immunity from Liability), Education Code, to provide that a student who participates in a CTE program approved by a school district or open-enrollment charter school is entitled to immunity in the same manner as a service volunteer of a district or school provided under Section 22.053 (School District Volunteers), Education Code.

**ARD Committees Authority to Provide Student Grade Promotion—H.B. 657**
*by Representative Bernal et al.—Senate Sponsor: Senator Menéndez*

Under current federal law, students in special education must be tested on grade level curriculum. Interested parties are concerned that even if students who are in special education show growth, as measured by each student's individualized education program (IEP), their performance on a statewide standardized test may result in students not being promoted to the next grade level, thereby increasing the likelihood of students dropping out.

H.B. 657 aims to prevent unnecessary retesting and reduce the grade retention and dropout rates for students enrolled in a special education program by authorizing a student's admission, review, and dismissal (ARD) committee to decide if the student's academic progress justifies a grade promotion. This bill:

Requires the ARD committee of a student who participates in a school district's special education program under Subchapter A (Special Education Program), Chapter 29 (Educational Programs), Education Code, and who fails to perform satisfactorily on an assessment instrument specified and administered under Section 39.023 (Adoption and Administration of Instruments), Education Code, to meet before the student is administered an assessment for a second time to determine whether the student will be promoted.

Authorizes the ARD committee to promote the student to the next grade level, if the ARD committee concludes that the student has made sufficient progress toward the measurable academic goals contained in the student's IEP developed under Section 29.005 (Individualized Education Program), Education Code. Provides that a school district that promotes a student is not required to provide an additional opportunity for the student to perform satisfactorily on an assessment instrument.

Requires that a school district, not later than September 1 of each school year, notify the parent or person standing in parental relation to a student enrolled in the district's special education program of the options available to the ARD committee if the student does not perform satisfactorily on an assessment instrument.

### Positive Behavior Programs in Public Schools—H.B. 674

*by Representative Eric Johnson et al.—Senate Sponsor: Senator Garcia et al.*

Interested parties note that the removal of young children from the classroom environment has proven to be ineffective, counterproductive, and detrimental to the academic and social outcomes of these students. These parties argue that young children who are expelled or suspended from school are more likely to drop out of high school, face incarceration, and repeat grades than students who do not face classroom removal during early childhood. H.B. 674 seeks to prevent the criminalization of young children by limiting the ability of public school districts to suspend students enrolled in a grade level below grade three. This bill:

Authorizes each school district and open-enrollment charter school to develop and implement, in consultation with campus behavior coordinators employed by the district or school and with representatives of a regional education service center, a program that provides a disciplinary alternative for a student enrolled in a grade level below grade three who engages in conduct described by Section 37.005(a) (relating to authorizing a principal or other administrator to suspend a student for certain conduct), Education Code, and is not subject to Section 37.005(c), Education Code, as created by this Act.

Requires the program to be age-appropriate and research-based; provide models for positive behavior; promote a positive school environment; provide alternative disciplinary courses of action that do not rely on the use of in-school suspension, out-of-school suspension, or placement in a disciplinary alternative education program to manage student behavior; and provide behavior

management strategies. Authorizes each school district and open-enrollment charter school to annually conduct training for staff employed by the district or school on the adopted program.

Prohibits a student who is enrolled in a grade level below grade three from being placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off of school property, the student engages in certain conduct relating to drugs, weapons, or violence.

**Advanced Computer Science Program for High School Students—H.B. 728**
*by Representative Guerra et al.—Senate Sponsor: Senators Hinojosa and Lucio*

Despite the importance of computer science in education and industry, current public school computer science courses often do not count toward a student's required coursework, nor do they meet entrance requirements for college. H.B. 728 addresses this issue by requiring the State Board of Education (SBOE) to develop and implement an advanced computer science program under which high school students can complete an advanced mathematics or advanced computer science course that focuses on the creation and use of software and computing technologies. This bill:

Requires SBOE, by rule, to develop and implement a program under which students in participating school districts may comply with the curriculum requirements for an advanced mathematics credit under Section 28.025(b-1)(2) (relating to requiring students to successfully complete three credits in mathematics) or an advanced science credit under Section 28.025(b-1)(3) (relating to requiring students to successfully complete three credits in science), Education Code, by successfully completing an advanced computer science course.

Requires SBOE by rule to develop and implement a program under which participating school districts implement rigorous standards, as developed by SBOE, for advanced computer science courses that are focused on the creation and use of software and computing technologies.

Requires the commissioner of education to adopt rules as necessary to administer this bill.

**Denton County Education Foundations' Donations to Adjacent Schools—H.B. 755**
*by Representative Parker—Senate Sponsor: Senator Nelson*

This bill is local to Denton County to allow education foundations to make charitable donations to adjacent schools. Past legislation restricted entities with private transfer fee obligations, including education foundations, to giving contributions only to organizations located in or within 1,000 yards of the encumbered property of an entity. H.B. 755 offers a small carve-out, bracketed to Denton County, that allows the Lantana Education Foundation to resume its support of Guyer High School activities. This bill:

Authorizes the benefit described by Section 5.202(b)(9)(C) (relating to payments not considered transfer fee obligations, specifically payments used to benefit encumbered property by providing activities or infrastructure to support quality of life), Property Code, to collaterally benefit a community composed of certain property or, with respect to a payment to a school for educational

activities, benefit a property not described by Section 5.202(c)(1) (relating to the maximum distance a community may be to receive benefits that provide activities or infrastructure to support quality of life) if the encumbered property is located within both the school's assigned attendance zone and in a county with a population of more than 650,000 that is adjacent to two counties, each of which has a population of more than 1.8 million.

### Local Control of Minimum Passage Rates for Credit Examinations—H.B. 789

*by Representative Meyer—Senate Sponsor: Senator Huffines*

The current state minimum percentage for a student to earn credit on either of the two types of credit by examination is 80 percent, lowered from 90 percent. H.B. 789 is a local bill that allows the board of trustees of Highland Park Independent School District to set a minimum passage rate on both acceleration and subject credit examinations that is higher than the state passage rate. This bill:

Provides that this Act only applies to a school district surrounded by a school district with a central administrative office that is located in a county with a population of more than two million and a student enrollment of more than 125,000 and less than 200,000.

Authorizes a school district's board of trustees to establish a minimum required score for each section of an examination for acceleration or an examination for credit approved by the board of trustees that is higher than certain other minimum required scores.

Provides that a minimum required score established by a board of trustees is prohibited from being greater than a score in the 90th percentile and is required to be established before the beginning of a school year and apply for at least the entire school year.

### Establishment of School Marshal Programs in Private Schools—H.B. 867

*by Representatives Villalba and Flynn—Senate Sponsor: Senators Van Taylor and Bettencourt*

In 2013, the state legislature authorized public school districts and open-enrollment charter schools to appoint school marshals. The legislation was passed in response to the Sandy Hook Elementary School shooting in late 2012 and the growing concern regarding mass shooting incidents on public school campuses. The purpose of the legislation was to provide public school districts and charter schools an additional option for protecting students, faculty, and other staff on their campuses, but the law did not explicitly authorize private schools to establish a school marshal program.

H.B. 867 authorizes the governing body of a private school to establish a school marshal program. The authorization is permissive, as the governing body of a private school reserves the right to decide whether to appoint a school marshal. H.B. 867 does not require that private schools appoint school marshals. If the governing body of a private school elects to appoint a school marshal, however, the private school must follow the same rules applicable to public and charter school marshals. For example, as is required for public and charter schools, only individuals employed by a private school are eligible for appointment as a school marshal under this bill. An appointed private school marshal may carry or possess a handgun on school premises in a manner provided by the written regulations adopted by the school's governing body. Further, a private school's governing

body may appoint no more than one school marshal per 200 enrolled students or per building at which students receive classroom instruction. Lastly, a private school marshal must undergo the same training and certification required for public and charter school marshals. This bill:

Authorizes a school marshal to make arrests and exercise all authority given peace officers under the Education Code, subject to written regulations adopted by the governing body of a private school under Section 37.0813 (School Marshals: Private Schools), Education Code, as created by this Act.

Defines "private school" and "school marshal."

Prohibits a person from serving as a school marshal unless the person is appointed by the governing body of a private school under Section 37.0813, Education Code.

Amends the heading to Section 37.0811, Education Code, to read "School Marshals: Public Schools."

Prohibits the board of trustees of a school district or the governing body of an open-enrollment charter school from appointing more than the greater of one school marshal per 200, rather than 400, 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. Requires that the written regulations adopted by the board of trustees or governing body also require that a handgun carried by or within access of a school marshal be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement.

Creates Section 37.0813 (School Marshals: Private Schools), Education Code, to prohibit the governing body of a private school from appointing more than the greater of one school marshal per 200 students enrolled in the school or one school marshal per building of the school at which students regularly receive classroom instruction.

Authorizes the governing body of a private school to select for appointment as a school marshal an applicant who is an employee of the school and certified as eligible for appointment.

Authorizes an appointed school marshal to carry or possess a handgun on the physical premises of a school, but only in the manner provided by written regulations adopted by the governing body of a private school.

Requires that any adopted written regulations provide that a school marshal is authorized to carry a certain concealed handgun, except that if the primary duty of the school marshal involves regular, direct contact with students in a classroom setting, the school marshal is prohibited from carrying a concealed handgun but is authorized to possess a handgun loaded only with frangible duty ammunition approved for that purpose on the physical premises of the school in a locked and secured safe within the school marshal's immediate reach when conducting the school marshal's primary duty.

Sets forth provisions regarding when a school marshal may access a handgun, the identity of a school marshal, and the expiration of a school marshal's status. Sets forth a provision regarding notification of a student's parent or guardian of the presence of a school marshal on the campus.

**Background Checks for UIL Sports Officials—H.B. 1075**
*by Representative Ed Thompson—Senate Sponsor: Senator Hancock*

In the 83rd Legislature, Regular Session, 2013, the passage of H.B. 1775 (Ed Thompson et al.; SP: Hancock) (relating to the authority of the University Interscholastic League regarding activities involving sports officials) established guidelines for the University Interscholastic League's (UIL) regulation of sports officials in coordination with autonomous statewide sports officials groups. As part of that regulation, UIL is permitted to require background checks, but the statute is ambiguous and needs clarification.

H.B. 1075 clarifies that sports officials authorized to officiate a contest sponsored by UIL must complete a background check upon initial registration and again once every three years. This bill:

Authorizes UIL to require a sports official, as a condition of eligibility to officiate a contest sponsored by UIL, to meet certain criteria, including be registered with UIL and comply with the registration requirements of Section 33.085(c) (relating to the criminal background check required of a sports official to register with the league), Education Code, and Subsection (c-1), created by this Act, rather than solely Section 33.085(c), Education Code.

Requires that a sports official, in registering with UIL, provide directory information required by UIL and undergo an initial criminal background check.

Requires a sports official, to maintain registration with UIL, to maintain compliance with eligibility requirements by UIL under Section 33.085(b), Education Code, and undergo a subsequent criminal background check once every three years following the date of the initial criminal background check under Section 33.085(c), Education Code.

**Amending the New Instructional Facilities Allotment—H.B. 1081**
*by Representative Arévalo et al.—Senate Sponsors: Senators Watson and Garcia*

H.B. 1081 broadens the definition of what qualifies for the new instructional facilities allotment (NIFA) to include renovation and leasing of existing buildings. Under current law, a school district can only receive NIFA funds for a newly constructed facility. However, some districts, in an attempt to be more efficient with their resources, choose to renovate or lease space, rather than build a new facility. H.B. 1081 properly incentivizes districts to make the most economically responsible choice. This bill:

Provides that for the first two years a student attends a new instructional facility, a school district is entitled to an allotment of $1,000 each year, rather than $250, for each student in average daily attendance at the facility.

Requires that the commissioner of education first apply the appropriated funds to prevent any reduction in the allotment for attendance at an eligible high school instructional facility, subject to a maximum amount of $1,000, rather than $250, for each student in average daily attendance.

Provides definitions for "instructional facility" and "new instructional facility."

**Child Abuse Antivictimization Programs—H.B. 1342 [VETOED]**
*by Representative Parker et al.—Senate Sponsor: Senator Hughes*

H.B. 1342 amends the Education Code to require that child abuse "antivictimization" programs provided by school districts in public elementary and secondary schools include annual child sexual abuse prevention training designed to promote self-protection, prevent sexual abuse and trafficking of children, and reduce child pregnancy. The bill requires school districts to ensure that enrolled students attend the training each year, with the districts providing at least two training opportunities during the year. This bill:

Requires that antivictimization programs in elementary and secondary schools include annual age-appropriate, research-based child sexual abuse prevention training designed to promote self-protection and prevent sexual abuse and trafficking of children.

Requires a school district to choose the provider and delivery method of the training and to include each year a description of the training in an informational handbook provided to students, parents, and guardians, or on the Internet website of the school district.

Requires that each school district submit to the Texas Education Agency (TEA) a report on the number and percentage of students enrolled in the district who attend the required child sexual abuse prevention training during the preceding school year, not later than September 1.

Requires TEA to compile a list of objectives that must be met in a school district's child sexual abuse prevention training.

Authorizes Section 38.004 (Child Abuse Reporting and Programs) and Section 38.0041 (Policies Addressing Sexual Abuse and Other Mistreatment of Children), Education Code, to be cited as Jenna's Law.

**Vocational Teacher Qualifications for Open-Enrollment Charter Schools—H.B. 1469**
*by Representative Bailes—Senate Sponsor: Senator Schwertner*

Interested parties note that open-enrollment charter schools are often unable to find qualified teachers to educate students in vocational classrooms. H.B. 1469 remedies this issue by revising qualifications for certain teachers in charter schools that serve youth referred to or placed in a residential trade center by a local or state agency. This bill:

Creates Subsection (b) under Section 12.129 (Minimum Qualifications for Principals and Teachers), Education Code, to authorize a person, in an open-enrollment charter school that serves youth referred to or placed in a residential trade center by a local or state agency, to be employed as a teacher for a noncore vocational course without holding a baccalaureate degree, if the person has demonstrated certain subject matter expertise related to the subject taught and has received at least 20 hours of classroom management training, as determined by the governing body of the open-enrollment charter school.

**Expanding Achievement Indicators—H.B. 1500 [VETOED]**
*by Representative Giddings et al.—Senate Sponsor: Senator West*

H.B. 1500 gives parents and community members a more accurate portrayal of the ability of school districts and schools to prepare students for postsecondary education by expanding the indicators of achievement under the public school accountability system. The bill amends the Education Code to add the percentage of students who earn an associate's degree to the fourth domain of achievement indicators for evaluating the performance of public high school campuses and the districts that include those campuses, applicable beginning with the 2017–2018 school year. This bill:

Provides that, to the extent feasible, achievement indicators should allow disaggregation by race, ethnicity, and socioeconomic status.

Requires school districts and campuses to be evaluated based on the five adopted domains of indicators of achievement that include, in the fourth domain for evaluating the performance of high school campuses and school districts that include high school campuses, high school graduation rates; the percentage of students who complete a coherent sequence of career and technical or fine arts courses; the percentage of students who complete an advanced placement or international baccalaureate course; the percentage of students who successfully complete an "OnRamps" dual enrollment course; the percentage of students who receive credit by examination; the percentage of students who were promoted to higher grade levels than the grade levels to which the students would ordinarily be assigned; the percentage of students who earn a diploma after not more than three years of high school attendance; and the percentage of students who earn an associate's degree.

Requires school districts and campuses to be evaluated based on the five adopted domains of indicators of achievement that include, in the fourth domain for evaluating the performance of middle and junior high schools and elementary school campuses and school districts that include those campuses, for middle and junior high school campuses, the percentage of students in grades seven and eight who complete a pre-advanced placement course or pre-international baccalaureate course and the percentage of students who participate in a University Interscholastic League A+ academic event.

Requires the commissioner of education (commissioner), for purposes of evaluating the performance of a school district or campus, to determine a method by which the performance of a student is attributed greater weight for each school year a student has been continuously enrolled in the school district or at the campus, as applicable.

Requires the commissioner to adopt rules for computing the percentage of students participating in a University Interscholastic League A+ academic event.

Provides that an overall or domain performance rating of D reflects performance that needs improvement and that an overall or domain performance rating of F reflects unacceptable performance. Provides that a reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, C, or D or performance that is exemplary, recognized, or acceptable or needs improvement.

Authorizes the commissioner to adjust the overall performance rating of a school district or campus if the performance of the district or campus, under the described indicators and based on certain factors, does not meet standards established by the commissioner. Requires the commissioner to

attribute 55 percent of the performance evaluation to the achievement indicators for the first, second, and third domains, provided that the commissioner considers either the district's or campus's performance rating under the first or the second domain, whichever performance rating is higher, unless the district or campus received a performance rating of F in either domain, in which case the district or campus may not be assigned an overall performance rating higher than B.

Provides that if a school district or campus is assigned an overall or domain performance rating of D, the commissioner is required to order the district or campus to develop and implement a targeted improvement plan, approved by the board of trustees of the district, and that interventions and sanctions based on the failure to satisfy certain performance standards apply to the district or campus.

Provides that interventions and sanctions based on the failure to satisfy certain performance standards apply to a district or campus ordered to develop and implement a targeted improvement plan only if the district or campus is assigned an overall or domain performance rating of F.

Requires the commissioner to assign a school district or campus that was assigned an overall performance rating of D for two consecutive school years, after the district or campus was ordered to develop and implement a targeted improvement plan, an overall performance rating of F for the following school year unless, based on the performance of the district or campus in that following school year, the commissioner determines that the district or campus should be assigned a performance rating of C or higher.

Requires the commissioner to assign a school district or campus that was assigned a domain performance rating of D for the same domain for two consecutive school years, after the district or campus was ordered to develop and implement a targeted improvement plan, a domain performance rating of F for that domain for the following school year unless, based on the performance of the district or campus in that following school year, the commissioner determines the district or campus should be assigned a performance rating of C or higher in that domain.

Requires the commissioner to approve or reject any campus turnaround plan prepared and submitted to the commissioner by a school district, not later than June 15 of each year. Requires the commissioner to send the district an outline of the specific concerns regarding the turnaround plan that resulted in the rejection of a campus turnaround plan.

Requires the school district to create a modified plan, with assistance from the Texas Education Agency's staff, and submit the modified plan to the commissioner for approval no later than 60 days after the date the commissioner rejects the campus turnaround plan. Requires the commissioner to notify the district of the commissioner's decision regarding the modified plan no later than 15 days after the date the commissioner receives the modified plan.

Provides that a school district is eligible for designation as a district of innovation only if the district's most recent overall performance rating is exemplary, recognized, or acceptable as reflected by an overall performance rating of A, B, or C.

Provides that this Act applies beginning with the 2017–2018 school year.

**School District Partnerships with Institutions of Higher Education—H.B. 1553**
*by Representative Lozano—Senate Sponsor: Senator Hinojosa*

Currently, school districts in Texas are subject to performance standards determined by the Education Code. If a school district were to fail to meet accreditation criteria, fail to satisfy academic performance standards, or fail to meet any financial accountability standard, the commissioner of education (commissioner) could enforce a range of initiatives to improve performance. If a school district were to receive an accreditation status of accredited-warned or accredited-probation for two consecutive years, the commissioner could revoke the district's accreditation and order the closure of that school district. H.B. 1553 adds the option for the commissioner to initiate a partnership between a failing school district and an institution of higher education (IHE) to improve district performance. This legislation does not force school districts or IHEs into partnerships. Rather, it gives the commissioner an effective and proven tool to help failing school districts in Texas. This bill:

Requires the commissioner, if a school district does not satisfy certain standards, to take certain actions, including authorizing the district to enter into a memorandum of understanding with an IHE that provides for the assistance of the IHE in improving the district's performance to the extent the commissioner determines necessary.

**Disclosing Residential Treatment Facility Records to School Districts—H.B. 1569**
*by Representative Ashby—Senate Sponsor: Senator Nichols*

A number of school districts across the state are responsible for providing education to students who reside in residential treatment facilities, many of whom require special attention, resources, and even security. If such a student were a part of a school district's general population, a parent or guardian would be required to provide documentation to the respective school district. As residential treatment facilities are *in loco parentis*, they should be required to disclose applicable records to school districts. This bill:

Requires a residential facility, with certain exceptions, to provide to a school district or open-enrollment charter school that provides educational services to a resident student any information retained by the facility relating to the student's school records; any other behavioral history information regarding the student that is not confidential under another provision of law; and the student's record of convictions or the student's probation, community supervision, or parole status, as provided to the facility by certain entities, if the information is needed to provide educational services to the student.

Provides that the previous requirement does not apply to a juvenile pre-adjudication secure detention facility or a juvenile post-adjudication secure correctional facility.

**Supporting Student Learning at Home—H.B. 1593**
*by Representative Bohac—Senate Sponsor: Senator Hughes*

During the 84th Legislature, Regular Session, 2015, the Texas Education Agency was directed to collaborate with other state agencies, including the Health and Human Services Commission, that

provide services for children from birth through five years of age to establish prioritized family engagement strategies to be included in a school district's family engagement plan. These engagement strategies are required to be based on empirical research and to be proven to demonstrate significant positive short-term and long-term outcomes for early childhood education.

H.B. 1593 adds language to this statutory framework requiring engagement strategies to include programs and interventions that encourage parental involvement in a child's education. This bill:

Requires that family engagement strategies include programs and interventions that engage a family in supporting a student's learning at home.

## Recognizing Student Participation in the Special Olympics—H.B. 1645

*by Representative Lozano et al.—Senate Sponsor: Senators Zaffirini and Garcia*

While many Texas public school districts have policies that allow students to earn a letter for certain achievements and sports participation, some do not recognize a student's participation in the Special Olympics as a qualifying activity. H.B. 1645 directs a public school district that allows high school students to earn a letter for academic, athletic, or extracurricular achievements to allow such students to earn a letter for participating in a Special Olympics event. This bill:

Requires a school district, if a school district allows high school students to earn a letter for academic, athletic, or extracurricular achievements, to allow high school students in the district to earn a letter on the basis of a student's participation in a Special Olympics event.

## Identifying Dyslexia in Students—H.B. 1886

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

Dyslexia is widely accepted to be one of the most common learning disabilities. Studies indicate that the prevalence of dyslexia in students is between five percent and 17 percent. However, many students with dyslexia miss opportunities to receive assistance because they are not identified soon enough. H.B. 1886 provides for the early identification of and intervention for a student with dyslexia to improve the student's academic success. This bill:

Requires that each regional education service center employ as a dyslexia specialist a person licensed as a dyslexia therapist to provide school districts served by the regional education service center the support and resources necessary to assist students with dyslexia and their families.

Requires that the procedures for compliance with federal requirements relating to transition services for students who are enrolled in certain special education programs specify the manner in which a student's admission, review, and dismissal committee must consider and, if appropriate, address certain issues in the student's individualized education program. Requires that a student's admission, review, and dismissal committee annually review the issues described and, if necessary, update the portions of the student's individualized education program that address those issues.

Requires the commissioner of education (commissioner) to develop and post on the Texas Education Agency's Internet website a list of services and public benefits for which a referral may be appropriate.

Requires that an individual designated to serve as the school district's designee on transition and employment services for students enrolled in special education programs provide information and resources about effective transition planning and services, including each issue described by Section 29.011(a) (relating to issues that each student's ARD committee should address in the student's individualized education program), Education Code, and interagency coordination to ensure that local school staff communicate and collaborate with certain entities, including, as appropriate, local and regional staff of the Texas Workforce Commission.

Requires that the commissioner review and, if necessary, update the minimum training guidelines at least once every four years. Requires that the commissioner solicit input from stakeholders in reviewing and updating the guidelines.

Requires that the translation and employment guide be written in plain language, contain certain information specific to this state, and be provided to a student or parent in electronic or printed form.

Requires the school district at which a student with a disability is enrolled to provide certain information to the student and to the student's parent not later than one year before the 18th birthday of the student.

Requires that students enrolling in public school in this state be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education that requires screening at the end of the school year of each student in kindergarten and each student in the first grade.

Requires the Texas Education Agency to annually develop a list of training opportunities regarding the identification of dyslexia in students that satisfy certain requirements and standards, and that include at least one online opportunity.

**Rules for Educators Who Are Spouses of Military Members—H.B. 1934**
*by Representative Minjarez et al.—Senate Sponsor: Senator Campbell*

Military spouses who are teachers need additional flexibility when seeking an educator certification in Texas because of the hardship that continuous military-directed moves can pose on the spouse's career. H.B. 1934 provides this flexibility by requiring the State Board for Educator Certification (SBEC) to establish procedures to expedite the processing of an application from an out-of-state educator who is the spouse of an active duty military member. This bill:

Requires SBEC to propose rules to establish procedures to expedite the processing of an application for a certificate submitted by an educator whose spouse is on active duty as a member of the armed forces of the United States and to provide in the rules provisions for appropriate documentation to establish an educator's status as such.

Prohibits a temporary certificate, issued under certain provisions to an educator whose spouse is on active duty as a member of the armed forces of the United States, from expiring before the third anniversary of the date on which SBEC completes its review of the educator's credentials and informs the educator of the examination or examinations on which the educator is required to perform satisfactorily to receive a standard certificate.

### Workplace Safety Information in Public School Curriculum—H.B. 2010

*by Representative Greg Bonnen—Senate Sponsor: Senator Larry Taylor*

High school students not planning to pursue higher education often enter the workplace with little to no training in workplace safety. As a consequence, each year roughly 60,000 workers under the age of eighteen are sent to the emergency room for job-related injuries.

H.B. 2010 allows school districts to develop a workplace safety training program, encouraging educators to include workplace safety training information in the curriculum of appropriate courses for students enrolled in grades seven through 12. This bill:

Requires the Texas Education Agency (TEA), on request, to collect and make available to a school district information regarding workplace safety training that may be included as part of the school district's curriculum.

Authorizes a school district to develop a workplace safety program that provides educators access to information regarding workplace safety training and encourages educators to include the information in the curriculum of appropriate courses for students enrolled in grades seven through 12.

### Prekindergarten through Grade Three Early Childhood Certificate—H.B. 2039

*by Representative Huberty et al.—Senate Sponsor: Senator Zaffirini*

Current certification options for Texas educators are broad and often leave teachers underprepared for a student's first years in the classroom. Under existing policy, an early childhood certificate spans from early education to sixth grade. The challenges of teaching three-year-olds and four-year-olds who are in prekindergarten are vastly different from the challenges that teachers face educating older students who could be preparing for STAAR testing. An early childhood certification would focus an educator's preparation more acutely to address these. This bill:

Requires the State Board of Educator Certification (SBEC) to establish an early childhood certificate to ensure that there are teachers with special training in early childhood education focusing on prekindergarten through grade three.

Provides that a person is not required to hold a certificate to be employed by a school district to provide instruction in prekindergarten through grade three.

Requires that a person meet certain qualifications to be eligible for an early childhood certificate and sets forth those qualifications.

Requires that the criteria for a course of instruction on early childhood education in an educator preparation program be developed by SBEC in consultation with faculty members who provide instruction at an institution of higher education in an education preparation program for an early childhood through grade six certificate.

**Restricting Use of Schools' Online Student Information—H.B. 2087**
*by Representative VanDeaver et al.—Senate Sponsor: Senator Larry Taylor*

New technologies allow information to flow within schools and beyond, enabling the development of new learning environments and new tools to understand and improve the way teachers instruct and students learn. H.B. 2087 establishes rules defining when an operator is allowed to use and prohibited from using student data, as well as guidelines for how those operators must protect and delete collected student data. This bill:

Amends Chapter 32, Education Code, by changing the heading to read "Computers, Computer-Related Equipment, and Student Information Protection" and by adding Subchapter D (Student Information).

Defines "covered information," "interactive computer service," "operator," "parent," "school purpose," and "targeted advertising."

Creates Section 32.152 (Prohibited Use of Covered Information), Education Code, to prohibit an operator from knowingly engaging in targeted advertising of covered information; using the information gathered by the operator to create a profile about a student unless the profile is created for a school purpose; or selling or renting any student's covered information, except as provided by this Act. Provides that an operator's collection and retention of account information that remains under the control of the student, the student's parent, or the campus or district is not an attempt by the operator to create a profile.

Creates Section 32.153 (Allowed Disclosure of Covered Information), Education Code, to authorize an operator, national assessment provider, or provider of a college and career counseling service to use or disclose covered information under certain circumstances. Provides that nothing in Subchapter D prohibits an operator's use of covered information for maintaining, developing, supporting, improving, or diagnosing the operator's website, online service, online application, or mobile application.

Creates Section 32.154 (Allowed Use of Covered Information), Education Code, to provide that the added Subchapter D does not prohibit an operator from (1) using covered information that is not associated with an identified student to improve educational products or to demonstrate the effectiveness of the products or services; (2) sharing that covered information for the development and improvement of certain websites and services; (3) recommending to a student additional services or content relating to certain opportunities, if the recommendation is not determined by payment or other consideration from a third party; (4) responding to a student's request for information or for feedback without the information or response being determined by payment or other consideration from a third party; or, (5) if the operator is a national assessment provider or a provider of a college and career counseling service, identifying for a student, with the express affirmative consent of the student or the student's parent, institutions of higher education (IHEs) or scholarship providers that

are seeking students who meet specific criteria, regardless of whether the identified IHE or scholarship provider provides consideration to the operator.

Creates Section 32.155 (Protection of Covered Information), Education Code, to require an operator to implement and maintain reasonable security procedures and practices designed to protect any covered information from unauthorized access, deletion, use, modification, or disclosure.

Creates Section 32.156 (Deletion of Covered Information), Education Code, to require an operator, if a school district requests the deletion of a student's covered information under the control of the school district and maintained by the operator, to delete the information within 60 days after the date of the request, or as otherwise specified in the contract or terms of service, unless the student or the student's parent consents to the operator's maintenance of the covered information.

Creates Section 32.157 (Applicability), Education Code, to provide that Subchapter D does not limit the authority of a law enforcement agency to obtain information from an operator as authorized by law or under a court order; limit the ability of an operator to use student data for adaptive learning or customized student learning purposes; apply to general audience websites, online services, online applications, or mobile applications; limit service providers from providing an Internet connection to school districts or students; prohibit an operator from marketing educational products directly to a student's parent, if the marketing is not a result of certain covered information; impose a duty on a provider of any means of purchasing or downloading software or applications to review or enforce compliance with
Subchapter D on those applications or software; impose a duty on a provider of an interactive computer service to review or enforce compliance with Subchapter D by third-party content providers; prohibit students from downloading, exporting, transferring, saving, or maintaining their data or documents; or alter the rights or duties of an operator, provider, school, parent, or student under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or other federal law.

**Statewide Assessments for Students in Special Education Programs—H.B. 2130**
*by Representative Roberts et al.—Senate Sponsor: Senator Menéndez and Garcia*

Interested parties note that several recent major rule changes from the United States Department of Education have affected special education student populations with regard to testing. Federal rules dictate that a state must test 95 percent of its overall student population in the public schools. With these recent changes, interested parties suggested that the state evaluate the public school system to see whether any changes could be made to achieve better student outcomes and that the state's recent testing data be evaluated. This bill:

Requires that Texas Education Agency (TEA), from funds already appropriated, to conduct a study on the impact of the statewide assessment program on students in certain special education programs by using data collected by TEA, including data collected during the 2015–2016 and 2017–2018 school years.

Requires TEA, in conducting the study, to identify specific recommendations to improve the impact of the statewide assessment program on students in certain special education programs, and to address whether the administration of alternate assessment instruments to students in certain special

education programs complies with the Every Student Succeeds Act; whether administering certain state-required assessment instruments produces certain results; and whether exempting students in certain special education programs would impact the statewide assessment program.

Requires that TEA submit a report, containing its determinations and recommendations, to each member of the legislature no later than October 1, 2018, and publish the report, including certain information regarding the report, on its Internet website.

Provides that this Act expires January 1, 2019.

### Modifying the Campus Turnaround Plan Process—H.B. 2263

*by Representative Gooden—Senate Sponsor: Senator West*

According to interested parties, the continued monitoring of certain public school campuses that have been assigned a campus intervention team is unnecessary. H.B. 2263 removes this unnecessary requirement and allows for a more efficient use of resources.

H.B. 2263 amends the Education Code to remove the requirement that a campus intervention team, for each year a public school campus is assigned an unacceptable performance rating, continue to work with the campus until the campus satisfies all performance standards under the domains of achievement indicators for a two-year period or until the campus satisfies all of those standards for a one-year period and the commissioner of education (commissioner) determines that the campus is operating and will continue to operate in a manner that improves student achievement. This bill:

Deletes existing text requiring that a campus intervention team, for each year a campus is assigned an unacceptable performance rating, continue to work with the campus until certain criteria are met.

Requires that the commissioner, in writing, either approve or reject any campus turnaround plans prepared and submitted to the commissioner by a district not later than June 15 of each year.

Requires the commissioner, if the commissioner rejects a campus turnaround plan, to also send the district an outline of the specific concerns regarding the turnaround plan that resulted in the rejection.

Requires a school district, if the commissioner rejects a campus turnaround plan, to create a modified plan with assistance from the Texas Education Agency staff and submit the modified plan to the commissioner for approval not later than 60 days after the date the commissioner rejects the campus turnaround plan. Requires the commissioner to notify the district in writing of the commissioner's decision regarding the modified plan not later than 15 days after the date the commissioner receives the modified plan.

**Certain Municipal Fees Charged to Public School Districts—H.B. 2369**
*by Representative Nevárez—Senate Sponsor: Senator Lucio*

Currently, some municipalities charge school districts water or sewer rates in excess of the rates they charge other similar entities for providing the same services, through a fee based on the number of students and/or employees in addition to charging them by the number of gallons used. This bill:

Provides that a certain section applies only to fees charged by a municipality for water or sewer service to a public school district (district).

Authorizes a school district charged a fee that violates a certain section, notwithstanding the provisions of a resolution, ordinance, or agreement, to appeal the charge by filing a petition with the Public Utility Commission of Texas (PUC).

Requires PUC to hear the appeal de novo, and provides that the municipality charging the fee has the burden of proof to establish that the fee complies with a certain section. Requires PUC to fix the fees to be charged by the municipality in accordance with certain statutes.

Prohibits a municipally owned utility that provides retail water or sewer utility service to a public district from charging the district a fee based on the number of district students or employees in addition to the rates the utility charges the district for the service.

**Addressing Unwanted Effects of the "Minutes Bill"—H.B. 2442**
*by Representative Ken King—Senate Sponsor: Senator Larry Taylor*

The passage of H.B. 2610 (Ken King et al.; SP: Larry Taylor), 84th Legislature, Regular Session, 2015, was intended to provide schools flexibility in making up the time from missed school days due to extreme weather conditions. The bill, also known as the "Minutes Bill," resulted in the Texas Education Agency being required to intervene to prevent charter schools and pre-kindergarten programs across the state from seeing a significant reduction in funding before the 85th Legislative Session. H.B. 2442 allows school districts to report either minutes or hours of instruction; requires those districts to notify the commissioner of education (commissioner) of their decision; and provides stable funding for charters that were affected by the Minutes Bill. This bill:

Authorizes the commissioner to adopt rules that determine the minutes of operation that make up a school day; that define "minutes of operation" and "minutes of instructional time"; and that establish the minimum number of minutes of instructional time required for a full-day and half-day program to meet the time requirements.

Exempts a school district or education program from the required minimum minutes of operation if the district's or program's average daily attendance (ADA) is calculated to provide at least 43,200 minutes of instructional time to students enrolled in certain dropout recovery schools or programs, an alternative education program, or a school program located at certain treatment or correctional facilities.

Authorizes the commissioner to reduce the amount of funding a district receives in proportion to the ADA calculation for the district if the district operates on a calendar that provides fewer minutes of operation than required.

Amends Section 42.005 (Average Daily Attendance), Education Code, to provide that ADA for a school district that operates a half-day program is one-half of ADA. Requires the commissioner to adopt rules to calculate ADA for students participating in a blended learning program in which classroom instruction is supplemented with applied workforce learning opportunities, including participation of students in internships, externships, and apprenticeships. Provides that a school district or a charter school that operates a prekindergarten program is eligible to receive one-half of ADA if the district's or charter schools' prekindergarten program provides at least 32,400 minutes of instructional time to students.

Provides that a school district or charter school is eligible to earn full ADA if the district or school provides at least 43,200 minutes of instructional time to students enrolled in certain dropout recovery schools or programs, an alternative education program, or a school program located at certain treatment or correctional facilities. Provides that a charter school operating under a charter granted under Chapter 12 (Charters), Education Code, before January 1, 2015, is eligible to earn full ADA for all campuses of the school operating before January 1, 2015, and any campus or site expansion approved on or after January 1, 2015, provided that the school receives an academic accountability performance rating of C or higher and the campus or site expansion is approved by the commissioner. Authorizes a school district campus or charter school to operate more than one program and to be eligible for full ADA for each program if the programs operated by the district campus or charter school satisfy all applicable state and federal requirements.

Requires the commissioner to adopt rules that establish the minimum amount of instructional time per school day that allows a school district or charter school to be eligible for full ADA or one-half of ADA, and to proportionally reduce the ADA for a school district if any campus or instructional program in the district provides fewer than the required minimum minutes of instruction to students.

Authorizes the commissioner to waive requirements or adopt rules to assist school districts in implementing this Act. Provides that this waiver expires at the end of the 2018–2019 school year.

Repeals Section 25.082(a) (relating to a school day being at least seven hours long), Education Code.

Provides that, except as otherwise provided, this Act applies beginning with the 2018–2019 school year.

**Increasing Awareness of Financial Assistance for Postsecondary Education—H.B. 2537**
*by Representative Guerra—Senate Sponsor: Senator West*

Interested parties suggest that students who are in the conservatorship of the Department of Family and Protective Services (DFPS) may be unaware of the availability of education and training vouchers and tuition and fee waivers to attend a public institution of higher education (IHE). H.B. 2537 increases student awareness of available financial assistance by including relevant information

among the information about postsecondary education that a public school counselor is required to provide to students. This bill:

Requires that information on postsecondary education that is required to be provided by a school counselor additionally include information on the availability of education and training vouchers and tuition and fee waivers to attend an IHE, as provided by Section 54.366 (Exemptions for Students under Conservatorship of Department of Family and Protective Services), Education Code, for a student who is or was previously in the conservatorship of DFPS.

**Inventory of Industry-Recognized Credentials for CTE Programs—H.B. 2729**
*by Representative Lucio III—Senate Sponsor: Senator Miles*

Interested parties contend that too many career and technology education (CTE) programs offer industry-based credentials or certificates in areas that are not relevant to workforce needs or that do not lead to middle-wage or high-wage jobs. H.B. 2729 ensures that public high school students enrolled in CTE programs have access to a coherent inventory of industry-recognized credentials and certificates that are aligned to state and regional workforce needs and serve as an entry point to middle-wage or high-wage jobs. This bill:

Requires the Texas Education Agency (TEA), the Texas Higher Education Coordinating Board (THECB), and the Texas Workforce Commission (TWC) to together develop and post on their respective Internet websites, not later than September 1, 2018, an inventory of industry-recognized credentials and certificates that may be earned by a public high school student through a CTE program; that are aligned to state and regional workforce needs; and that serve as an entry point to middle-wage or high-wage jobs.

Requires that the inventory include certain information for each credential or certificate.

Requires that each year, TEA, THECB, and TWC together review and, if necessary, update the inventory to provide a copy of the inventory to each school district and public institution of higher education that offers a CTE program to public high school students.

**School District-Hospital Partnerships for Dual Credit Programs—H.B. 2937**
*by Representative Canales et al.—Senate Sponsor: Senators Lucio and Hinojosa*

Students across the state can take advantage of opportunities to gain credit toward an industry certification or postsecondary degree by enrolling in a dual credit program while still in high school. Dual credit programs are beneficial to students, who save money and time on a postsecondary education, as well as to businesses, many of whom promote such programs to improve the quality of their future workforce. While many dual credit offerings are for students who intend to enter the medical field, there is no current opportunity for a hospital to work directly with a student who wishes to obtain an industry certification in sonography, radiology, or patient care technicians.

H.B. 2937 helps hospitals fill workforce needs by directing the Texas Higher Education Coordinating Board (THECB) to develop a pilot program that allows a school district to partner with

a hospital to offer a dual credit program and helps students by allowing them to work toward receiving an industry certification approved by the Texas Workforce Commission in a high-need medical area. This bill:

Requires THECB, in partnership with a school district, to develop and implement a pilot program under which a licensed hospital may offer dual credit courses to high school students enrolled in the school district.

Requires that THECB select, to participate in the pilot program, one licensed hospital located in a county that borders the United Mexican States and that has a population of at least 700,000 but not more than 800,000 and requires that the hospital be accredited by The Joint Commission and meet certain standards.

Authorizes a selected licensed hospital to offer, under the pilot program only dual credit courses that are in the curriculum of the hospital's instructional program, or a study or degree program as described by this Act. Requires such a hospital, subject to certain provisions, to determine the content of each dual credit course offered under the pilot program with the goal of ensuring that the course is transferable for credit and applicable toward a certificate or degree at an institution of higher education.

Requires a selected licensed hospital to design the dual credit courses offered under the pilot program to enable students to earn a variety of certifications, certificates, and degrees, including at least one certification or certificate while the student is in high school, and requires that the certifications, certificates, and degrees be selected based on certain criteria.

Provides that a student enrolled in a dual credit course offered under the pilot program is entitled to benefits of the Foundation School Program for the time spent by the student on that course, in accordance with rules adopted by the commissioner of education.

Prohibits a student from being charged for tuition, fees, required textbooks, or other instructional materials for a dual credit course offered under the pilot program and provides that the school district in which the student is enrolled is responsible for such costs to the extent that the costs are not waived by the licensed hospital.

Authorizes THECB to adopt rules as necessary to implement this Act.

### Removing Concussed Student Athletes from Play—H.B. 3024

*by Representatives Price and Raymond—Senate Sponsor: Senator Birdwell*

Section 38.156 (Removal from Play in Practice or Competition Following Concussion), Education Code, requires a student athlete to be removed from competition if a coach, parent, physician, athletic trainer, advanced practice nurse, neuropsychologist, or physician assistant believes the student to have sustained a concussion. However, doctors of chiropractic lack this authority, despite being authorized to conduct the preparticipation physical examination required of students participating in interscholastic athletic activities. H.B. 3024 allows a doctor of chiropractic to remove student athletes from play if they are believed to have sustained a concussion. This bill:

Requires a student to be immediately removed from an interscholastic athletics practice or competition if a person licensed under Chapter 201 (Chiropractors), Occupations Code, among certain other persons, believes the student might have sustained a concussion during the practice or competition.

### Excluding Certain Students from Dropout and Completion Rates—H.B. 3075

*by Representative Huberty—Senate Sponsor: Senator Garcia*

Currently, students in a Texas Juvenile Justice Department facility can be provided educational services by a traditional public school district or a charter school. Students who are provided educational services by a public school district are not factored in the computation of dropout and completion rates; however, when a charter school provides educational services to students, the same exemption does not apply.

H.B. 3075 extends the same dropout and completion rate exemption that currently exists for public schools to students receiving educational services through a charter school. This bill:

Requires the commissioner of education to exclude students who are detained at a county pre-adjudication or post-adjudication juvenile detention facility and who, as a result, are provided services by an open-enrollment charter school from being included in the computation of certain dropout and completion rates.

Applies beginning with the 2017–2018 school year.

### Photoscreening Device for Student Vision Screenings—H.B. 3157

*by Representative Dennis Bonnen—Senate Sponsor: Senator Huffman*

Interested parties express concern that schools cannot use a photoscreening device to conduct required vision screenings of students and assert that this technology would provide a more efficient alternative in detecting vision disorders. The goal of H.B. 3157 is to allow the use of a photoscreening device in Texas schools to detect vision disorders. This bill:

Requires that the provisions under Section 36.004 (Screening Program for Special Senses and Communication Disorders), Health and Safety Code, allow an individual who attends a public or private school to be screened using photoscreening to detect vision disorders.

Requires the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement the changes in law made by this Act, as soon as practicable after the effective date of this Act.

**Criminal Background Checks for Public School Contractor Employees—H.B. 3270**
*by Representatives Bohac and Cain—Senate Sponsor: Senator Larry Taylor*

H.B. 3270 addresses confusion among public school districts regarding criminal background checks by clarifying that a full criminal background check should be performed on all employees of a contracting or subcontracting entity working at a public school who will have direct contact with students while performing their job and distinguishes them from other employees who do not have direct contact with students while performing their job by providing that the other such employees do not need to go through the same thorough background check. This bill:

Provides that Section 22.0834 (Criminal History Record Information Review of Certain Contract Employees), Education Code, does not apply to a contracting entity, subcontracting entity, or other person subject to Section 22.08341 (Criminal History Record Information Review by Certain Public Works Contractor), Education Code, as created by this Act.

Defines "contracting entity," "instructional facility," and "subcontracting entity."

Provides that a person who is not an applicant for or holder of a certificate under Subchapter B (Certification of Educators), Chapter 21, Education Code, and who is employed by a contracting or subcontracting entity on a project to design, construct, alter, or repair a public work is governed by Section 22.08341(b), Education Code, as added by this Act, if the person has or will have continuing duties relating to the contracted services and the opportunity for direct contact with students in connection with the person's continuing duties.

Provides that a person does not have the opportunity for direct contact with students if the public work does not involve the construction, alteration, or repair of an instructional facility; if, for a public work that involves construction of a new instructional facility, the person's duties relating to the contracted services will be completed no later than seven days before the first date the facility will be used for instructional purposes; or if, for a public work that involves an existing instructional facility, certain conditions are met.

Prohibits a contracting or subcontracting entity from permitting an employee to provide services at an instructional facility if the employee, during the preceding 30 years, was convicted of certain offenses in which the victim was under 18 years of age or was enrolled in a public school.

Requires a contracting or subcontracting entity that employs a person under Section 22.08341(b), Education Code, to perform certain duties relating to the dissemination of information regarding the employee.

Sets forth provisions regarding a contracting entity and an employee.

**Addressing Shortage of Technical Skills Educators—H.B. 3349**
*by Representative Gervin-Hawkins et al.—Senate Sponsor: Senator Van Taylor et al.*

Interested parties contend that there is a shortage of technical skills educators, which has resulted in a shortage of trained workers in the technical professions. These parties also note that a large number of skilled employees are becoming eligible for retirement, creating a pool of potential teachers for

their respective fields. H.B. 3349 addresses this issue by creating an abbreviated educator preparation program for a candidate seeking certification in trade and industrial workforce training. This bill:

Requires the State Board for Educator Certification (SBEC) to propose rules to create an abbreviated educator preparation program for a person seeking certification in trade and industrial workforce training and to ensure that the program requires at least 80 hours of classroom instruction in a specific pedagogy, the creation of lesson plans and student assessment instruments, classroom management, and relevant federal and state education laws.

Sets forth criteria that must be met for a person to be eligible for admission to an educator preparation program.

Requires SBEC to establish a probationary trade and industrial workforce training certificate and a standard trade and industrial workforce training certificate that may be obtained through an abbreviated educator preparation program. Sets forth provisions regarding eligibility for both a probationary and a standard certificate. Requires SBEC to propose rules to specify the terms of an issued probationary certificate and a standard certificate and to establish requirements for a renewal of a standard certificate.

Provides that a certain limitation on the number of times an examination may be administered does not apply to the administration of the standard trade and industrial workforce training certificate examination prescribed by SBEC.

Authorizes SBEC, notwithstanding any other law, to administer the standard trade and industrial workforce training certificate examination to a person who satisfies certain requirements.

### Clarifying the Purpose of the Instructional Materials Allotment—H.B. 3526

*by Representative Howard—Senate Sponsor: Senator Larry Taylor*

H.B. 3526 clarifies the purpose of the instructional materials allotment by renaming the allotment, as well as renaming a related fund and account, to include technology. This bill:

Changes references to "instructional materials" to "technology and instructional materials" in the following: the technology and instructional materials allotment, the state technology and instructional materials fund, and the technology and instructional materials account.

Requires the commissioner of education (commissioner) to develop and maintain a web portal to assist school districts and open-enrollment charter schools in selecting instructional materials under Section 31.101 (Selection and Purchase of Instructional Materials by School Districts), Education Code. Sets forth provisions regarding the web portal.

Authorizes the commissioner to establish a grant program under which grants are awarded to school districts and open-enrollment charter schools to implement a technology lending program to provide students access to equipment necessary to access and use electronic instructional materials. Sets forth provisions regarding the grant program.

**Removing Duplicate Parental Notifications—H.B. 3563**
*by Representative Koop—Senate Sponsor: Senator Van Taylor*

Before 2015, the No Child Left Behind Act (NCLB) required parental notification regarding the professional qualifications of a student's teacher. At the time, state law required that school districts furnish a similar notice regarding teacher qualifications, unless districts were already providing a notice required by NCLB. In 2015, Congress approved the Every Student Succeeds Act (ESSA), replacing NCLB. Like NCLB, ESSA requires that a school district notify parents of teachers' qualifications.

Due to the lack of updates in state law, school districts are currently required to furnish two notices to parents regarding teacher qualifications: one required by state law, the other mandated by ESSA. H.B. 3563 replaces references to NCLB with references to ESSA. This change updates the parental notification statute to reflect contemporary federal law and eliminates the need for districts to provide parents with two notifications regarding teacher qualifications. This bill:

Provides that Section 21.057(e) (relating to the requirements for exemption from providing notice), Education Code, does not apply if a school is required in accordance with ESSA, to provide notice to a parent or guardian regarding a teacher who does not meet certification requirements at the grade level and subject area in which the teacher is assigned, provided the school gives notice as required by ESSA.

Deletes existing text providing that Section 21.057(e), Education Code, does not apply if a school is required, in accordance with NCLB and its subsequent amendments, to provide notice to a parent or guardian regarding a teacher who is not highly qualified.

**Providing Public Education in Cybersecurity—H.B. 3593**
*by Representative Bernal et al.—Senate Sponsor: Senators Larry Taylor and Miles*

H.B. 3593 addresses the needs of businesses, governmental agencies, and the growing workforce in Texas by providing students a public education in cybersecurity. This bill:

Authorizes a school district to offer courses for local credit, in addition to courses offered in the required curriculum, and requires the State Board of Education (SBOE) to be flexible in approving courses for credit toward high school graduation and to approve courses in cybersecurity.

Requires each school district to annually report to the Texas Education Agency (TEA) names of the courses, programs, institutions of higher education (IHEs), and internships in which a district's students have enrolled.

Authorizes a school district, without obtaining SBOE approval, to offer a course in cybersecurity that is approved by the district's board of trustees for credit, if the school district partners with a public or private IHE that offers an undergraduate degree program in cybersecurity to develop and provide the course.

Requires SBOE, in adopting rules relating to course credits, to adopt curriculum criteria to allow a student to comply with the two-credit language requirement in a language other than English by substituting two credits in computer programming languages, including computer coding.

Authorizes courses directly related to cybersecurity and computer coding to be included among the categories in which an endorsement may be earned.

Requires SBOE, in adopting certain rules, to adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for STEM endorsement.

Entitles a teacher to a subsidy, if the teacher passes a certification examination related to cybersecurity.

Requires TEA, on approval by the commissioner of education, to pay each school district an amount equal to the cost paid to the district for a certification examination.

Requires that the fourth domain—of the five domains of indicators of achievement used in evaluating school districts and campuses, including high school campuses—include, among other criteria, high school graduation rates computed in accordance with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.), rather than the No Child Left Behind Act of 2001.

Authorizes a school district entitled to a new instructional facilities allotment to use funds from the district's allotment to renovate an existing instructional facility to serve as a dedicated cybersecurity computer laboratory.

Applies beginning with the 2017–2018 school year.

**Extending Timeline for Special Education Impartial Due Process Hearing—H.B. 3632**
*by Representative Moody—Senate Sponsor: Senator Rodríguez*

Military families who have a child with a disability often face difficulties balancing the needs of their child at home and at school and in fulfilling all the requirements to best advocate for their child's needs. Allowing service member families to have an extended timeline, instead of one year, could be the difference for a child whose military parent has difficulty meeting Texas's one-year mandate. H.B. 3632 allows military families to take advantage of federal law that prohibits time in active duty from being counted toward Texas's one-year time limit in due process hearings. This bill:

Creates Section 29.0163 (Protection of the Rights of Military Families with Children with Disabilities), Education Code, and defines "servicemember."

Requires the Texas Education Agency to include in the notice of procedural safeguards that the statute of limitations for a parent of a student to request an impartial due process hearing under 20 U.S.C. Section 1415(b) (relating to the types of procedural safeguards) may be tolled if the parent is an active duty service member and 50 U.S.C. Section 3936 (relating to service members' statute of limitations) applies to the parent.

Requires the commissioner of education to adopt rules to implement this Act.

**Online Dropout Recovery Education Programs—H.B. 3706**
*by Representative Lucio III—Senate Sponsor: Senator Lucio*

H.B. 3706 allows school districts to offer online dropout recovery programs in addition to the campus-based programs they already provide. The bill requires including the use of an individual learning plan, an academic coach for each student, and a monthly report sent to a student's school district regarding the student's progress. H.B. 3706 provides campuses and districts the flexibility to increase graduation rates among students who did not graduate high school. This bill:

Authorizes a community-based dropout recovery education program to be offered at a campus or through the use of an Internet online program that leads to a high school diploma and that prepares the student to enter the workforce.

Requires that an Internet online dropout recovery education program include in its curriculum the credentials, certifications, or other course offerings that relate directly to employment opportunities in this state; employ faculty members and administrators who hold baccalaureate or advanced degrees; provide each student an academic coach and local advocate; use an individual learning plan to monitor each student's progress; establish satisfactory requirements for the monthly progress of student according to standards set by the commissioner of education (commissioner); provide a monthly report to a student's school district regarding the student's progress; perform satisfactorily according to the performance indicators and accountability standards adopted by the commissioner for alternative education programs; and comply with Title 2 (Public Education), Education Code, and rules adopted under it.

Includes allowing a student to enroll in an online dropout recovery education program in the list of actions that a school district is authorized to make to provide a program that meets the needs of students.

**Improving Academic Outcomes for Students with Mental Health Issues—H.B. 4056**
*by Representative Rose—Senate Sponsor: Senator Lucio*

H.B. 4056 expands the list of best practice-based programs compiled by the Department of State Health Services (DSHS) and the Texas Education Agency (TEA) to include research-based practices to improve academic outcomes for students with mental health issues. This bill:

Requires DSHS, in coordination with TEA and regional education service centers, to provide and annually update a list of recommended best practice-based programs and research-based practices (list) in the areas of trauma-informed practices, positive school climates, and positive behavior supports, as well as in building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making, among others, for implementation in public schools within the general education setting.

Requires that the suicide prevention programs on the list include training components for counselors, teachers, nurses, administrators, and other staff, as well as for law enforcement officers and social workers who regularly interact with students, to identify certain student interactions.

Requires DSHS and TEA, in developing the list, to consider any existing suicide prevention method developed by a school district and any Internet or online course or program developed in this state or another state that is based on best practices recognized by the Substance Abuse and Mental Health Services Administration or the Suicide Prevention Resource Center.

Requires that any minimum academic qualifications for a certificate issued from the State Board for Educator Certification that require a person to possess a bachelor's degree also require the person to receive, as part of the training required for certification, instruction regarding mental health, substance abuse, and youth suicide. Requires that the instruction required be provided through a program selected from the list.

**Preventing Inappropriate Student-Teacher Relationships—S.B. 7**

*by Senator Bettencourt et al.—House Sponsor: Representative Ken King et al.*

S.B. 7 reduces the risks faced by school districts and students by closing loopholes and providing penalties for conduct relating to an inappropriate relationship between an educator and a student. This bill:

Provides that an employee of a public or private primary or secondary school commits an offense if the employee holds a position described by Section 21.003 (Certification Required), Education Code, regardless of whether the employee holds the appropriate certificate, permit, license, or credential for the position, and engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person whom the employee knows is enrolled in a public or private primary or secondary school, other than the school at which the employee works.

Provides that, in addition to the information required to be reflected in a judgment of conviction entered on or after the effective date of this Act, the judgment should reflect affirmative findings entered pursuant to Article 42.0192 (Finding Regarding Offense Related to Performance of Public Service), Code of Criminal Procedure, as added by this Act.

Provides that Article 42.018 (Notice Provided by Clerk of Court), Code of Criminal Procedure, applies only to conviction or deferred adjudication community supervision granted on the basis of an offense for which a conviction or grant of deferred adjudication community supervision requires the defendant to register as a sex offender under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, or conviction of an offense under Title 5 (Offenses Against the Person), Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed.

Requires a judge, in a trial of an offense described by Section 824.009 (Certain Employees and Annuitants Ineligible for Retirement Annuity; Resumption or Restoration of Eligibilty), Government Code, as added by this Act, to make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that the offense committed was related to the defendant's employment while a member of the Teacher Retirement System of Texas (TRS). Requires a judge who makes an affirmative finding to make the determination and provide the required notice, as applicable.

Requires a superintendent or director of a school district, district of innovation, open-enrollment charter school (charter school), regional education service center (RESC), or shared services arrangement (SSA) to notify the State Board for Educator Certification (SBEC) if an educator employed by or seeking employment by the school district, district of innovation, charter school, RESC, or SSA has a criminal record and the school district, district of innovation, charter school, RESC, or SSA obtained information about the educator's criminal record in a certain manner or if an educator's employment was terminated and there is evidence that the educator committed certain violations.

Requires a superintendent or director of a school district, district of innovation, charter school, RESC, or SSA to complete an investigation of an educator that involves, rather than is based on, evidence that the educator may have engaged in misconduct, despite the educator's resignation from employment before completion of the investigation.

Requires the superintendent or director to notify SBEC by filing a report, in writing and in a form prescribed by SBEC, no later than the seventh business day after the date the superintendent or director receives a certain report from a principal or knew about an educator's termination of employment or resignation following an alleged incident of certain misconduct or an employee's criminal record.

Provides that a superintendent, director, or principal of a school district, district of innovation, charter school, RESC, or SSA who in good faith and while acting in an official capacity files a report with SBEC or communicates with another superintendent, director, or principal concerning an educator's criminal record or alleged incident of misconduct is immune from civil or criminal liability that might otherwise be incurred or imposed, rather than provides that a superintendent or director who in good faith and while acting in an official capacity files a report with SBEC is immune from civil or criminal liability that might otherwise be incurred or imposed.

Requires SBEC to determine whether to impose sanctions, including an administrative penalty, against a principal who fails to provide notification to a superintendent or director or against a superintendent or director who fails to file a report.

Authorizes SBEC, if an educator serving as a superintendent or director fails to take certain required actions, to impose on the educator an administrative penalty of not less than $500 and not more than $10,000. Prohibits SBEC from renewing the certification of an educator against whom an administrative penalty is imposed until the penalty is paid.

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 educator's criminal record or alleged incident of misconduct. Provides that a principal required to notify a superintendent or director about an educator's criminal record or alleged incident of misconduct commits an offense if the principal fails to provide the notice by the required date with intent to conceal an educator's criminal record or alleged incident of misconduct. Provides that such an offense is a state jail felony.

Requires the board of trustees (board) or governing body of a school district, district of innovation, charter school, RESC, or SSA to adopt a policy under which notice is provided to the parent or guardian of a student with whom an educator is alleged to have engaged in misconduct described by

Sections 21.006(b)(2)(A) (relating to abuse or unlawful acts with a student or minor by an educator) or (A-1) (relating to an educator's involvement in a romantic relationship or solicitation or engagement in sexual contact with a student or minor), Education Code, informing the parent or guardian of certain information. Requires that the policy require that the information informing the parent or guardian that the alleged misconduct occurred be provided as soon as feasible after the employing entity becomes aware that alleged misconduct may have occurred.

Requires that an applicant for a certain position with a school district, district of innovation, charter school, RESC, or SSA submit a preemployment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

Requires that an applicant who answers affirmatively concerning an inappropriate relationship with a minor disclose in the affidavit all relevant facts pertaining to the charge, including whether the charge was determined to be true or false; adjudication; or conviction. Provides that an applicant is not precluded from being employed based on a disclosed charge if the employing entity determines, based on the information disclosed in the affidavit, that the charge was false. Provides that a determination that an employee failed to disclose information required to be disclosed by an affidavit is grounds for termination of employment.

Authorizes SBEC to revoke the certificate of an administrator if SBEC determines it is reasonable to believe that the administrator employed an applicant for a certain position, despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor.

Requires that each educator preparation program provide information regarding, among certain other topics, appropriate relationships, boundaries, and communications between educators and students.

Requires that the continuing education requirements for a classroom teacher include instruction regarding, among certain other topics, understanding appropriate relationships, boundaries, and communications between educators and students.

Requires that the continuing education requirements for a principal include instruction regarding, among certain other topics, preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section 21.12 (Improper Relationship Between Educator and Student), Penal Code, or for which reporting is required.

Requires SBEC, not later than the fifth day after the date SBEC receives notice of the conviction or placement on deferred adjudication community supervision of a person who holds a certificate, to revoke the certificate held by the person and provide to the person, to the Texas Education Agency (TEA), and to any school district or charter school employing the person at the time of revocation written notice of the revocation and the basis for the revocation.

Requires a school district or charter school that receives notice of a revocation of a certificate issued to take certain actions against an employed person if the person is employed under a probationary, continuing, or term contract, with the approval of the board or governing body or a designee of the board or governing body.

Provides that a person's probationary, continuing, or term contract is void if, with the approval of the board or governing body or a designee of the board or governing body, the school district or charter school takes certain action.

Authorizes SBEC to suspend or revoke a certificate held by a person, impose other sanctions against the person, or refuse to issue a certificate to the person if the person assists another person in obtaining employment at a school district or charter school, other than by the routine transmission of administrative and personnel files, and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.

Authorizes the commissioner of education (commissioner) to require a school district to revoke or decline to issue a school district teaching permit issued to or requested by a person subject to SBEC action.

Includes the attendance of a relevant witness among certain items the commissioner is authorized to compel by subpoena during an investigation of an educator for an alleged incident of misconduct.

Provides that a document evaluating the performance of a teacher or administrator is confidential and is not subject to disclosure under Chapter 552 (Public Information), Government Code.

Authorizes a school district or charter school to give TEA a document evaluating the performance of a teacher or administrator employed by the district or school for purposes of an investigation conducted by TEA. Authorizes the document, except as otherwise provided by a court order prohibiting disclosure and certain provisions, to be used in a disciplinary proceeding against a teacher or administrator if the document is authorized to be admitted under rules of evidence applicable to a contested case, as provided by Section 2001.081 (Rules of Evidence), Government Code. Provides that the document remains confidential unless the document becomes part of the record in a contested case under Chapter 2001 (Administrative Procedure), Government Code.

Defines "electronic communication."

Requires a school district to adopt a written policy concerning electronic communications between a school employee and a student enrolled in the district. Requires that the adopted policy include provisions designed to prevent improper electronic communications between a school employee and a student; allow a school employee to elect to not disclose to students the employee's personal telephone number or e-mail address; and include provisions instructing a school employee about the proper method for notifying appropriate local administrators about an incident in which a student engages in improper communications with the school employee.

Authorizes the commissioner to authorize special accreditation investigations to be conducted when, among certain other conditions, a school district for any reason fails to produce, at the request of TEA, evidence or an investigation report relating to an educator who is under investigation by SBEC.

Defines "qualifying felony." Provides that a qualifying felony includes any federal offense that contains elements that are substantially similar to the elements of a felony offense.

Provides that Section 824.009, Government Code, as added by this Act, applies only to a person who is a member or an annuitant of TRS and is or was an employee of the public school system. Provides

that a person is not eligible to receive a service retirement annuity (annuity) from TRS if the person is convicted of a qualifying felony of which the victim is a student, with certain exceptions. Requires TRS to suspend payments of an annuity to a person who is not eligible to receive an annuity, as determined by TRS, on receipt by TRS of certain information.

Provides that a person whose conviction is overturned on appeal or who meets the statutory requirements for innocence is entitled to an amount equal to the accrued total of payments and interest earned on the payments withheld during the suspension period and is authorized to resume receipt of annuity payments on payment to TRS of an amount equal to the contributions refunded to the person.

Requires a school at which a person convicted of a qualifying felony was employed, no later than a certain date, to provide written notice of the conviction to TRS. Requires that the notice comply with rules adopted by the board of TRS.

Provides that a person who is not eligible to receive a certain annuity is entitled to a refund of the person's annuity contributions, including interest earned on those contributions. Provides that benefits payable to an alternate payee who is recognized by a domestic relations order established before September 1, 2017, are not affected by a person's ineligibility to receive a certain annuity. Authorizes a court, on conviction of a person for a qualifying felony, to award, in the interest of justice and in the same manner as in a divorce proceeding, any portion or all of the annuity forfeited by the person as the separate property of an innocent spouse if the annuity is partitioned or exchanged by written agreement of the spouses. Prohibits the amount awarded to the innocent spouse from being converted to community property.

Provides that ineligibility for an annuity does not impair a person's right to any other retirement benefit for which the person is eligible.

Requires a court to notify TRS of the terms of a person's conviction of a qualifying felony.

Makes application of Section 21.12, Penal Code, as amended by this Act, prospective.

Requires the board of TRS, not later than December 31, 2017, to adopt the rules necessary to implement Section 824.009, Government Code, as added by this Act.

Makes application of Section 824.009, Government Code, as added by this Act, prospective.

**Establishing the P-TECH Program—S.B. 22**

*by Senator Larry Taylor et al.—House Sponsor: Representative Lucio III et al.*

The P-TECH (Pathways in Technology Early College High School) program is based on an early college high school model but was developed to create a direct pathway for students from high school through college and to the workplace. The program was built upon a partnership between school districts/charters, higher education institutions, and business/industry, with P-TECH students receiving focused education and skills that will prepare them for high-demand jobs. This bill:

Defines "advisory council," "articulation agreement," "institution of higher education," and "P-TECH program."

Sets forth certain membership and appointment criteria for the P-TECH advisory council (advisory council). Requires the advisory council to provide recommendations to the commissioner of education (commissioner) regarding the establishment and administration of the P-TECH program and the criteria for a campus's designation as a P-TECH school. Prohibits a member of the advisory council from receiving compensation for the member's service on the advisory council, but authorizes such member to solicit and accept gifts, grants, and donations to pay for certain expenses. Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the advisory council.

Requires the commissioner to establish and administer a P-TECH program for students who wish to participate in a work-based education program, and sets forth certain requirements for the P-TECH program. Authorizes the commissioner to accept gifts, grants, and donations from any source, including private and nonprofit organizations, for the P-TECH program. Authorizes a private or nonprofit organization that contributes to the P-TECH program to receive an award under Section 7.113 (Employers for Education Excellence Award), Education Code. Requires the commissioner to collaborate with the Texas Workforce Commission and the Texas Higher Education Coordinating Board (THECB) to develop and implement a plan for the P-TECH program that addresses regional workforce needs, credit transfer policies among institutions of higher education, and certain work-based education programs.

Authorizes the board of trustees of a school district (district) or the governing body of an open-enrollment charter school (school) to obtain accident medical expense, liability, or automobile insurance coverage to protect a business or entity that partners with the district or school to provide students with work-based training and education under the P-TECH program and to protect a student enrolled in the district or at the school who participates in the district's or school's P-TECH program. Sets forth requirements regarding the accident medical expense, liability, or automobile insurance coverage.

Provides that a student who participates in the P-TECH program while enrolled in a district or at a school is entitled to immunity in the same manner as a professional employee of a district under Subchapter B (Civil Immunity), Chapter 22 (School District Employees and Volunteers), Education Code, or as an employee of a school under Section 12.1056 (Immunity From Liability and Suit), Education Code.

Authorizes a district or school that implements or seeks to implement the P-TECH program at a campus to apply to the commissioner for designation of the campus as a P-TECH school in accordance with procedures established by the commissioner. Requires the commissioner, by rule, to establish a grant program from funds appropriated for the purpose of assisting districts and schools in implementing the P-TECH program at the campus designated as a P-TECH school. Sets forth requirements regarding the grant program.

Requires the commissioner to adopt rules as necessary to administer the P-TECH program, including rules to ensure that a student participating in the P-TECH program is not considered, for accountability purposes, to have dropped out of high school or to have failed to complete the curriculum requirements for graduation until after the sixth anniversary of the date of the student's first day in high school. Authorizes the rules to provide preference toward a student who is in the first generation to be college-bound in his or her family and to establish other distinctions or criteria

based on student need. Requires the commissioner to consult THECB in administering the P-TECH program. Authorizes THECB to adopt rules as necessary to exercise its powers and duties.

Redefines "sequence of courses."

Amends Section 39.301(c), Education Code, to require that indicators for reporting purposes include, among certain other indicators, results of the SAT, ACT, and certified workforce training programs, rather than include results of the SAT, ACT, articulated postsecondary degree programs and certified workforce training programs.

Amends Section 42.154(a), Education Code, to provide that a district is entitled to $50 for certain full-time equivalent students, who enroll in two or more advanced career and technology education classes that total three or more credits, rather than students who enroll in two or more advanced career and technology education classes that total three or more credits or are enrolled in an advanced course as part of a tech-prep program.

Repeals Section 29.185(b) (relating to requiring the Texas Education Agency to establish certain procedures for each district and school) and Subchapter T (Tech-Prep Education), Chapter 61 (Texas Higher Education Coordinating Board), Education Code.

### Prohibiting a Limitation on Students in Special Education—S.B. 160

*by Senators Rodríguez and Menéndez—House Sponsor: Representative Wu et al.*

S.B. 160 prohibits the Texas Education Agency (TEA) from adopting a policy evaluating school districts based on their special education enrollment, while still preserving the ability to collect data on students receiving special education services. When an 8.5 percent performance target was implemented as part of TEA's Performance-Based Monitoring Analysis System, the national special education average was over 13 percent and Texas's statewide average was about 12 percent. By 2015, Texas's average dropped to 8.5 percent, the lowest of any state, while the national average remained steady. This decrease came at the same time that more than a million new students enrolled in Texas schools. Of the 100 largest school districts in the United States, only 10 have less than 8.5 percent special education enrollment, and all 10 are in Texas. Advocates estimate that more than a quarter of a million students may have gone without special education services because of this policy. Media reports found that these affected students had a variety of needs, including autism, attention-deficit hyperactivity disorder, dyslexia, epilepsy, blindness, and deafness.

The 8.5 percent performance target has subjected the state to ongoing scrutiny from the United States Department of Education, which continues to have grave concerns about the state's compliance with the federal Individuals with Disabilities Education Act (Pub. L. No. 94-142) after hosting a series of listening sessions attended by hundreds of Texans. Multiple school districts have called for an end to the performance target, and advocates have threatened to sue the state unless it is eliminated.

S.B. 160 prohibits TEA from adopting a policy evaluating school districts based on the total number of students in that district receiving special education services. The bill makes clear, however, that TEA is neither impaired in its ability to monitor disproportionality nor to comply with any other state or federal reporting requirements. This bill:

Creates Section 29.0011 (Prohibited Performance Indicator), Education Code.

Prohibits the commissioner of education (commissioner) or TEA, notwithstanding Sections 29.001(5) (relating to TEA oversight of special education programs), Section 29.010 (Compliance), Education Code, or any other provision of this code, from adopting or implementing a performance indicator in any TEA monitoring system, including the Performance-Based Monitoring Analysis System, that solely measures a school district's or open-enrollment charter school's aggregated number or percentage of enrolled students who receive special education services.

Provides that the commissioner or TEA are not prohibited or limited from meeting certain federal requirements.

**David's Law: Anti-Bullying Legislation—S.B. 179**

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

Interested parties note recent concerning instances of student harassment, bullying, and cyberbullying and call for legislation to prevent and combat bullying in a manner that keeps pace with evolving technology. S.B. 179 accomplishes those goals by enacting David's Law, which gives schools and law enforcement more authority to prevent bullying and take disciplinary action when it occurs. This bill:

Redefines "bullying" to include, among other certain acts, "cyberbullying." Defines "cyberbullying" as bullying through the use of any electronic communication device.

Requires the board of trustees of each school district to adopt policies that establish certain procedures concerning providing notice of an incident of bullying to certain concerned parties and the reporting of incidents of bullying. Authorizes each school district to establish a district-wide policy to assist in the prevention and mediation of bullying incidents between students.

Authorizes a student to be removed from class and placed in a disciplinary alternative education program or expelled if the student engages in bullying that encourages a student to commit or attempt to commit suicide, incites violence against a student through group bullying, or releases or threatens to release intimate visual material of a minor or a student who is 18 year of age or older without the student's consent.

Authorizes the principal of a school, or a person designated by the principal (other than a school counselor) to make a report to certain law enforcement agencies if, after an investigation of bullying is completed, the principal has reasonable grounds to believe that a student engaged in conduct that constitutes certain assault or harassment offenses.

Authorizes continuing education requirements for classroom teachers and principals to include instruction regarding 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.

Requires the Texas Education Agency (TEA), in coordination with the Health and Human Services Commission, to establish and maintain an Internet website providing certain resources for school

district or open-enrollment charter school employees regarding working with students with mental health conditions.

Requires the school counselor, in addition to other statutory responsibilities, to serve as a certain impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying.

Authorizes a recipient of cyberbullying behavior who is younger than 18 years of age at the time the cyberbullying occurs, or a parent of or person standing in parental relation to of the recipient, to seek injunctive relief against the individual who was cyberbullying the recipient or, if the individual is younger than 18 years of age, against a parent or person standing in parental relation to the individual. Authorizes a court to issue a temporary restraining order, temporary injunction, or permanent injunction to prevent any further cyberbullying.

Raises the level of offense of harassment from a Class B misdemeanor to a Class A misdemeanor if the actor has previously been convicted of the offense or if the offense harassment by sending certain repeated electronic communications and the offense was committed against a child under 18 years of age with the intent that the child commit suicide or engage in conduct causing serious bodily injury to the child, or the actor has previously violated a temporary restraining order or injunction.

**Funding Public School Transportation in High-Risk Areas—S.B. 195**
*by Senator Garcia et al.—House Sponsor: Representative Allen*

Many cases have been reported of Texas children facing harmful situations on their walk to and from school. Initiatives such as Safe Walk Home, a Houston neighborhood program, have been adopted in certain cities to protect children who are not able to be transported by typical school bus services.

Safe Walk Home was created with the idea of neighborhoods having designated "safe passages" to keep student walkers away from the most dangerous parts of their commutes. A safe passage-style program requires trained volunteers to either walk students to their home or school or to stand guard along safe routes. Large cities, such as Los Angeles and Chicago, have implemented similar programs in school districts that need additional transportation services. These programs take time and resources to be effective. Studies on these established programs have shown that the likelihood of student walkers being exposed to harmful situations decreases over time.

S.B. 195 allows schools in areas indicated to have high incidences of violent crimes, according to law enforcement records, to apply for an additional 10 percent of transportation allotment. Because school district transportation departments already have high demands to meet, these additional funds could be used to fund alternative transportation projects, such as safe passages. This bill:

Authorizes a school district or county to apply for and, on approval of the commissioner of education (commissioner), receive an additional amount to be used for the transportation of students living within two miles of the school they attend who would be subject to hazardous traffic conditions or a high risk of violence if they walked to school.

Requires each board of trustees to provide to the commissioner an explanation, rather than the definition, of the hazardous traffic conditions or areas presenting a high risk of violence applicable to

that district and to identify the specific hazardous or high-risk areas for which the allocation is requested. Provides that a hazardous traffic condition exists under certain conditions. Provides that an area presents a high risk of violence if law enforcement records indicate a high incidence of violent crimes in the area. Requires each board of trustees requesting funds for an area presenting a high risk of violence, in addition to the explanation required by statute, to provide the commissioner with consolidated law enforcement records that document violent crimes identified by reporting agencies within the relevant jurisdiction.

Authorizes a school district or county to use all or part of certain funds received to support community walking transportation programs, including walking school bus programs, provided that the district or county requires each supported program to submit a financial report to the district or county each semester that covers services provided by the program for the benefit of the district or county. Requires the commissioner to adopt rules governing the transportation allotment as necessary to permit a district or county to receive certain funds that may be used to support innovative school safety projects, including community walking transportation programs, and any other appropriate safety project, including rules defining an approved walking-route mile.

### Parental Notification of Public School Staff Availability—S.B. 196 [VETOED]

*by Senator Garcia et al.—House Sponsor: Representative Coleman*

Nurses, school counselors, and librarians all play a critical role in a student's well-being in and outside of the classroom. School counselors address children's mental health concerns, nurses address children's physical health concerns, and librarians often help students with research and college preparedness. Therefore, when a student does not have access to one or more of these staffers, a parent has a right to know.

S.B. 196 requires that parents receive notification if their child's school does not have a full-time nurse, school counselor, or librarian, or the equivalent thereof, and that every effort is made to ensure that the notice is translated in a bilingual form. S.B. 196 applies to all Texas public schools and open-enrollment charter schools beginning with the 2017–2018 school year. This bill:

Creates Section 25.097 (Parental Notification Concerning Nurses, School Counselors, and Librarians), Education Code, and defines "librarian," "nurse," and "school counselor."

Requires a public school, including an open-enrollment charter school, that does not have a full-time nurse, school counselor, or librarian, or the equivalent thereof, who is assigned to be present at the school for more than 30 consecutive instructional days during the same school year to provide written notice of the absence to the parent of, or other person standing in parental relation to, each student enrolled in the school.

Sets forth the full-time equivalents of a nurse, counselor, and librarian if a school does not have a full-time nurse, full-time counselor, or full-time librarian.

Requires the principal of a school to provide the required notice not later than 30 instructional days after the first day on which the school does not have a full-time nurse, school counselor, or librarian assigned to be present at the school.

Requires a school to make a good faith effort to ensure that the required notice is provided in a bilingual form to any parent or other person standing in parental relation whose primary language is not English and to retain a copy of such notice.

Authorizes a school to satisfy the notice requirement by posting the notice on the school's Internet website. Requires that the posted notice be accessible from the home page of the Internet website by use of not more than three links.

Provides that Section 25.097, Education Code, does not apply to a school district or open-enrollment charter school with a student enrollment of fewer than 10,000 students.

### Adult High School Diploma and Industry Certification—S.B. 276

*by Senators Watson and Hughes—House Sponsor: Representative Parker*

S.B. 276 seeks to increase the enrollment and graduation rates of high school dropouts and provide students with resources and training that will help maximize their potential by, among other things, removing the cap on the number of students who may attend an adult high school diploma and industry certification charter school program (pilot program). This bill:

Authorizes the commissioner of education (commissioner), notwithstanding any other law and in addition to the number of charters allowed under statute, to grant a charter under the pilot program, on the basis of an application submitted, to a single nonprofit entity to provide an adult education program for eligible individuals to successfully complete certain programs or courses.

Requires a granted charter granted to establish specific, objective standards for receiving a high school diploma, including successful completion of, if applicable to the program participant, the curriculum requirements under Section 28.025 (High School Diploma and Certificate; Academic Achievement Record), Education Code, or the appropriate curriculum requirements applicable to the program participant.

Requires the commissioner to develop and adopt performance frameworks that establish standards by which to measure the performance of an adult high school program operated under a granted charter in a manner consistent with the requirements provided in statute for an open-enrollment charter school and to evaluate annually the performance of an adult high school program based on the applicable performance frameworks adopted. Requires the commissioner to include certain performance indicators in the adopted performance frameworks. Provides that the annual evaluation begins with the 2017–2018 school year.

Requires the commissioner to adopt rules as necessary to implement and administer the reporting requirements under Subsection (n)(2)(A) (relating to the impact of the Public Education Information Management System on an adult education program) and the evaluation provisions as added by this Act.

Authorizes the commissioner or an adult education program operated under a granted charter to accept gifts, grants, or donations from any public or private source to be used for certain purposes.

Repeals Section 29.259(l) (relating to requiring TEA to prepare and deliver a certain report), Education Code.

**Special Education Continuing Advisory Committees—S.B. 436**
*by Senator Rodriguez—House Sponsor: Representative Tomas Uresti*

The Texas Special Education Continuing Advisory Committee (CAC) was established to provide policy guidance to the Texas Education Agency (TEA) regarding special education and related services for children with disabilities. CAC members are supposed to comment on TEA rules and regulations concerning education of children with disabilities and advise TEA on, among other things, identifying unmet needs, reporting data, and developing evaluations and policies concerning services for children with disabilities.

However, interested special education stakeholders complain that, as CAC is currently managed by TEA, CAC is difficult to contact, provides little information to the public, discourages public input at meetings, and does not provide adequate public information about meetings. In particular, according to stakeholders, the CAC's website lacks meeting agendas, making it difficult for the public to know when CAC will next meet, and the meeting notes are brief, uninformative, and are not posted in a timely fashion. Stakeholders complain that CAC unduly limits public testimony at meetings by strictly limiting the total number of members of the public who may testify and requiring that public comments be approved days in advance of a meeting.

The Texas Sunset Advisory Commission, during its review of the agency in 2015, found that TEA limits public involvement in CAC meetings and made specific recommendations for how TEA might implement a policy to encourage consequential stakeholder involvement in CAC. TEA agreed with these recommendations.

S.B. 436 improves CAC by increasing transparency and better encourages public involvement by providing opportunities for more robust public input. This bill:

Requires that CAC meetings be conducted in compliance with Chapter 551 (Open Meetings), Government Code.

Requires CAC to provide a procedure for members of the public to speak at CAC meetings. Prohibits the procedure from requiring a member of the public to register to speak earlier than the day of the meeting.

Requires TEA to post on TEA's Internet website contact information for CAC, including an e-mail address; notice of each open meeting of CAC, as well as the minutes of each open meeting; and guidance concerning how to submit public comments to CAC.

Requires CAC to develop a policy to encourage public participation with CAC.

Requires CAC, not later than January 1 of each odd-numbered year, to submit a report to the legislature with recommended changes to state law and TEA rules relating to special education. Requires CAC to include its current policy on encouraging public participation, as required, in the report.

**Individual Graduation Committees to Determine Student Requirements—S.B. 463**
*by Senator Seliger et al.—House Sponsor: Representatives Huberty and Lozano*

The 84th Legislature, Regular Session, 2015, passed S.B. 149 (Seliger et. al; SP: Huberty) to allow students who are juniors or seniors and fail to pass one or two end-of-course (EOC) exams required for graduation to receive consideration by an individual graduation committee (IGC). An IGC requires a student to complete additional remediation and completion of a project or portfolio in the area in which the student failed the examination. An IGC considers, when determining whether a student will graduate, such factors as the student's grades in relevant coursework, overall attendance rate, score on the Texas Success Initiative, completion of dual credit courses and courses toward a professional certification, and preparedness for college or a career.

The provisions of S.B. 149 expire on September 1, 2017. S.B. 463 removes the sunset date and makes the provisions permanent. This bill:

Provides that an open-enrollment charter school is subject to the graduation qualification procedure established by the commissioner of education (commissioner) and that this provision expires September 1, 2019.

Requires the commissioner to establish a procedure to determine whether a student who enters the ninth grade before the 2011–2012 school year and meets other criteria may qualify to graduate and receive a high school diploma.

Sets forth criteria for school districts regarding graduation qualifications that the commissioner must establish. Provides that a school district's decision regarding whether a student qualifies to graduate and receive a high school diploma is final and prohibited from being appealed.

Amends the heading to Section 28.0259, Education Code, to read "School District Reporting Requirements for Students Graduating Based on Individual Graduation Committee Review Process" and provides that the section expires September 1, 2019.

Requires the Texas Higher Education Coordinating Board (THECB), in coordination with the Texas Education Agency, to collect longitudinal data relating to the postgraduation pursuits of each student who is awarded a diploma based on the determination of an IGC, including whether the student enters the workforce; enrolls in an associate's degree, bachelor's degree, or certification program at a public or private institution of higher education; or enlists in the armed forces of the United States or the Texas National Guard. Requires THECB, not later than December 1 of each even-numbered year, to provide a report to the legislature that includes a summary compilation of the data collected that is presented in a manner that does not identify an individual student.

Prohibits a school district from administering an assessment instrument required for graduation administered under Section 39.025 (Secondary-Level Performance Required), Education Code, as the section existed before amendment by Chapter 1312 (S.B. 1031) (relating to the authority of certain counties to impose a county hotel occupancy tax and the rate of the tax), Acts of the 80th Legislature, Regular Session, 2007.

Authorizes a school district to administer an alternate assessment instrument designated by the commissioner to students who fail to perform satisfactorily on certain EOC assessment instruments. Prohibits a school district from administering an assessment instrument, or part of an assessment

instrument, that assesses a subject that was not assessed in certain EOC assessment instruments applicable to the student.

**Preventing E-Cigarettes in Public Schools—S.B. 489**
*by Senator Lucio et al.—House Sponsor: Representative Alvarado*

E-cigarettes, as a nicotine-based product, have all the dangers of addiction and many of the health consequences of traditional cigarettes. However, the perception of e-cigarettes as a healthy alternative to cigarettes persists and, consequently, the use of these products among young people is increasing. During the 84th Regular Session, the legislature took steps to regulate and mitigate the use of e-cigarettes, but their efforts have not been met with corresponding health curriculum in public schools.

S.B. 489 amends existing statute regarding health education instruction to include e-cigarettes among a local school health advisory council's recommendations regarding tobacco. This bill:

Provides that a local school health advisory council's duties include recommending policies, procedures, strategies, and curriculum that are appropriate for specific grade levels and that are designed to prevent certain health concerns through the coordination of, among certain other items, instruction to prevent the use of e-cigarettes and tobacco.

**PEIMS Data on Public School Counselors—S.B. 490**
*by Senator Lucio—House Sponsor: Representatives Huberty and Lucio III*

The legislature regularly uses data collected through the Public Education Information Management System (PEIMS) to inform policymaking related to public schools. However, PEIMS and related reports do not currently include data on the number of school counselors in a school district, making it difficult for lawmakers to make informed policy decisions regarding these staff members. PEIMS also reduces transparency, depriving parents of access to meaningful information about the public school system. S.B. 490 increases transparency to enable parents to more effectively advocate for their child and make choices regarding their child's public education. This bill:

Requires that the information about postsecondary education required under Section 33.007 (Counseling Regarding Postsecondary Education) include information regarding, among other topics, the availability of education and training vouchers and tuition and fee waivers to attend an institution of higher education for a student who is or was previously in the conservatorship of the Department of Family and Protective Services (DFPS). Requires a school counselor, when providing such information, to report to the student and the student's parent or guardian the number of times the counselor has provided the information to the student.

Requires that the annual report describing the educational performance of a district and of each campus in the district also include the number of school counselors providing counseling services at each campus.

Requires the commissioner of education (commissioner), by rule, to require each school district and open-enrollment charter school to report through PEIMS information regarding the availability of school counselors at each campus and the number of full-time equivalent school counselors providing counseling services at each campus. Requires the Texas Education Agency to maintain the information reported.

Defines "full-time equivalent school counselor."

**Use of Epinephrine Auto-Injectors by Private Schools—S.B. 579**
*by Senator Van Taylor—House Sponsor: Representative Cortez*

Private schools are not currently required to have epinephrine auto-injectors available to treat individuals suffering from anaphylaxis who may have an undiagnosed food allergy. S.B. 579 increases the safety of private school students by authorizing the use of epinephrine auto-injectors on private school campuses and at, or in transit to or from, off-campus private school events. This bill:

Authorizes each private school to adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors on campus and at, or in transit to or from, off-campus school events, beginning with the 2017–2018 school year.

**Incentivizing Dual Language Immersion Programs—S.B. 671**
*by Senators Campbell and Zaffirini—House Sponsor: Representative Guillen*

S.B. 671 incentivizes student participation in dual language immersion programs in elementary school and acknowledges the achievements of these students by allowing them to receive one of the two foreign language credits that are currently required to graduate from high school. This will free up one elective for students who have already demonstrated proficiency in a foreign language through a dual language immersion program to pursue other academic endeavors. This bill:

Requires the State Board of Education (SBOE), in adopting rules under Section 28.025(b-1) (relating to requiring SBOE by rule to require certain curriculum requirements to be successfully completed by students), Education Code, to adopt criteria to allow a student to comply with the curriculum requirement for one credit under Section 28.025(b-1)(5) (relating to curriculum requirements of two credits in the same language other than English), Education Code, by successfully completing a dual language immersion program at an elementary school.

**Donating and Distributing Food at Public Schools—S.B. 725**
*by Senator Miles et al. —House Sponsor: Representative Bernal et al.*

Texas ranks second in the nation for food insecurity and 1.9 million Texas children are considered food insecure. Many of these children do not have access to food at home or over the weekend. In order to help children access meals on a consistent basis, schools are able to provide food to students on campus through the federal free and reduced breakfast, lunch, snack and dinner programs. However, not all free and reduced meal options are offered on all campuses. In addition, oftentimes

unopened and uneaten food that has been served to students as part of these meal programs is thrown away. Examples of unopened, uneaten food include: packaged/unpackaged unserved food; served/unserved food with packaging in good condition; whole, uncut produce; wrapped raw produce, and/or fruit which will be peeled (bananas, oranges).

The federal Bill Emerson Good Samaritan Act permits the left-over food that has been served and is uneaten to be donated by the school to a non-profit organization, like a food bank. Once the food is donated, it leaves the campus for the non-profit organization's facility, where it is sorted and prepared for distribution to those in need. Currently, this model does not allow for students who attend the school and are food insecure to access this leftover/donated food directly. This bill:

Defines "donate" and "nonprofit organization."

Authorizes a school district or open-enrollment charter school to allow a campus to elect to donate food to a nonprofit organization through an official of the nonprofit organization who is directly affiliated with the campus, including a teacher, counselor, or parent of a student enrolled at the campus.

Authorizes the donated food to be received, stored, and distributed on campus. Authorizes food donated by the campus to include certain items.

Authorizes food donated to a nonprofit organization to be distributed at the campus at any time and authorizes campus employees to assist in preparing and distributing the food as volunteers for the nonprofit organization.

Authorizes a school district or open-enrollment charter school, under this program, to adopt a policy under which the district or charter school provides food at no cost to a student for breakfast, lunch, or dinner meals or a snack if the student is unable to purchase breakfast, lunch, or dinner meals or a snack.

Authorizes the commissioner of education to adopt rules as necessary.

**Alternative to Guardianship with SDMAs—S.B. 748**

*by Senators Zaffirini and Garcia—House Sponsor: Representative Allen*

A supported decision-making agreement (SDMA) is recognized in court as a viable alternative for guardianship but is not recognized in the Texas Education Code as a means for parents of students in special education to be involved in decisions relating to their child's educational plan after the child legally becomes an adult. Because Texas law only lists guardianship explicitly as a tool for parents of children with disabilities to maintain a decision-making role in their child's education after the child becomes an adult, schools may default to advising such parents to become their child's guardian when an SDMA might be more appropriate.

S.B. 748 modernizes the Education Code to recognize SDMAs as an alternative to guardianship, maximizes the autonomy of persons with disabilities, and requires a more comprehensive guide relating to transition planning for school districts. This bill:

Requires the commissioner of education (commissioner) to adopt procedures for compliance with federal requirements relating to transition services for students who are enrolled in special education programs. Requires that the procedures specify the manner in which a student's admission, review, and dismissal (ARD) committee are required to consider, and if appropriate, address certain enumerated issues in the student's IEP.

Requires a student's ARD committee to annually review the issues and, if necessary, update the portions of the student's IEP that address those issues. Requires the commissioner to develop and post on the Texas Education Agency's (TEA's) Internet website a list of the services and public benefits for which referral may be appropriate. Requires a designated individual to provide information and resources about effective transition planning and services and interagency coordination to ensure that local school staff communicate and collaborate with certain entities.

Requires the commissioner to review and, if necessary, update the minimum training guidelines at least once every four years using input from stakeholders.

Sets forth requirements for the transition and employment guide.

Requires a school district to provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at the first ARD committee meeting at which transition is discussed that occurs after the date on which the guide is updated and, on request, provide a printed copy of the guide to a student or parent if a student has already had an ARD committee meeting discussion transition.

Requires a school district in which a student with a disability is enrolled, not later than one year before the 18th birthday of the student, to provide to the student and the student's parents written notice regarding a transfer of rights and information and resources on guardianship, alternatives to guardianship, and other supports and services that may enable the student to live independently, and to ensure that the student's IEP includes a statement that the district provided the required notice, information, and resources.

Sets forth requirements for a school district that relate to notice of a student's transference of rights and alternatives to guardianship.

Requires the commissioner to develop and post a model form and other information and resources on TEA's Internet website.

Provides that nothing prohibits a student from entering into an SDMA after a transfer of rights.

Applies beginning with the 2018–2019 school year.

## Extending and Modifying Public School District Depository Contracts—S.B. 754

*by Senator Perry—House Sponsor: Representative Ken King*

The Education Code currently requires a school district to have a depository bank in Texas into which the Texas Education Agency can deposit funds for the district. A school district creates a depository relationship with a bank by executing a depository contract, which must be renewed every two years, with the bank.

Currently, an extension of a depository contract for a school district may extend for a second two-year term if: (1) the district did not file an extension in the two previous bienniums; and (2) the district and the depository bank agree to extend the current depository contract with no changes made to the contract, other than the extension of the contract term. If a contract expires, a new contract is selected through a competitive bidding or proposal process. This bill:

Authorizes a school district and the district's depository bank to agree to extend a depository contract for three, rather than for two, additional two-year terms. Authorizes the contract to be modified for each two-year extension, if both parties mutually agree to the terms.

**Increasing SBOE's Authority to Review Instructional Materials—S.B. 801**
*by Senator Seliger et al.—House of Representatives Sponsor: Representative Ken King*

The State Board of Education (SBOE) is directed by statute to adopt a list of instructional materials for use in each subject and grade level; however, current law limits what SBOE can review prior to adoption. Specifically, SBOE may, prior to adoption, ensure that the materials are free from factual errors; contain at least half of the elements of the Texas Essential Knowledge and Skills; and meet applicable physical specifications. S.B. 801 allows SBOE to also consider whether instructional materials are suitable for the subject and grade level for which they were submitted. This bill:

Amends Sections 31.023(b) and 31.035(a), Education Code, to additionally require that each listed instructional material and each unlisted supplemented instructional material, respectively, be suitable for, and reviewed by academic experts in, the subject and grade level for which the instructional material was submitted.

**School District Discretion in College Preparation Assessments—S.B. 825**
*by Senator Larry Taylor—House Sponsor: Representative Huberty*

Ten years ago, the legislature passed legislation to support the state's college-readiness agenda by requiring school districts to assess all eighth and 10th graders with a valid, reliable, and nationally recognized-referenced college-readiness assessment, subject to state funding. The program was funded in 2009–2010 and the number of students taking college-readiness assessments expanded significantly.

Counselors use the diagnostic information provided by these assessments to help eighth grade students make informed decisions, as well as to identify 10th graders for advanced coursework. Today's college-readiness assessments have also evolved to connect students to many more opportunities to support their college and career ambitions.

Current law requires school districts to administer college-readiness assessments to eighth and 10th graders if the state funds the assessments. S.B. 825 simply makes the law permissive so that school districts have the option to offer these assessments if the program's funding is restored. This bill:

Provides that, in addition to the assessment instruments otherwise authorized or required by Subchapter B (Assessment of Academic Skills), Education Code, a school district is authorized,

rather than is required, to administer to students in the spring of eighth grade a certain college preparation assessment instrument for the purpose of diagnosing the academic strengths and deficiencies of students before entrance into high school and to administer to students in the 10th grade a college preparation assessment instrument with certain criteria for the purpose of measuring a student's progress toward readiness for college and the workplace each school year and at state cost.

**Flexibility in Sequencing Mathematics and English Courses—S.B. 826**
*by Senator Larry Taylor—House Sponsor: Representative Huberty*

S.B. 826 corrects course sequencing to prevent unintended consequences for high school students by allowing flexibility and personalization in learning. The bill allows students who intend to graduate within three years to concurrently enroll in English III and English IV and in Algebra I and geometry. S.B. 826 allows students who are taking courses nonsequentially or concurrently, due to a failed English or mathematics course early in their high school years, to still graduate in four years. This bill:

Requires the State Board of Education (SBOE), in adopting rules under Subsection (b-1) (relating to certain curriculum requirements for the foundation high school program), Section 28.025 (High School Diploma and Certificate; Academic Achievement Record), Education Code, to provide for a student to comply with the curriculum requirements for certain advanced English, mathematics, and science courses by successfully completing a content-appropriate course that has been approved by SBOE rule as an advanced course or that is offered as an advanced course for credit without SBOE approval.

Deletes existing text requiring that certain advanced English and mathematics courses, for which SBOE is required to adopt rules, be taken only after completing English I, English II, English III, Algebra I, and geometry, as appropriate, and allow a student to comply with certain curriculum requirements by successfully completing certain advanced career and technical courses.

Applies beginning with the 2017–2018 school year.

**Alternate High School Graduation Assessments—S.B. 1005**
*by Senator Campbell—House Sponsor: Representative Deshotel*

A certain subset of students is unable to use the SAT or the ACT as a secondary exit-level assessment to receive a high school diploma, which compels the maintenance of the secondary exit-level assessment, despite it having been replaced. S.B. 1005 addresses this issue by giving the commissioner of education (commissioner) the flexibility to designate an alternate assessment for these students, thereby preventing the commissioner from having to maintain and administer a secondary exit-level assessment. This bill:

Requires that the rules developed by the commissioner to replace general subject assessment instruments administered at the high school level with end-of-course (EOC) assessment instruments provide that the EOC assessment instruments for secondary-level courses in Algebra I, biology,

English I, English II, and United States history be administered beginning with students enrolled in the ninth grade for the first time during the 2011–2012 school year. Provides that the commissioner is not required after September 1, 2017, to maintain and administer certain assessment instruments.

Requires that, during the transition period to EOC assessment instruments, the commissioner retain, administer, and use, for purposes of accreditation and other campus and district accountability measures, certain criterion-referenced assessment instruments and secondary exit-level assessment instruments for students entering a grade above the ninth grade during the 2011–2012 school year or for students repeating the ninth grade during the 2011–2012 school year. Prohibits these students from receiving a high school diploma unless they have performed satisfactorily on the SAT, the ACT, the Texas Success Initiative (TSI) diagnostic assessment, or the current assessment instrument or instruments administered for graduation purposes, among others.

Requires the commissioner to establish satisfactory performance levels for the SAT, the ACT, the TSI diagnostic assessment, and the current assessment instrument or instruments administered for graduation purposes that are equivalent in rigor to the performance level that qualifies a student to receive a high school diploma.

Requires a school district to determine which assessment or assessments qualify a student who is subject to this bill to receive a high school diploma from the district.

### Expanding and Improving Parental Rights and Notifications—S.B. 1153

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

S.B. 1153 addresses concerns relating to parental rights and information regarding certain intervention strategies used with public school students by expanding parental rights and by requiring each school district to notify a parent of each child receiving assistance from the district for learning difficulties. This bill:

Provides that an open-enrollment charter school (charter school) is subject to a prohibition, restriction, or requirement, as applicable relating to a parent's right to information regarding the provision of assistance for certain learning difficulties to the parent's child.

Defines "intervention strategy" and provides that a parent is entitled access to all written records of a school district concerning the parent's child, including records relating to assistance provided for learning difficulties and information collected regarding any intervention strategies used with the child.

Requires the Texas Education Agency (TEA) to produce and provide a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education that states that a parent is entitled at any time to request an evaluation of the parent's child for special education services under Section 29.004 (Full Individual and Initial Evaluation), Education Code, or for aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

Requires that each school district, each school year, notify a parent of each child–other than a child enrolled in a special education program under Subchapter A (Special Education Program), Chapter

29 (Educational Programs), Education Code, who receives assistance from the school district for learning difficulties, including through the use of intervention strategies that the school district provides that assistance to the child. Sets forth requirements of the notice. Authorizes the notice to be provided to a child's parent at a meeting established for the child under Section 504, Rehabilitation Act of 1973, if applicable.

Requires the commissioner of education, by rule, to require each school district and charter school to annually report through the Public Education Information Management System information regarding the total number of enrolled students, other than certain students, with whom the school district or charter school, as applicable, used intervention strategies or to whom the school district or charter school provided aids, accommodations, or services under Section 504, Rehabilitation Act of 1973, at any time during the year for which a report is made. Requires TEA to maintain the provided information.

Applies beginning with the 2017–2018 school year.

**Establishing Charter Schools in Juvenile Facilities—S.B. 1177**

*by Senators Hughes and Bettencourt—House of Representatives Sponsor: Representative Koop*

S.B. 653, 82nd Legislature, Regular Session, 2011, merged the Texas Youth Commission and the Texas Juvenile Probation Commission into one new agency, the Texas Juvenile Justice Department (TJJD). To help meet the educational needs of students under the supervision of TJJD, the bill authorized the commissioner of education (commissioner) to grant a charter to a detention, correctional, or residential facility. The bill's intent clearly was to provide beneficial educational options in correctional settings, but, in effect, a charter school wishing to work with juvenile offenders encounters several unintended obstacles due to the way the law was drafted. S.B. 1177 corrects these deficiencies to further the intent of this earlier legislation on juvenile justice reform.

First, S.B. 1177 authorizes the commissioner to grant a charter to an organization contracting with a detention, correctional, or residential facility to provide educational services. Furthermore, S.B. 1177 clarifies that a charter school authorized by the commissioner to serve students in juvenile facilities may receive standard funding levels from the state as do other open-enrollment charters. S.B. 653 authorized the establishment of such charters but was silent on funding, an oversight that has complicated the application process for charters wishing to operate in correctional facilities.

S.B. 1177 ensures that the Texas Education Agency has clear license to establish charter schools in juvenile facilities and that such charters receive the standard level of funding from the state. This bill:

Authorizes the commissioner to grant a charter on the application of a detention, correctional, or residential facility established only for certain juvenile offenders, or an eligible entity that has entered into a contract with a facility, in addition to the number of charters allowed under Subchapter D (Open-Enrollment Charter School), Chapter 12 (Charters), Education Code.

Requires that the facility or eligible entity, if a certain local detention, correctional, or residential facility or a certain eligible entity that has entered into a contract with a facility applies for a charter, provide all educational opportunities and services, including special education instruction and related

services, that a school district is required under state or federal law to provide for students residing in the district through a charter school.

Requires the commissioner to adopt a form and procedure to allow a certain detention, correctional, or residential facility or a certain eligible entity that has entered into a contract with a facility to apply for a charter. Requires that the application form and procedure be comparable to the applicable statutory requirements and include any requirements provided under Subchapter D, Chapter 12, Education Code.

Provides that a charter school operating under a charter is entitled to receive open-enrollment charter school funding under Chapter 42 (Foundation School Program), Education Code, in the same manner as an open-enrollment charter school operating under Subchapter D, Chapter 12, Education Code.

Requires the commissioner to adopt necessary rules, including rules that modify the requirements for charter schools as necessary to allow a charter school to operate in a certain detention, correctional, or residential facility.

Defines "eligible entity."

### Easing School Transitions for Substitute Care Students—S.B. 1220

*by Senator Miles et al.—House Sponsor: Representative Vo*

S.B. 1220 develops systems that ease and accelerate transitions for substitute care students from one school to another in an effort to ensure continuity of education. A substitute care student is a student in grade school who is registered as homeless or who lives within a foster care or group home system. This bill would aid in making it easier and faster to transfer school records and ensures that these students have access to information regarding higher education, career information, and skill certifications. This bill:

Reenacts Section 25.007(b), Education Code, and amends it to require the Texas Education Agency (TEA) to assist in the transition of students who are homeless or in substitute care from one school to another by developing procedures to ensure that a new school relies on decisions made by a previous school regarding a student's placement in courses or educational programs and places the student in comparable courses or educational programs that are available at the new school and by requiring school districts, campuses, and open-enrollment charter schools to accept from a school previously attended by the student a referral for special education services made for the student and provide comparable services to the student during the referral process or until the new school develops an individualized education program for the student. Provides that this section applies beginning with the 2017–2018 school year.

Amends Section 25.007 (Transition Assistance for Students Who Are Homeless or in Substitute Care), Education Code, to authorize the commissioner of education to establish rules to implement this section and to facilitate the transition of students between schools.

Creates Section 264.1211 (Career Development and Education Program), Education Code, to require the Department of Family and Protective Services (DFPS) to collaborate with local workforce

development boards, foster care transition centers, community and technical colleges, schools, and any other appropriate workforce industry resources to create a program that assists current and former foster care youth in obtaining certain diplomas, certificates, or certifications; that provides career guidance to current and former foster care youth; and that informs former and current foster care youth about certain tuition and fee waivers for institutions of higher education.

Requires DFPS, not later than September 1, 2018, and in collaboration with TEA, to produce a report on the program and to submit the report to certain persons and committees. Requires that the report include recommendations for legislative or other action to further develop the program.

### Mathematics Innovation Zones and Pay for Success Programs—S.B. 1318

*by Senator Van Taylor—House Sponsor: Representative Parker*

S.B. 1318 authorizes the commissioner of education (commissioner) to designate select school campuses as mathematics innovation zones (zones) and authorizes such campuses to be eligible to receive grant funds from the commissioner for the purpose of implementing innovative mathematics instructional models. A school district (district) or open-enrollment charter school (school) must apply for a zone designation to receive funding.

S.B. 1318 additionally authorizes the commissioner to structure and approve "pay for success" programs (programs), under which private investors are allowed to provide financing for the program's implementation with the payments being dependent on the achievement of measureable outcomes. Program financing allows schools to develop zones absent state grant availability. This bill:

Creates Section 28.020 (Mathematics Innovation Zones), Education Code, and authorizes the commissioner, on application of a district or school, to designate a campus of the district or school as a zone and, from funds appropriated or donated for purposes of this section, to award a grant to support implementation of innovative mathematics instruction at the campus in accordance with this section.

Prohibits the total amount of grants awarded during the state fiscal biennium ending August 31, 2019, from exceeding $12.5 million. Provides that this provision expires December 1, 2019.

Requires a campus designated as a zone to implement with fidelity an innovative mathematics instructional program approved by the commissioner that addresses the statutorily required essential knowledge and skills of the mathematics curriculum; comply with the objectives, metrics, and other zone requirements imposed by the commissioner through rules adopted under statute; and provide all data relating to the zone requested by the Texas Education Agency (TEA).

Provides that a campus designated as a zone is not subject to interventions under the state accountability system described by Sections 39.107(a) (relating to requiring the commissioner to order a campus to prepare and submit a campus turnaround plan) or (e) (relating to requiring the commissioner to order closure of campus or appointment of a board under certain circumstances), Education Code, for the first two years of designation, provided that the campus implements the innovative mathematics instructional program with fidelity and complies with each zone requirement to the satisfaction of the commissioner. Provides that the period in which a campus is exempt from

interventions is not included in calculating consecutive school years under Sections 39.107(a) or (e), Education Code, nor is it considered a break in consecutive school years of unacceptable ratings for purposes of determining the need for intervention.

Authorizes the commissioner to revoke designation of a campus as a zone and to suspend associated grant funding if the commissioner determines that the campus has failed to implement the innovative mathematics instructional program with fidelity or comply with any imposed requirement.

Authorizes a district or school to use a pay for success program approved by the commissioner under Section 44.904 (Pay for Success Programs), Education Code, as added by this bill, to pay costs associated with the designation of a campus as a zone.

Authorizes the commissioner to accept gifts, grants, or donations from any public or private source for purposes of Section 28.020, Education Code, and to adopt rules as necessary to administer this section. Provides that a decision or determination by the commissioner under this section is final and may not be appealed.

Defines "pay for success program" under Section 44.904, Education Code.

Authorizes the commissioner to structure and approve the use of a program by a district or school; evaluate and approve certain participants in a program; and require an approved participant to comply with the objectives, metrics, and other program requirements prescribed by the commissioner. Authorizes the commissioner, in evaluating a potential participant, to verify the availability and liquidity of a private investor's investment funds; evaluate the credentials and effectiveness of an education service provider; and evaluate the credentials and independence of a third-party evaluator.

Provides that a district or school that uses a program approved by the commissioner is, notwithstanding any other law, not subject to state procurement requirements that would otherwise apply to activity funded through the program.

Provides that the commissioner, TEA, and TEA employees are immune from liability for actions associated with the structuring, approval, or implementation of a program.

Authorizes the commissioner to adopt rules as necessary to implement Section 44.904, Education Code.

### Funding for Annexing School Districts—S.B. 1353

*by Senator Larry Taylor—House Sponsor: Representative Faircloth*

S.B. 1353 provides financial assistance to assist with the costs of facility renovation, repair, and replacement within a newly annexed territory from an academically unacceptable school district. The bill provides an additional five years of state aid to a receiving school district to which territory is annexed under a set financial formula based on the number of students received by the receiving school district. This bill:

Requires a school district to receive additional funding for five years beginning with the school year in which the annexation occurs. Requires that the amount of funding be determined by multiplying

the lesser of the enlarged district's local fund assignment computed under Section 42.252 (Local Share of Program Cost (Tier One)), Education Code, 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 annexation date.

Provides that, to assist with the costs of facility renovation, repair, and replacement, a school district to which territory is annexed is entitled to additional state aid for five years, beginning with the school year in which the annexation occurs, if any. Requires the commissioner of education (commissioner) to determine the amount of additional state aid provided each year by dividing the amount of debt service taxes received by the district during the tax year preceding the tax year in which the annexation occurs by the number of students enrolled in the district immediately preceding the date of annexation and multiplying that result by the number of additional students enrolled in the district on September 1, after the date of annexation. Requires the commissioner to provide additional state aid from funds appropriated for purposes of the Foundation School Program and available for that purpose. Provides that the commissioner's determination is final and is prohibited from being appealed. Deletes existing text requiring that the estimated tax levy, from applying the receiving district's current debt service tax rate, if any, to the territory that has been annexed, be deducted in determining the amount of annual debt service required.

Authorizes the commissioner to authorize a district to receive incentive aid payments if the commissioner determines the result to be greater payments for the district. Provides that a determination by the commissioner is final and is prohibited from being appealed.

Provides that the provided funding is in addition to other funding the district receives through other provisions of the Education Code, including Chapters 41 (Equalized Wealth Level) and 42 (Foundation School Program).

Authorizes the commissioner to adopt rules as necessary.

Decreases from 1.5 to 1.17 the denominator by which a school district's adopted maintenance and operations tax rate for a current school year is divided to calculate the district's wealth per student.

Makes application of Sections 13.054(f), Education Code, as amended by this Act, and Section 13.054(h), Education Code, as added by this Act, prospective to September 1, 2017.

Applies to a school district to which territory is annexed on or after July 1, 2016.

Provides that the commissioner is required to implement this Act only if the legislature appropriates money specifically for that purpose. Authorizes but does not require the commissioner, if the legislature does not appropriate money specifically for that purpose, to implement this Act using other appropriations available for that purpose.

**Clarifying Rules Regarding Video Cameras in Certain Classrooms—S.B. 1398**
*by Senator Lucio et al.—House Sponsor: Representative Senfronia Thompson*

S.B. 1398 removes ambiguity surrounding current law regarding the placement and use of video cameras in certain classrooms that serve students with special needs. The bill clarifies that a request for cameras is limited to classrooms in which the requesting parent has a child in regular attendance; offers guidance on how long a school district must continue to operate a camera; clarifies who may view video recordings of an alleged incident; and provides a timeline for installing and activating equipment. This bill:

Requires a school district or open-enrollment charter school, on receipt of written request, to provide certain equipment to the schools in the district or the charter school campuses specified in the request. Requires a school or campus that receives equipment to place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the students are provided certain services and are assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day, provided that certain conditions are met.

Provides that a parent of a child who receives certain special education services may request in writing that equipment be provided to the school or campus at which the child receives those services; a board of trustees or governing body may request in writing that equipment be provided to one or more specified schools or campuses at which one or more children receive special education services in self-contained classrooms or other special education settings; the principal or assistant principal of a certain school or campus may request in writing that equipment be provided to the principal's or assistant principal's school or campus; and a staff member assigned to work with one or more children receiving certain special education services in certain settings may request in writing that equipment be provided to the school or campus at which the staff member works.

Requires each school district or open-enrollment charter school to designate an administrator at the primary administrative office of the district or school to be responsible for coordinating the provision of equipment to schools and campuses.

Requires that a written request be submitted and acted on in a certain manner, depending on the persons submitting the request.

Requires a certain school or campus to operate and maintain a video camera in the classroom or setting, as long as the classroom or setting continues to satisfy the statutory requirements, for the remainder of the school year in which the school or campus receives the request, unless the requestor withdraws the request in writing. Requires the school or campus, if for any reason a school or campus will discontinue operation of a video camera during a school year, to, not later than a certain date, notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue unless requested by a person eligible to make a request. Requires the school or campus, not later than 10 school days before the end of each school year, to notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue during the following school year unless a person eligible to make a request for the next school year submits a new request.

Requires that video cameras be capable of covering all areas and of recording audio from all areas of the classroom or other special education setting, including a room attached to the classroom or setting used for time-out, except as provided by provisions in this Act. Deletes existing text prohibiting the inside of a bathroom or any area in the classroom or setting in which a student's clothes are changed from being visually monitored.

Prohibits the inside of a bathroom or any area in the classroom or other special education setting in which a student's clothes are changed from being visually monitored, except for incidental coverage of a minor portion of a bathroom or changing area because of the layout of the classroom or setting.

Requires a school or campus to provide written notice of a video camera placement to all school or campus staff and to the parents of each student attending class or engaging in school activities in the classroom or setting before a school or campus activates a video camera in a certain setting.

Requires a school district or open-enrollment charter school, except as provided this Act, to retain video recorded from a placed video camera for at least three, rather than six, months after the date the video was recorded.

Requires a school district or open-enrollment charter school, if a qualified person requests to view a video recording from a video camera, to retain the recording from the date of receipt of the request until the person has viewed the recording and a determination has been made as to whether the recording documents an alleged incident. Requires the district or school, if the recording documents an alleged incident, to retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

Requires a school district or open-enrollment charter school to release a recording for viewing by certain concerned individuals or agencies.

Provides that a contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording is not in violation of a certain confidentiality statute.

Authorizes a recording believed to document a possible violation of district or school policy relating to the neglect or abuse of a student to be used as part of certain disciplinary actions and requires that it be released at the request of the student's parent in a legal proceeding.

Requires that a school district or open-enrollment charter school policy relating to the placement, operation, or maintenance of video cameras meet certain requirements.

Authorizes a school district, parent, staff member, or administrator to request an expedited review by the Texas Education Agency (TEA) of certain actions of the district. Requires TEA to notify all other interested parties of the request if a school district, parent, staff member, or administrator requests an expedited review. Requires TEA to issue a preliminary judgment as to whether the district is likely to prevail on the issue under a full review by TEA, if an expedited review has been requested. Requires the district to fully comply these provisions, notwithstanding an appeal of TEA's decision, if TEA determines that the district is not likely to prevail. Requires TEA to notify the requestor and the district, if the district is not the requestor, of TEA's determination.

Provides that the commissioner of education is required to adopt rules relating to an expedited review process and is authorized to adopt rules relating to an expedited review process under for an open-enrollment charter school.

Requires TEA to collect data relating to requests made for an expedited review and actions taken by a school district or open-enrollment charter school in response to a request, including the number of requests made, authorized, and denied.

Provides that a video recording is a governmental record only for purposes of Section 37.10 (Tampering With Governmental Record), Penal Code.

Applies to the placement, operation, and maintenance of a video camera in a self-contained classroom or other special education setting during the regular school year and extended school year services.

Provides that a placed video camera is not required to be in operation for the time during which students are not present in the classroom or other special education setting.

Defines "parent," "school business day," "self-contained classroom," "staff member," and "time-out."

### Evaluating Expanded Learning Opportunities—S.B. 1404

*by Senators Hughes and West—House Sponsor: Representative Ashby*

To better evaluate expanded learning opportunities, S.B. 1404 directs the commissioner of education (commissioner) to gather data on the number of school district and open-enrollment charter school campuses offering voluntary after-school and summer programs and the number of students participating in such programs. This bill:

Requires the commissioner to require each school district and open-enrollment charter school to report through the Public Education Information Management System (PEIMS) information for each campus of the district or school regarding the availability of expanded learning opportunities, as described by Section 33.252 (Expanded Learning Opportunities), Education Code, and the number of students participating in each of the listed categories of expanded learning.

Requires the Texas Sunset Advisory Commission (Sunset), as part of its review of the Expanded Learning Opportunities Council under Chapter 325, Government Code (Texas Sunset Act), to review submitted information to determine the availability of expanded learning opportunities and the role of regional education service centers in providing those opportunities throughout the state.

Requires Sunset to review regional education service centers during the period in which state agencies scheduled to be reviewed or abolished in 2023 are reviewed.

**Expanding Charter School Access to the Guaranteed Bond Program—S.B. 1480**
*by Senator Hughes—House Sponsor: Representative Murphy et al.*

S.B. 1480 gives qualified charter schools access to the total capacity, rather than the available capacity, of the guaranteed bond program (GBP) of the permanent school fund (PSF) equivalent to the number of charter school students as a percentage of the total public school population. If the total capacity of PSF for guarantee of school district and charter school bonds is $93.9 billion, then charter schools would be eligible to access 4.6 percent of this amount, or roughly $4.3 billion. Greater access to the GBP does not cost the state additional revenue and results in interest savings that are put back into the classroom. This bill:

Prohibits the commissioner of education (commissioner), in addition to another general limitation, from approving charter district bonds for guarantee in a total amount that exceeds the charter capacity of the GBP.

Prohibits the commissioner from approving charter district refunding or refinanced bonds for guarantee in a total amount that exceeds one-half of the charter capacity.

Provides that the charter capacity of the GBP is the percentage of the total capacity of the GBP, established by the State Board of Education (SBOE) under Sections 45.053(d) (relating to authorizing SBOE to increase the limit of cost value of the guaranteed bonds sold, not to exceed five times the cost value of PSF) and 45.0531 (Additional Limitation: Reservation of Percentage of Permanent School Fund Value), Education Code, that is equal to the percentage of the number of students enrolled in open-enrollment charter schools in this state compared to the total number of students enrolled in all public schools in this state, as determined by the commissioner.

Authorizes SBOE, for any year, to increase the charter capacity by less than the amount provided in this Act or to decline to increase the charter capacity by any amount, if SBOE determines that increasing the charter capacity by the amount would likely result in a negative impact on the bond ratings provided by one or more nationally recognized investment rating firms for school district or charter district bonds for which a guarantee is requested; or one or more charter districts default on payment of maturing or matured principal or interest on a guaranteed bond, resulting in a negative impact on the bond ratings provided by one or more nationally recognized investment rating firms for school district or charter district bonds for which a guarantee is requested.

Authorizes SBOE, if SBOE makes a certain determination for any year and modifies the schedule for that year, to also make appropriate adjustments to the schedule for subsequent years to reflect the modification, provided that the charter capacity for any year is prohibited from exceeding the limit provided for that year by the schedule.

Provides that information obtained from a nationally recognized investment rating firm relating to a limitation on guarantee of charter district bonds that concerns a hypothetical or actual scenario relating to the credit rating of PSF or the GBP of PSF, and any communications from, or information generated by, the Texas Education Agency, SBOE, the commissioner, or their employees relating to that information, is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code.

Defines "bond security documents." Authorizes the commissioner's investigation of an application submitted by a charter district to include an evaluation of whether the charter district bond security

documents provide a security interest in real property pledged as collateral for the bond and the repayment obligation under the proposed guarantee. Authorizes the commissioner to decline to approve the application if the commissioner determines that sufficient security is not provided.

Authorizes the commissioner, in addition to considering all other applicable statutory requirements, in determining whether to approve charter district bonds for guarantee, to consider any certain additional reasonable factors that the commissioner determines necessary to protect the GBP or minimize the risk to PSF.

Provides that the charter district bond guarantee reserve fund is managed by SBOE in the same manner that PSF is managed by SBOE, notwithstanding Chapter 404 (State Treasury Operations of Comptroller), Government Code. Authorizes SBOE to invest money in the charter district bond guarantee reserve fund, in accordance with the investment standard described by statute, and provides that SBOE's investment is not subject to any other limitation or requirement provided by Section 404.024 (Authorized Investments), Government Code.

Requires SBOE to adjust the investment portfolio of charter district bond guarantee reserve fund money periodically to ensure that the balance of the fund is sufficient to meet the cash flow requirements of the fund.

Requires a charter district that has a bond guaranteed to remit to the commissioner, for deposit in the charter district bond guarantee reserve fund, an amount equal to 20 percent of the savings to the charter district that is a result of the lower interest rate on the bond due to the guarantee by PSF. Requires that the amount due be paid on receipt by the charter district of the bond proceeds. Requires the commissioner to adopt rules to determine the amount due under this section.

Provides that the charter capacity of the GBP as the percent of the total capacity of the GBP does not apply if, at the time the charter district receives the proceeds of the bond guaranteed, the balance of the charter district bond guarantee reserve fund is at least equal to three percent of the total amount of outstanding guaranteed bonds issued by charter districts. Deletes existing text authorizing the commissioner to direct the Texas comptroller of public accounts to annually withhold the amount due to the charter district bond guarantee reserve fund for that year from the state funds otherwise payable to the charter district.

## Increasing School Board Flexibility—S.B. 1566

*by Senator Kolkhorst—House Sponsor: Representative Ken King*

S.B. 1566 gives school boards more flexibility in how they manage their district. The bill allows a board to meet directly with the district's chief business official or curriculum director and sets a specific timeline for when a district must provide requested information to their school board. The bill also allows use of an online dashboard of the Texas Education Agency (TEA) choice, gives school board members the responsibility of maximizing student academic achievement, and provides TEA a new tool to help struggling schools. This bill:

Provides that a county board of education, as defined by a board of county school trustees, and office of county school superintendent in a county with a population of 2.2 million or more that is adjacent

to a county with a population of more than 800,000 are included within the definition of a "school district" and subject to TEA oversight.

Authorizes the board of trustees of an independent school district (board of trustees) to require a school district's chief business official or curriculum director, or a person holding an equivalent position, to appear at an executive session of the board of trustees or to testify at a public hearing held by the board of trustees, and prohibits a superintendent from interfering with an appearance or testimony required by the board of trustees.

Requires a school district to provide a member of the board of trustees (board member) with requested information, documents, and records not later than 20 days after the date the district receives the request. Authorizes the district to take a reasonable additional period of time, not to exceed 30 business days after the date the district receives the request, to respond to a request if compliance by the 20th business day would be unduly burdensome given the amount, age, or location of the requested information. Requires the district to inform the board member of the reason for the delay in providing the requested information and the date by which the information will be provided.

Authorizes a board member, if the district does not provide requested information to the board member in the required time, to bring suit against the district for appropriate injunctive relief. Entitles a board member who prevails in a suit to recover court costs and reasonable attorney's fees. Requires the district to pay the costs and fees from the budget of the superintendent's office.

Requires a board member to maintain the confidentiality of any received information, documents, and records, as required by the federal Family Educational Rights and Privacy Act of 1974 and any other applicable privacy laws.

Requires a school district to create a policy on visits to a district campus or other facility by a board member.

Requires a board of trustees or the governing body of an open-enrollment charter school to provide oversight regarding student academic achievement and strategic leadership for maximizing student performance.

Requires TEA, on request of a board of trustees, to create an Internet website that board members may use to review campus and district academic achievement data and sets forth requirements regarding district information and Internet website updates and data.

Requires that minutes of the last regular meeting of a board of trustees held before an election of trustees reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment, and requires that those minutes be posted on the district's Internet website within 10 business days of the meeting, if the minutes reflect that a trustee is deficient.

Sets forth requirements regarding trustee training provided by the State Board of Education; the development of a board improvement and evaluation tool; the posting of a local innovation plan; and a policy allowing representatives of a patriotic society an opportunity to speak to students during regular school hours about membership in such society.

Sets forth provisions providing that a board of trustees is not required to address a complaint that the board receives concerning a student's participation in an extracurricular activity that does not involve a violation of a guaranteed right.

Requires a school district or open-enrollment charter school, in its dropout prevention strategies plan, to design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification. Sets forth provisions regarding the dropout recovery plan.

Authorizes a board of trustees to establish before-school or after-school programs for students enrolled in elementary or middle school grades. Sets forth provisions regarding the operation of such programs.

Requires a school district to conduct a request for proposals procurement process to enable the district to determine if contracting with a childcare facility that provides a before-school or after-school program to provide the district's before-school or after-school program would serve the district's best interests. Authorizes the district, following the request for proposals procurement process, to enter into a contract with the childcare facility or implement a before-school or after-school program operated by the district. Requires that a contract, if a district enters into a contract with a childcare facility, comply with statutory requirements and prohibits the contract from exceeding a term of three years.

Requires a board of trustees that allows students to use a prepaid meal card or account to purchase meals served at schools within the district to adopt a grade period regarding the use of the cards or accounts.

Prohibits a school district or open-enrollment charter school from prohibiting a person, including a school employee, who holds a license to carry a handgun from transporting or storing a handgun or other firearm or ammunition 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, provided that the handgun, firearm, or ammunition is not in plain view.

Sets forth a requirement that a board of trustees adopt a policy requiring a school nurse of a public elementary school to notify parents that a child assigned to the same classroom as the parent's child has lice.

Includes ordering the use of the board of trustees' improvement and evaluation tool in the list of certain actions the commissioner is required to take, if the commissioner deems the action necessary because a school district does not satisfy certain accreditation criteria, academic performance standards, or financial accountability standards.

Includes a detailed description for developing and supporting the oversight of academic achievement and student performance by a board of trustees among certain required elements of a campus turnaround plan.

Provides that each county board of education, board of county school trustees, and office of county school superintendent in a county with a population of 2.2 million or more that is adjacent to a county with a population of more than 800,000 is abolished effective November 15, 2017, unless the continuation of the county board of education, board of county school trustees, and office of county

school superintendent is approved by a majority of voters at an election held on the November 2017 uniform election date in the county in which the county board of education, board of county school trustees, and office of county school superintendent are located. Sets forth provisions regarding the election to continue and the continuation of dissolution of the county board of education, board of county school trustees, and office of county school superintendent.

Repeals Chapter 266 (S.B. 394), Acts of the 40th Legislature, Regular Session, 1927 (Article 2700a, Salary and Office Expenses of Superintendent, Vernon's Texas Civil Statutes).

### Promoting Open-Source Instructional Materials—S.B. 1784

*by Senator Larry Taylor—House Sponsor: Representative Huberty*

S.B. 1784 promotes the use of open-source instructional materials by Texas school districts, charter schools, individual educators, and students by allowing a broader and more innovative use of such materials. At the same time, the bill provides important protections for the state in the development of such materials. This bill:

Redefines "open-source instructional material."

Requires that open-source instructional material be irrevocably owned by the state.

Authorizes purchased instructional material to include content not owned by the state and for which preexisting rights may exist if the content is in the public domain; is authorized to be used under a limitation or exception to copyright law, including a limitation under Section 107, Copyright Act of 1976 (17 U.S.C. Section 107); or is licensed to the state under a license that grants the state unlimited authority to modify, delete, combine, or add content; that permits the free use and repurposing of the material by any person or entity; and that is for a term of use acceptable to the commissioner of education (commissioner) to ensure a useful life of the material.

Requires the commissioner to encourage the use of open-source instructional material purchased by the state by school districts and open-enrollment charter schools, and to provide a license for the material that allows for the free use, reuse, modification, or sharing of the material by any person or entity. Deletes existing text requiring the commissioner to provide a license to each public school in the state, including to a school district, an open-enrollment charter school, and a state or local agency educating students in any grade from prekindergarten through high school, to use and reproduce state-developed open-source instructional material.

Requires that the terms of a license provided by the commissioner require that a user who reproduces open-source instructional material in any manner, except as provided, keep all copyright notices for the material intact; attribute the authorship of the material to the Texas Education Agency (TEA) or another person specified by the commissioner; indicate if the user has modified the material; is prohibited from asserting or implying any connection with, or sponsorship or endorsement by, TEA or this state, unless authorized by the commissioner; and, to the extent reasonably practicable, provide in any product or derivative material a uniform resource identifier or hyperlink through which a person may obtain the material free of charge.

Requires that the terms of a license provided by the commissioner provide that the commissioner is authorized to request a user to remove a copyright notice or attribution from the material; that a user is required to comply with the request to the extent reasonably practicable; and that the rights granted under the license to a user are automatically terminated if the user fails to comply with the terms of the license.

Provides that the terms of a license provided by the commissioner are authorized to include any additional terms determined by the commissioner.

Deletes existing text authorizing the commissioner to provide a license to use state-developed open-source instructional material to an entity not listed, as well as text requiring the commissioner, in determining the cost of a license, to seek to the extent feasible to recover the costs of developing, revising, and distributing state-developed open-source instructional material.

Authorizes the commissioner to exempt a license from including one or more of the requirements under this Act.

Requires the commissioner to determine what is considered reasonably practicable for purposes of this Act.

Authorizes the commissioner to specify requirements to reinstate a user's rights under a license that has been terminated and to reinstate a user's rights on completion of those requirements.

Authorizes the commissioner to use a license commonly applied to an open-education resource.

Requires the Texas attorney general (attorney general) to represent TEA in an action brought under Section 31.075 (Ownership; Licensing), Education Code, and authorizes the attorney general to recover reasonable expenses incurred in obtaining relief, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

Provides that the commissioner's decision regarding the purchase, revision, cost, licensing, or distribution of state-developed open-source instructional material is final and is prohibited from being appealed.

Repeals Section 31.077 (Adoption Schedule), Education Code.

Authorizes the commissioner to apply the changes in law made by this Act to instructional material purchased by the state under Subchapter B-1 (State-Developed Open-Source Instructional Materials), Chapter 31, Education Code, regardless of whether the instructional material is purchased before, on, or after the effective date of this Act.

**Financial Accountability Standards for IHE-Operated Charters—S.B. 1837**
*by Senators Hughes and Nichols—House Sponsor: Representative Bohac*

Chapter 12 (Charters), Education Code, authorizes an institution of higher education (IHE) to establish and operate an open-enrollment charter school under a charter issued by the Texas Education Agency (TEA). Among other criteria for issuance of a charter, statute expressly requires

that the financial operations of the IHE charter school be supervised by the business office of the college or university.

Section 39.082 (Development and Implementation), Education Code, requires the commissioner of education to implement a financial accountability rating system known as FIRST (Financial Integrity Rating System of Texas), designed to encourage financial transparency, oversight, and improvement. FIRST includes indicators relevant to school districts and other types of open-enrollment charter schools, the accountability system does not accurately measure the financial health of charter schools operated by a public institution of higher education. Charter schools of a public senior college or university typically use facilities owned by the college or university, however, and have no assets independent of the college or university of which the school is a part.

Charter schools operated by a public senior college or university would continue to be evaluated using the indicators included in FIRST but would not be assigned a financial accountability rating, as this rating is not believed to be reflective of the financial health of such charter schools. The bill preserves the FIRST rating and allows TEA to use those financial indicators that are most appropriate for these schools. This bill:

Requires that the financial performance of a charter school operated by a public IHE under Subchapter D (Open-Enrollment Charter School) or Subchapter E (College or University or Junior College Charter School), Chapter 12, be evaluated using only the indicators adopted under this section determined by the commissioner by rule as appropriate to accurately measure the financial performance of such charter schools.

### Strengthening Educator Certification—S.B. 1839

*by Senators Hughes and Campbell—House Sponsor: Representative Koop*

S.B. 1839 addresses concerns regarding the preparation, certification, and classification of public school educators by streamlining the certification process for out-of-state teachers and requiring the Texas Education Agency (TEA) to provide data to educator preparation programs (programs) from the Public Education Information Management System (PEIMS). This bill:

Requires TEA to provide programs with data based on information reported through PEIMS that enables a program to assess its own impact and to revise itself as needed to improve the design and effectiveness of the program.

Includes instruction in digital learning in the minimum academic qualifications and training for a certificate from the State Board for Educator Certification (SBEC). Requires that SBEC rules permit each required formal observation to occur on a candidate's site or through the use of electronic transmission, or other video-based or technology-based method.

Requires TEA, in assisting a program with improving the design and effectiveness of the program in preparing educators for the classroom, to provide to each program data that is compiled and analyzed by TEA based on information reported through PEIMS relating to the program.

Requires SBEC to establish an early childhood certificate to ensure that there are teachers with special training in early childhood education focusing on prekindergarten through grade three. Sets

forth requirements of that certification and a provision allowing teachers without such a certificate to provide instruction in prekindergarten through grade three.

Requires a candidate for certification to complete certain field-based experiences, and authorizes such candidates to satisfy a maximum of 15 hours in the field-based experience requirement by serving as a long-term substitute teacher.

Authorizes the commissioner of education (commissioner) to adopt rules establishing exceptions to the examination requirements for an out-of-state educator to obtain a certificate in this state.

Requires that continuing education requirements for a classroom teacher, as well as for a principal, provide that not more than 25 percent of the training required every five years include instruction regarding digital learning, digital teaching, and integrating technology into classroom instruction.

Requires SBEC to propose rules allowing an educator to receive credit toward the educator's continuing education requirements for completion of education courses that use technology to increase an educator's digital literacy and that assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

Authorizes staff development to include training in digital learning that discusses basic technology-proficiency expectations and methods to increase an educator's digital literacy and to assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices. Requires staff develop to include evidence-based training.

Repeals Section 21.005 (High-Quality Teachers), Education Code.

Repeals Section 21.052(g) (relating to requiring the commissioner to provide guidance to school districts that employ a certain certified educator), Education Code.

### Expanding the School Health Survey—S.B. 1873

*by Senator Hinojosa—House Sponsor: Representative Wilson et al.*

Information collected through school health surveys is essential in determining the quality of physical education being offered in schools. S.B. 1873 provides clearly defined questions to be included in the survey on an annual basis so that there is consistency in the information collected. This bill:

Requires the commissioner of education to complete a report on physical education provided by each school district and to publish the report on the Texas Education Agency (TEA) Internet website not later than one year after TEA receives the required information.

Requires that the report include the number of physical education classes offered at each campus in the district and detail the number of days, classes, and minutes offered each week by each campus; the ratio of students enrolled in physical education classes in the district compared to overall enrollment; the average physical education class size at each campus in the district; the number of physical education teachers in the district who are licensed, certified, or endorsed by an accredited teacher-preparation program to teach physical education; whether each campus in the district has

appropriate equipment and adequate facilities for students to engage in the amount and intensity of physical activity statutorily required of them; whether the district allows modifications or accommodations to allow physical education courses to meet the needs of students with disabilities; and whether the district has a policy that allows teachers or administrators in the district to withhold physical activity from a student as punishment.

**School District and Charter School Partnerships—S.B. 1882**
*by Senator Menéndez et al.—House Sponsor: Representative Koop*

S.B. 1882 incentivizes certain district campuses operated under a partnership between a school district and an open-enrollment charter school in two ways. In the partnership, the school district receives the higher of the maintenance and operations (M&O) funding amount that the district or charter school would be entitled to for each student in the partnership. Also, the district or charter will receive a one-year pause in the accountability system, receiving individual domain scores but an overall rating of "undesignated" for that first year without restarting the intervention clock. This bill:

Provides that a school district campus qualifies for an exemption from intervention and qualifies for certain funding if the board of trustees of the district contracts to partner with certain entities to operate the district campus. Sets forth the conditions under which a board of trustees is authorized to enter into a contract.

Ensures that all rights and protections afforded by current employment contracts or agreements are not affected by the contract entered into between a school district and an open-enrollment charter school. Requires that to operate a district campus, a district campus must be granted a charter.

Requires the commissioner of education (commissioner) to continue to evaluate and assign overall and domain performance ratings to a district campus subject to a contract. Prohibits the commissioner from imposing a sanction or taking action against a district campus for failure to satisfy academic performance standards during the first two school years of the campus's operation.

Sets forth requirements of the partnership contract regarding student admittance into the district campus and employee benefit eligibility. Requires the district proposing to enter into a contract to notify the commissioner, who is in turn required to notify the district whether the proposed contract is approved, within 60 days after the commissioner receives notice of the proposed contract and any necessary information. Provides that there is no prohibition of a contract between a school district and another entity for the provisions of services for the campus.

Provides that both a school district involved in a partnership with an open-enrollment charter school to operate a district campus and a charter granted by a school district for a program operated by an entity that has entered into a contract are entitled to receive for each student in average daily attendance at the campus an amount equivalent to the difference, if the difference results in increased funding, between two certain amounts.

Provides that the commissioner is required to implement this Act only if the legislature appropriates money specifically for that purpose.

Applies beginning with the 2017–2018 school year.

**Flexibility in Educator Preparation Programs—S.B. 1963**
*by Senator Creighton—House Sponsor: Representative Phelan*

In 2016, the State Board for Educator Certification (SBEC) proposed a rule change that was adopted by the Texas Education Agency (TEA) requiring advanced educator preparation programs in Texas to conduct at least one of the three face-to-face observations in person for a candidate pursuing a career as an educator, other than a classroom teacher. Under the rule change, a candidate within an advanced educator preparation program must meet state certification requirements to become a principal, superintendent, or school counselor. Before TEA adopted the rule change, state law permitted face-to-face observations and did not make any distinction between in person or other modes of observation, including video, Skype, or other technology-enhanced solutions. This unintended flexibility in modes of observation provided students and general academic institutions the ability to provide increased access to online advanced educator preparation programs at a reduced cost while achieving above-state-average outcomes on certification tests for nearly a decade.

S.B. 1963 returns greater flexibility to educator preparation programs, other than programs for a classroom teacher, and permits formal observations to occur on a candidate's site or through the use of electronic transmission or other technology-based methods. This bill:

Prohibits SBEC rules that address ongoing educator preparation program support for a candidate seeking certification in a certification class other than classroom teacher from requiring that an educator preparation program conduct one or more formal observations of the candidate on the candidate's site in a face-to-face setting. Requires that the rules permit each required formal observation to occur on a candidate's site or through the use of electronic transmission or other video-based or technology-based methods.

**PEIMS Data for Children with Disabilities in Residential Facilities—S.B. 2080**
*by Senator Larry Taylor—House Sponsor: Representative Guillen*

A residential facility (RF) is a facility that provides 24-hour care to students who reside at the facility for detention, treatment, foster care, or any noneducational purpose. Students are often in RFs because it is safer than their home environment. School districts and charter schools that serve students with disabilities who reside in RFs are required to submit a report, known as an RF tracker report, to the Texas Education Agency. These reports are time-consuming, and schools either have to hire additional staff to complete the report or pull existing staff from student support services to compile the report.

However, as most of the information required for the report is already available in the Public Education Information Management System (PEIMS), interested parties hold that the process can be streamlined and made more cost-effective by adding a new PEIMS code for students with disabilities who reside in an RF. S.B. 2080 requires school districts to include how many of their students have disabilities and how many of those students are required to be tracked by the Residential Facility Monitoring System (RFM System) in their PEIMS report. The code will automatically pull the information requested for the RF tracker report, saving schools time and money. This bill:

Requires the commissioner of education, by rule, to require each school district and open-enrollment charter to include in the district's or school's PEIMS report the number of children with disabilities

residing in an RF who are required to be tracked by the RFM System and who receive educational services from the district or school.

Applies beginning with the 2017–2018 school year. Provides that this Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations bill of the 85th Legislature.

**Average Daily Attendance in Blended Learning Programs—S.B. 2084**
*by Senator Larry Taylor—House Sponsor: Representatives Bohac and Workman*

Interested parties contend that schools implementing blended learning programs in which students receive workforce training in addition to classroom instruction need the flexibility to capture student attendance at various times for purposes of calculating the average daily attendance of those students. This bill:

Requires the commissioner of education to adopt rules to calculate the average daily attendance for students participating in a blended learning program in which classroom instruction is supplemented with applied workforce learning opportunities, including participation of students in internships, externships, and apprenticeships.

Applies beginning with the 2017–2018 school year.

**Code of Ethics for Special Education Advocates—S.B. 2141**
*by Senator Larry Taylor—House Sponsor: Representative Howard*

S.B. 2141 requires special education advocates who work with parents and students in special education due process hearings to be subject to a voluntary code of ethics and to put the terms of their agreement, including a process for resolving disputes with parents, into writing. This bill:

Requires the commissioner of education, by rule, to adopt additional qualifications and requirements for a representative of a student in a special education due process hearing.

Requires the rules to require, if a representative receives monetary compensation from a person for representation in an impartial due process hearing, that the representative agree to abide by a voluntary code of ethics and professional conduct during the period of representation and to enter into a written agreement for representation with the person who is the subject of the special education due process hearing that includes a process for resolving any disputes between the representative and the person.

Provides that the written agreement for representation is considered confidential and is prohibited from being disclosed.

Applies beginning with the 2017–2018 school year.

**Monetary Assistance for Certain Relative and Designated Caregivers—H.B. 4**
*by Representative Burkett et al.—Senate Sponsor: Senator Schwertner et al.*

Children who are placed with certain relative or other designated caregivers have more stability and permanency in their lives and have better outcomes than children placed in non-relative caregiver or non-designated caregiver foster care. H.B. 4 helps to improve outcomes by addressing the level of support for relative or other designated caregivers. This bill:

Requires the Department of Family and Protective Services (DFPS) subject to the availability of funds, to enter into a caregiver assistance agreement with each relative or other designated caregiver to provide monetary assistance and additional support services to the caregiver. Requires that the monetary assistance and support services be based on a family's need, as determined by this bill and by rules adopted by the executive commissioner of the Health and Human Services Commission (executive commissioner).

Requires DFPS to provide monetary assistance to a caregiver who has a family income less than or equal to 300 percent of the federal poverty level. Prohibits monetary assistance that is provided to a caregiver from exceeding 50 percent of DFPS's daily basic foster care rate for the child. Provides that a caregiver who has a family income greater than 300 percent of the federal poverty level is not eligible for monetary assistance under this bill.

Requires DFPS to disburse such monetary assistance in the same manner as DFPS disburses payments to a foster parent. Prohibits DFPS from providing monetary assistance to an eligible caregiver after the first anniversary of the date the caregiver receives the first monetary assistance payment from DFPS. Authorizes DFPS, at its discretion and for good cause, to extend monetary assistance payments for an additional six months.

Requires DFPS to implement a process to verify the family income of a relative or other designated caregiver for the purpose of determining eligibility to receive monetary assistance.

Deletes text authorizing monetary assistance and additional support services provided under this bill to include reimbursement of other expenses, as determined by rules adopted by the executive commissioner, not to exceed $500 per year for each child.

Authorizes a person who meets certain eligibility requirements to receive an annual reimbursement of other expenses for a child, as determined by rules adopted by the executive commissioner, not to exceed $500 per year until the earlier of the third anniversary of the date the person was awarded permanent managing conservatorship of the child or the child's 18th birthday.

Provides that a person commits an offense if, with intent to defraud or deceive DFPS, the person knowingly makes or causes to be made a false statement or misrepresentation of a material fact that allows a person to enter into a caregiver assistance agreement.

Provides that an offense under this bill is:

> a Class C misdemeanor if the person enters into a fraudulent caregiver assistance agreement and receives no monetary assistance under the agreement or receives monetary assistance under the agreement for less than seven days;

a Class B misdemeanor if the person enters into a fraudulent caregiver assistance agreement and receives monetary assistance under the agreement for seven days or more but less than 31 days;

a Class A misdemeanor if the person enters into a fraudulent caregiver assistance agreement and receives monetary assistance under the agreement for 31 days or more but less than 91 days; or

a state jail felony if the person enters into a fraudulent caregiver assistance agreement and receives monetary assistance under the agreement for 91 days or more.

Authorizes an actor, if conduct that constitutes an offense under this bill also constitutes an offense under any other law, to be prosecuted under this bill, the other law, or both. Requires the appropriate county prosecuting attorney to be responsible for the prosecution of an offense under this bill.

Provides that a person who engages in conduct described by this bill is liable to the state for a civil penalty of $1,000. Requires the Texas attorney general to bring an action to recover a civil penalty, as authorized by this bill.

Authorizes the commissioner of DFPS to adopt rules necessary to determine whether fraudulent activity that violates this bill has occurred.

Requires DFPS, not later than September 1 of each year, to publish a report on the relative and other designated caregiver placement program. Requires the report to include data on permanency outcomes for children placed with relative or other designated caregivers, including:

the number of disruptions in a relative or other designated caregiver placement;
the reasons for any disruption in a relative or other designated caregiver placement; and
the length of time before a relative or other designated caregiver who receives monetary assistance from DFPS obtains permanent managing conservatorship of a child.

Provides that certain provisions of this bill apply to a caregiver assistance agreement entered into before, on, or after the effective date of this bill.

Requires DFPS, if a person with a family income less than or equal to 300 percent of the federal poverty level enters into a caregiver assistance agreement with DFPS on or after June 1, 2017, but before the effective date of this bill, and receives monetary assistance under the agreement from DFPS, to consider the money paid to the person to be a credit against the disbursement of caregiver assistance funds. Prohibits DFPS from beginning to disburse money to the person, as authorized by this bill, until the credit has been offset.

Provides that the bill only takes effect if a specific appropriation for the implementation of the bill is provided in the General Appropriations Act of the 85th Legislature. Provides that if the legislature does not appropriate money specifically for the purpose of implementing provisions in this bill, this bill has no effect.

**State Intervention in Certain Child Abuse and Neglect Cases—H.B. 7**
*by Representative Wu et al.—Senate Sponsor: Senator Uresti et al.*

The complex nature of child abuse and neglect cases and lengthy associated court proceedings, particularly with regard to children under the managing conservatorship of the Department of Family and Protective Services (DFPS), has raised concerns among interested parties. This bill:

Requires DFPS and the Texas Juvenile Justice Department to coordinate and develop protocols for sharing certain information relating to a multisystem youth necessary to identify and coordinate the provision of services to the youth, prevent duplication of services, enhance rehabilitation, and improve community safety.

Requires DFPS, in collaboration with certain interested parties, to review the form of jury submissions in this state and make recommendations to the legislature regarding whether broadform or specific jury questions should be required in suits affecting the parent-child relationship (SAPCRs) filed by DFPS.

Requires a guardian ad litem appointed for certain children to interview each person, including educators, child welfare service providers, and certain foster parents, who has significant knowledge of the child's history and condition. Provides that a guardian ad litem appointed for a child is entitled to be consulted and provide comments on decisions regarding placement; evaluate whether the child welfare services providers are protecting the child's best interests regarding appropriate care, treatment, services, and all other foster children's rights; and receive notification and an invitation to attend the child's service plan meetings and court-ordered mediation.

Prohibits a court from ordering a termination of a parent-child relationship (termination) based on evidence that the parent took certain actions or meets certain criteria. Prohibits a court from ordering termination based on the failure of the parent to comply with a specific provision of a court order if a parent proves by a preponderance of evidence that the parent was unable to comply with the court order, the parent made a good faith effort to comply with the order, and the failure to comply was not the fault of the parent.

Authorizes the court, in a suit filed by DFPS seeking termination for more than one parent of the child, to order termination for the parent only if the court finds by clear and convincing evidence that grounds for the termination exist. Authorizes DFPS to file an application for a protective order for a child's protection on DFPS's own initiative or jointly with a parent, relative, or caregiver of the child who requests the filing of the application if DFPS meets certain requirements. Authorizes the court, if the court finds an immediate danger of abuse or neglect to the child, to enter a temporary ex parte order for the protection of the child without providing notice or holding a hearing.

Prohibits DFPS from taking possession of a child based on evidence that the parent has taken certain actions or meets certain criteria and requires DFPS to train child protective services caseworkers regarding the prohibitions on removal. Authorizes the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules to implement the limits on removal.

Requires the court at each permanency hearing to review the placement of each child in the temporary managing conservatorship of DFPS and who is not placed with a relative or designated caregiver. Requires the court to review the placement of each child who is in the temporary

managing conservatorship of DFPS and who has not been returned to the child's home before issuing a final order. Requires the court to determine whether the child's caregiver is present at the hearing and to allow the caregiver to testify if the caregiver wishes to provide information about the child. Authorizes the court to retain jurisdiction and to not dismiss the suit or render a final order if the court renders a temporary order for DFPS to transition the child from substitute care to the parent while the parent completes the remaining requirements imposed under a service plan that is necessary for the child's return. Requires the court, at each permanency hearing after the court renders a final order, to review the permanency progress report and make certain determinations. Requires the Supreme Court of Texas, by rule, to establish civil and appellate procedures to address conflicts between the filing of a motion for new trial and the filing of an appeal of a final order and the period for a court reporter to submit the reporter's record of a trial to an appellate court following a final order.

Requires the court, if a court finds that a health care professional has been consulted regarding a health care service, procedure, or treatment for a child in the conservatorship of DFPS and the court declines to follow the recommendation of the health care professional, to make findings in the record supporting the court's order. Authorizes DFPS to request admission to an inpatient mental health facility of a minor in the managing conservatorship of DFPS only if a physician states the physician's opinion, and the detailed reasons for that opinion, that the minor is a person with a mental illness or demonstrates symptoms of a serious emotional disorder and presents a risk of serious harm to self or others if not immediately restrained or hospitalized. Requires DFPS to periodically review the need for continued inpatient treatment of a minor admitted to an inpatient mental health facility. Requires DFPS, if there is no longer a need for continued inpatient treatment, to notify the facility administrator that the minor may no longer be detained unless an application for court-ordered mental health services is filed.

Requires that a continuum-of-care residential operation ensure compliance with any standards and rules adopted that apply to that facility. Authorizes the executive commissioner, by rule, to prescribe the actions that a continuum-of-care residential operation is required to take to comply with the minimum standards for each facility type. Authorizes DFPS to develop, by rule, criteria to determine when it may be appropriate to exclude children who are related to a caretaker in determining a residential child-care facility's total capacity and to issue an exception allowing an agency foster home, cottage family home, or specialized childcare home to expand its capacity.

Requires a general residential operation that provides mental health treatment or services to a child in the managing conservatorship of DFPS to timely submit to the court in a SAPCR all information requested by that court.

### Allowing Employees Leave to Care for Foster Child—H.B. 88

*by Representative "Mando" Martinez et al.—Senate Sponsor: Senators Hinojosa and Garcia*

Under current law, an employer can administer a leave policy for its employee to care for his or her sick child. However, there is no requirement for the leave policy to treat foster children in the same manner as biological or adopted minor children, which has resulted in unequal treatment of employees who wish to use leave time to care for a foster child, even though they have the same

parental obligations as biological or adoptive parents. Further, an employee could be denied leave if the foster child were not the employee's biological or adopted child. This bill:

Prohibits an employer from administering a leave policy that does not permit employees to use such leave to care for their foster child.

**Definition and Investigation of Abuse, Neglect, or Exploitation—H.B. 249**
*by Representative Hernandez et al.—Senate Sponsor: Senator Van Taylor*

There is no uniform definition in statute for "abuse" or "neglect" within the Department of Family and Protective Services (DFPS). The Child Protective Services (CPS) division of DFPS has a comprehensive definition for both terms; however, this definition is not utilized across DFPS as a whole. Likewise, the Child Care Licensing (CCL) division of DFPS also has a definition, but that definition is not as thorough as the one used by CPS. With the pending transition of CCL to the Health and Human Services Commission (HHSC), interested parties believe that it is the best interest of the child to keep the investigations of abuse and neglect at DFPS and transfer the investigative authority to CPS. H.B. 249 provides needed uniformity through the adoption of a singular definition of "abuse" and "neglect" to be used across DFPS. This bill:

Redefines "person responsible for a child's care, custody, or welfare."

Requires a professional who has cause to believe that certain circumstances exist, such as child abuse, to make a report not later than a certain period.

Requires a state agency to investigate a report of the occurrence of alleged abuse, neglect, or exploitation in certain facilities associated with the agency.

Provides that DFPS is not required to investigate a report of alleged child abuse, neglect, or exploitation by a person other than a person responsible for a child's care, custody, or welfare.

Defines "abuse," "exploitation," and "neglect."

Requires the Texas Juvenile Justice Department (TJJD) to make a prompt, thorough investigation, as provided by Chapter 261 (Investigation of Report of Child Abuse or Neglect), Family Code, if TJJD receives a report of alleged abuse, neglect, or exploitation in certain programs or facilities. Requires that the primary purpose of such investigation be the protection of the child.

Includes investigations of the occurrence of alleged abuse, neglect, or exploitation at a child-care facility, as that term is defined in Section 40.042 (Investigations of Child Abuse, Neglect, and Exploitation), Human Resources Code, as added by this bill, in the list of certain functions of DFPS that are not subject to transfer under certain provisions.

Requires DFPS to periodically review its records retention policy with respect to case and intake records relating to DFPS functions and to make necessary changes to records retention policies to improve case prioritization.

Defines "case management," "catchment area," and "community-based care."

Creates the case management services vendor quality oversight and assurance division to oversee quality and to ensure accountability of any vendor that provides community-based care and full case management services for DFPS.

Creates an office of data analytics.

Defines "child-care facility."

Requires DFPS, for all investigations of child abuse, neglect, or exploitation conducted by CPS, to adopt the definitions of "abuse," "neglect," and "exploitation" provided in Section 261.001 (Definitions), Family Code, and to establish standardized policies to be used during investigations.

Requires the commissioner of DFPS to establish units within CPS to specialize in investigating allegations of child abuse, neglect, or exploitation occurring at a child-care facility. Authorizes DFPS to require that investigators who have such specializations to receive ongoing training on facilities' minimum licensing standards applicable to the investigator's specialization.

Requires DFPS, after an investigation of abuse, neglect, or exploitation occurring at a child-care facility, to provide the state agency responsible for regulating that facility access to any information relating to DFPS's investigation. Establishes that providing access to such confidential information does not constitute a waiver of confidentiality.

Authorizes the executive commissioner of HHSC or the commissioner of DFPS, as appropriate, to adopt rules to implement the certain provisions.

Requires DFPS to develop a departmental strategic plan that meets certain requirements.

Updates certain contractal provisions for residential child-care services provided by a general residential operation or by a child-placing agency.

Requires HHSC, in collaboration with DFPS, to contract with a vendor or enter into an agreement with an institution of higher education to develop performance quality metrics for family-based safety services and for post-adoption support services providers and to include the metrics in each contract with those providers. Sets forth the requirements for these contracts and agreements.

Redefines "other maltreatment."

Requires DFPS to investigate a listed family home if DFPS receives a complaint alleging certain facts, including that a child in the home has been abused or neglected.

Repeals Section 261.401(a) (relating to the definitions of "abuse," "exploitation," and "neglect"), Family Code.

Prohibits transferring to HHSC the responsibility for conducting investigations of the occurrence of reported abuse, neglect, or exploitation at a child-care facility, notwithstanding certain statutory provisions, and provides that responsibility for conducting these investigations remains the responsibility of DFPS. Requires the commissioner of DFPS, as soon as possible after the effective date of this Act, to transfer responsibility for conducting such investigations to CPS and to transfer appropriate investigators and staff as necessary to implement provisions of this bill.

Requires DFPS to implement the standardized definitions and policies as required by this bill.

**Parental Right to View Body of Deceased Child Before Autopsy—H.B. 298 [VETOED]**
*by Representative Larson et al.—Senate Sponsor: Senator Campbell*

It has been reported that parents of a deceased child are not always given an opportunity to view their child's body before an autopsy is performed. H.B. 298 addresses this issue by entitling such a parent to view the deceased body before an applicable justice of the peace or medical examiner assumes control over the body. This bill:

Provides that a parent of a deceased child is entitled to view the child's body before a justice of the peace or a medical examiner, as applicable, for the county in which the death occurred assumes control over the body. Authorizes the viewing, if the child's death occurred at a hospital or other health care facility, to be conducted at the hospital or facility.

Prohibits a parent of a deceased child from viewing the child's body after a justice of the peace or medical examiner assumes control over the body, unless the parent first obtains the consent of the justice of the peace or medical examiner, or a person acting on behalf of the justice of the peace or medical examiner.

Requires that a viewing of the body of a deceased child whose death is determined to be subject to an inquest be conducted in compliance with certain conditions.

Provides that a person is not entitled to compensation for performing duties on behalf of a justice of the peace or medical examiner unless the commissioners court of the applicable county approves the compensation.

**Transferring Custody of Adopted Children—H.B. 834**
*by Representative Parker—Senate Sponsor: Senator Birdwell*

Abuse of an adopted child allegedly can allegedly be prevented if decisions regarding the transfer of permanent physical custody of the child are taken into careful consideration by appropriate officials or by the court system. H.B. 834 regulates the transfer of the permanent physical custody of an adopted child and creates a criminal offense for unregulated transfers of the permanent physical custody of an adopted child. This bill:

Prohibits a parent, managing conservator, or guardian of an adopted child from transferring permanent physical custody of the child to any person who is not a relative or stepparent of the child or an adult who has a significant and long-standing relationship with the child, unless the parent, managing conservator, or guardian files a petition with the court of competent jurisdiction requesting a transfer of custody and the court approves the petition.

Requires a licensed child-placing agency to provide prospective adoptive parents information regarding community services and other resources available to support a parent who adopts a child and the options available to the adoptive parent if the parent, is unable to care for the adopted child.

Defines "adopted child" and "unregulated custody transfer."

Provides that a person commits an offense if the person knowingly conducts an unregulated custody transfer of an adopted child or facilitates or participates in an unregulated custody transfer of an adopted child, including by transferring, recruiting, harboring, transporting, providing, soliciting, or obtaining an adopted child for that purpose.

Provides that such an offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor commits the offense with intent to commit an offense under Sections 20A.02 (Trafficking of Persons), 43.02 (Prostitution), 43.05 (Compelling Prostitution), 43.25 (Sexual Performance by a Child), 43.251 (Employment Harmful to Children), or 43.26 (Possession or Promotion of Child Pornography), Penal Code.

Provides that this bill does not apply to certain placements of an adopted child or certain voluntary delivery of an adopted child.

Provides that a person commits an offense if the person advertises in the public media that the person will place, provide, or obtain a child for adoption or any other form of permanent physical custody of the child.

### Authorization Agreements for Familial Support Services—H.B. 871

*by Representative Roberts et al.—Senate Sponsor: Senator Perry*

Interested parties have called on nonprofit organizations, including faith-based organizations, to take a more active role with the Department of Family and Protective Services (DFPS) in the process of providing services to families in crisis. H.B 871 allows for nonprofit and faith-based organizations to actively reach out to their communities to offer preventative services and programs, instead of waiting to be approached, which is the current statute.

H.B. 871 facilitates such increased involvement by requiring DFPS to cooperate with such organizations to provide certain information regarding services and resources available to such families and by providing for an authorization agreement to be entered into between a child's parent and any authorized adult caregiver who will temporarily care for the child. This bill:

Defines "adult caregiver."

Authorizes a parent or both parents of a child to enter into an authorization agreement with an adult caregiver to authorize the adult caregiver to perform certain acts with regard to the child including during an investigation of abuse or neglect, or while DFPS is providing services to the parent.

Provides that an authorization agreement does not confer on an adult caregiver the right to authorize an abortion on the child or administer emergency contraception to the child.

Provides that an authorization agreement between a child's parent and an adult caregiver does not subject the adult caregiver to any law or rule governing the licensing or regulation of a residential child-care facility.

Provides that a child who is the subject of an authorization agreement is not considered to have been placed in foster care and provides that the parties to the authorization agreement are not subject to any law or rule governing foster care providers.

Requires an authorization agreement to contain the adult caregiver's name, signature, and relationship to the child and a statement from the parent that indicates the authorization agreement's term and that identifies the circumstances under which the authorization agreement may be terminated or continued.

Provides that an authorization agreement is for a term of six months from the date the parties enter into the agreement and renews automatically for six-month terms, unless certain criteria are met.

Provides that an authorization agreement terminates on written revocation by a party to the authorization agreement, if the party meets certain conditions, including if the party filed a written revocation with the clerk of each court that has entered into an order regarding the appointment of a guardian for the child.

Requires DFPS to cooperate with nonprofit organizations, including faith-based organizations, in providing information to families in crisis regarding child and family services, including respite care, voluntary guardianship, and other support services available in the child's community.

Provides that DFPS does not incur any obligation as a result of providing information and is not liable for damages arising out of the provision of information as required by the bill.

Prohibits DFPS from initiating an investigation of child abuse or neglect based solely on a request submitted to DFPS by a child's parent for information relating to child and family services available to families in crisis.

Provides that Section 42.041 (Required License), Human Resources Code, does not apply to certain facilities, homes, programs, camps, or living arrangements, including a living arrangement in a caretaker's home involving one or more children or a sibling group in which the caretaker has a written authorization agreement with the parent of each child or sibling group to care for each child or sibling group; does not care for more than six children, excluding children who are related to the caretaker; and does not receive compensation for caring for any child or sibling group.

Repeals Sections 34.001 (Applicability) and 34.008(d) (relating to an authorization agreement being valid until revoked if the agreement does not state when the agreement expires), Family Code.

**Services for Foster Children Pursuing Higher Education—H.B. 928**

*by Representative White et al.—Senate Sponsor: Senator Uresti*

Foster youth are eligible for higher education programs that help them transition to college. However, many foster youth miss out on these opportunities because they do not know about the programs or lack guidance throughout the process. H.B. 928 ensures that foster youth are given information on how to best navigate these existing opportunities and levels the playing field to help foster youth grow beyond circumstances that were thrust upon them, giving them the best shot for entering higher education. This bill:

Requires a Department of Family and Protective Services (DFPS) employee who is a member of a community resource coordination group (group) to inform the group about the tuition and fee waivers for institutions of higher education (IHEs) that are available to eligible children in foster care.

Requires that each school district (district), in coordination with DFPS, facilitate the transition to an IHE for each child enrolled in the district who is eligible for a tuition and fee waiver and who, on the day preceding the child's 18th birthday, is likely to be in DFPS conservatorship by assisting the child with completing any applications for admission or for financial aid; by arranging and accompanying the child on campus visits; by assisting the child in researching and applying for private or IHE sponsored scholarships; by identifying whether the child is a candidate for appointment to a military academy; by assisting the child in registering and preparing for college entrance examinations, including (subject to the availability of funds) arranging for the payment of any examination fees by DFPS; and by coordinating contact between the child and a liaison officer for children who were formerly in DFPS conservatorship.

### Temporary Authorization for Care of a Minor—H.B. 1043

*by Representative Blanco—Senate Sponsor: Senator Zaffirini*

Interested parties express concern that when an extended family member of a child takes the child into the family member's home while the child's parents are unable to care for the child, the family member is often unable to consent to care that may be necessary for the child's welfare. H.B. 1043 provides a procedure for an extended family member to obtain temporary authorization to consent to such care. This bill:

Authorizes a person whose relationship to a child would make the person eligible to consent to treatment or enter an authorization agreement to seek a court order for temporary authorization for care of a child by filing a petition in the district court in the county in which the person resides, if certain conditions are met.

Requires that a petition for temporary authorization for care of a child meet certain requirements.

Requires the court, on receipt of the petition, to set a hearing. Requires that a copy of the petition and notice of the hearing be delivered to the parent, conservator, or guardian of the child by personal service or by certified mail, return receipt requested, and that proof of service be filed with the court.

Authorizes the court, at the hearing on the petition, to hear evidence relating to the child's need for care by the petitioner; any other matter raised in the petition; and any objection or other testimony of the child's parent, conservator, or guardian.

Requires the court to award temporary authorization for care of the child to the petitioner if the court finds it is necessary to the child's welfare and no objection is made by the child's parent, conservator, or guardian. Requires the court to dismiss the petition without prejudice if an objection is made.

Requires the court to grant the petition for temporary authorization only if the court finds by a preponderance of the evidence that the child does not have a parent, conservator, guardian, or other legal representative available to give the necessary consent.

Provides that an order granting temporary authorization expires on the first anniversary of the date of issuance, or at an earlier date determined by the court, and that an order may authorize the petitioner to take certain actions. Requires that such an order state certain information.

Requires that a copy of an order for temporary authorization be filed under the cause number in any court that has rendered a conservatorship or guardian order regarding the child and be sent to the last known address of the child's parent, conservator, or guardian.

Authorizes a temporary authorization order to be renewed by court order for a period of not more than one year on a showing by the petitioner of a continuing need for the order. Authorizes the petitioner or the child's parent, conservator, or guardian, at any time, to request the court to terminate the order. Requires the court to terminate the order on finding that there is no longer a need for the order.

**Foster Parent Intervention in Parent-Child Relationship Suits—H.B. 1410**
*by Representative Ortega et al.—Senate Sponsor: Senator Rodríguez*

Interested parties suggest that foster parents deserve more influence in suits involving the conservatorship of a child. H.B. 1410 addresses this issue by authorizing a court to grant leave for a foster parent to intervene in certain suits affecting the parent-child relationship. This bill:

Prohibits an original suit requesting possessory conservatorship from being filed by a grandparent or other person. Authorizes the court, however, to grant a grandparent or other person, subject to certain requirements if applicable, deemed by the court to have had substantial past contact with the child, leave to intervene in a pending suit if there is satisfactory proof to the court that appointment of a parent as a sole managing conservator or both parents as joint managing conservators would significantly impair the child's physical health or emotional development.

Authorizes a foster parent to only be granted leave to intervene if the foster parent would have standing to file an original suit as provided by Section 102.003(a)(12) (relating to authorizing the filing of an original suit by the foster parent of a child placed by the Department of Family and Protective Services in the person's home for a certain time), Family Code.

**Child Custody Evaluations—H.B. 1501**
*by Senfronia Thompson—Senate Sponsor: Senator Rodríguez*

Interested parties note the need to clarify and update the law relating to child custody evaluations. H.B. 1501 seeks to provide that. This bill:

Provides that a child custody evaluator is not liable for civil damages arising from an action taken, a recommendation made, or an opinion given in that capacity.

Authorizes the court, after notice and hearing or on agreement of the parties, to order the preparation of a child custody evaluation regarding the circumstances and condition of a child who is the subject of a suit, a party to a suit, and if appropriate, the residence of any person requesting conservatorship of, possession of, or access to a child who is the subject of the suit.

Requires that an order for a child custody evaluation include certain information, including a list of certain basic elements of an evaluation, which include: (1) a personal interview of each party to the suit seeking conservatorship of, possession of, or access to the child; (2) interviews of each child who is the subject of the suit who is at least four years of age during a period of possession of each party to the suit but outside the presence of the party; (3) an observation and an interview of any child who is not a subject of the suit who lives in the residence that is the subject of the evaluation; and (5) the obtaining of available information from relevant collateral sources.

Prohibits a child custody evaluator from offering an opinion regarding conservatorship of a child who is the subject of a suit or possession of or access to the child unless each basic element of a child custody evaluation and each additional element ordered by the court, if any, has been completed.

Authorizes the evaluator, if a child custody evaluator considers psychometric testing necessary, to designate a licensed psychologist to conduct the testing and to request additional court orders. Authorizes the evaluator, if a child custody evaluator identifies the presence of a potentially undiagnosed serious mental illness experienced by an individual who is a subject of a child custody evaluation, to make appropriate referrals for a mental examination and to request additional orders from the court.

Provides that a child custody evaluator appointed by a court is entitled to obtain records from authorities that relate to any person residing in a residence subject to a child custody evaluation, notwithstanding any other state law regarding confidentiality. Provides that records obtained by a child custody evaluator are confidential and not subject to public disclosure. Provides that a person commits an offense if the person recklessly discloses confidential information obtained under this Act and that the offense is a Class A misdemeanor.

### Defining "Least Restrictive Setting" for Foster Care Placements—H.B. 1542

*by Representative Price et al.—Senate Sponsor: Senators Birdwell and Burton*

Building high-quality foster care capacity that best meets the needs of children in the state's foster care system remains a high priority. Traditional foster homes and general residential operations operating as cottage homes are vital parts of the continuum of care for children in Texas and should be classified as the least restrictive setting when being considered as a potential placement site for certain children under the care of the Department of Family and Protective Services (DFPS). This bill:

Defines "least restrictive setting" and "physician assistant."

Provides that, with respect to a child who is older than six years of age and who is removed from his or her home, if a suitable relative or other designated caregiver is not available as a placement for the child, placing the child in a foster home or a general residential operation operating as a cottage home would be considered the least restrictive setting.

Provides that with respect to a child who is six years of age or younger and who is removed from his or her home, if a suitable relative or other designated caregiver is not available as a placement for the child, the least restrictive setting for the child would be placement in a foster home or a general

residential operation operating as a cottage home, only if DFPS has determined it to be in the best interest of the child.

Requires DFPS, in selecting a placement for a child, to consider whether the placement is in the child's best interest and in determining whether a placement is in a child's best interest, to consider whether the placement meets certain criteria.

Prohibits DFPS, if DFPS were to receive a formal determination from the United States Department of Health and Human Services stating that implementing the bills changes in law would result in a reduction in certain federal funding, from implementing provisions in the bill.

### CPS and PEI Services at DFPS—H.B. 1549

*by Representative Burkett et al.—Senate Sponsor: Senators Kolkhorst and Bettencourt*

The Department of Family and Protective Services (DFPS) has experienced numerous challenges in achieving DFPS's mission to protect children. Such problems have included high turnover rates among caseworkers within Child Protective Services (CPS) and lack of sufficient data to effectively address barriers to DFPS's mission to protect children. H.B. 1549 addresses these challenges by improving CPS workforce development through retention and staffing strategies, increasing foster care recruitment and placements, better evaluating Prevention and Early Intervention (PEI) services and outcomes, as well as other provisions designed to strengthen the capacity and capability of DFPS to protect children. This bill:

Requires DFPS, not later than March 1 of each year, to publish a certain aggregated report.

Requires DFPS, in geographic areas with demonstrated need, to designate employees to serve specifically as investigators and responders for after-hours reports of child abuse or neglect.

Requires DFPS, as soon as possible after a child is placed in the managing conservatorship of DFPS, to assess whether the child has a developmental or intellectual disability.

Requires DFPS to ensure that a referral for determination of intellectual disability is made as soon as possible and that the determination is conducted by an authorized provider before the date of the child's 16th birthday, if practicable. Requires that the determination of intellectual disability, if the child is placed in the managing conservatorship of DFPS after the child's 16th birthday, be conducted as soon as possible after the assessment required by this bill.

Defines "authorized provider" and "community-based foster care."

Requires that appropriate DFPS management personnel from CPS region in which community-based foster care has not been implemented, in collaboration with regional foster care providers, faith-based entities, and child advocates, use data collected by DFPS on foster care capacity needs and availability of each type of foster care and kinship placement to create a plan to address the region substitute care capacity needs. Requires that the plan identify both short-term and long-term goals and strategies for addressing those capacity needs.

Requires a foster care capacity needs plan developed under this bill to be submitted to and approved by the commissioner of DFPS (commissioner) and to be updated annually and published on DFPS's Internet website.

Requires the Department of State Health Services (DSHS) to develop and make available training for justices of the peace and medical examiners regarding inquests in child death cases.

Requires DSHS, in addition to the duties specified in this bill, to evaluate and use the available child fatality data to create public health strategies for the prevention of child fatalities.

Creates the Child Fatality Review Team Committee (committee) and provides that the committee is composed of certain persons, including a person appointed by and representing the speaker of the house of representatives, a person appointed by and representing the lieutenant governor, and a person appointed by and representing the governor.

Requires each member of the committee to be a member of the child fatality review team (review team) in the county where the committee member resides, unless the committee member is an appointed representative of a state agency.

Defines "near fatality."

Requires DFPS to include near fatality child abuse or neglect cases in the child fatality case database for cases in which child abuse or neglect is determined to have been the cause of the near fatality. Requires DFPS to develop a data-collection strategy for near fatality child abuse or neglect cases.

Requires DFPS to produce an aggregated report, as required by Section 261.204 (Annual Child Fatality Report), Family Code, relating to child fatality and near fatality cases resulting from child abuse or neglect containing certain information.

Requires DFPS, in preparing the part of the report required by Section 254.5032 (a)(1) (relating to information regarding any prior contact DFPS had with the child's family and the manner in which the case was disposed), Family Code, to include information contained in DFPS records retained in accordance with DFPS's records retention schedule.

Requires that the report produced under this bill protect the identity of individuals involved in a case that is included in the report.

Authorizes DFPS to combine the report required by Section 261.204, Family Code, with the report required by Section 254.032(a)(1), Family Code.

Authorizes a county to join with an adjacent county or counties to establish a combined review team that is required to reflect the diversity of the county's population and authorizes the review team to include certain persons.

Requires that a review team, to achieve its purpose, review and analyze the collected data to identify any demographic trends in child fatality cases, including whether a disproportionate number of child fatalities is in a particular population group or geographic area.

Requires DSHS to provide a review team electronic access to the preliminary death certificate of a deceased child.

Requires a county commissioners court to adopt regulations relating to the timeliness for conducting an inquest into the death of a child. Requires that the regulations adopted be as stringent as the standards issued by the National Association of Medical Examiners unless the commissioners court determines that it would be cost prohibitive for the county to comply with those standards.

Requires the medical examiner or justice of the peace to notify the appropriate county review team of a child's death not later than 120 days after the date the death is reported.

Requires DFPS to expedite the evaluation of a potential caregiver under Section 264.903 (Caregiver Evaluation), Family Code, to ensure that a child is placed with a caregiver who has the ability to protect the child from the alleged perpetrator of abuse or neglect against the child.

Requires that the strategic plan required under Section 265.005 (Strategic Plan), Family Code, among certain other requirements, identify strategies and goals for increasing the number of families receiving PEI services each year, subject to the availability of funds, to reach targets set by DFPS for providing services to eligible families that are through parental education, family support, and community-based programs financed with federal, state, local, or private resources.

Requires DFPS, to improve the effectiveness and delivery of PEI services by identifying geographic areas that have a high need for PEI services but either do not have PEI services available in the area or have only unevaluated PEI services available and by developing certain strategies for community partners.

Prohibits DFPS from using data gathered under this bill to identify a specific family or individual.

Authorizes DFPS to enter into agreements with institutions of higher education (IHEs) to conduct efficacy reviews that meet certain requirements set forth in the bill of any PEI services provided by DFPS. Sets forth the requirements for DFPS to enter into an agreement with an IHE.

Defines "secondary trauma."

Requires DFPS to develop and make available a program to provide ongoing support to caseworkers who experience secondary trauma resulting from exposure to trauma in the course of the caseworker's employment. Requires that the program include critical incident stress debriefing. Prohibits DFPS from requiring that a caseworker participate in the program.

Requires DFPS to collect and compile certain data on the state and county level.

Requires DFPS, not later than February 1 of each year, to publish a report containing data collected as required by certain provisions of this bill. Requires that the report include statewide and county data.

Requires DFPS to develop and implement a certain caseload management system for CPS caseworkers and managers subject to a specific appropriation for that purpose.

Requires DFPS, in calculating the caseworker caseload under Section 40.0529(a)(2) (relating to calculating caseloads based on the number of individual caseworkers who are available to handle cases), to consider at least the following:

caseworkers who are on extended leave;

caseworkers who worked hours beyond a normal work week; and

caseworkers who are on a reduced workload.

Requires the commissioner to establish the Prevention Task Force to make recommendations to DFPS for certain changes to law, policy, and practices.

**Appointing Foster Parents as Special Education Decision-Makers—H.B. 1556**
*by Representative Mary González et al.—Senate Sponsor: Senator Menéndez*

Interested parties contend that the foster parent of a child with a disability is the best person to act as the child's special education decision maker. H.B. 1556 clarifies a foster parent's role in representing a child with a disability in the education system and supports foster children with disabilities. If the Department of Family and Protective Services (DFPS) is the permanent managing conservator of a child for whom a foster parent cares, the foster parent can become the "special education decision maker" for the child under H.B. 1556 only if that foster parent's decision-making rights have not been limited due to a court intervention. The parent, under this bill, must complete training on the responsibilities of the educational decision-making process, and the foster parent may "opt out" of the role. This bill:

Authorizes a foster parent to act as a parent of a child with a disability, as authorized under 20 U.S.C. Section 1415(b) and its subsequent amendments, if:

DFPS is appointed as temporary or permanent managing conservator of the child;

the rights and duties of DFPS to make decisions regarding the education provided to the child under Section 153.371 (Rights and Duties of Nonparent Appointed as Sole Managing Conservator), Family Code, have not been limited by a court order; and

the foster parent agrees to participate in making special education decisions on the child's behalf and completes a training program that complies with minimum standards established by Texas Education Agency (TEA) rule.

Requires a foster parent who will act as a parent of a child with a disability to complete a training program before the next scheduled admission, review, and dismissal committee meeting for the child, but not later than 90 days after the date the foster parent begins acting as the parent for the purpose of making special education decisions.

Prohibits a school district from requiring a foster parent to retake a training program to continue serving as a child's parent or to serve as the surrogate parent for another child, if the foster parent has completed a training program to act as the parent of a child with a disability provided by DFPS, a school district, an education service center, or any other entity that receives federal funds to provide special education training to parents.

Authorizes a foster parent who is denied the right to act as a parent by a school district to file a complaint with TEA in accordance with federal law and regulations.

Requires DFPS, not later than the fifth day after the date a child with a disability is enrolled in a school, to inform the appropriate school district if the child's foster parent is unwilling or unable to serve as a parent.

Provides that certain provisions of the bill applies to a child with a disability of whom DFPS is appointed as the temporary or permanent managing conservator and the rights and duties of DFPS to make decisions regarding the child's education under Section 153.371, Family Code, have not been limited by a court order.

Requires that a school district, except as provided by Section 263.0025 (Appointment of Surrogate Parent), Family Code, appoint an individual to serve as the surrogate parent of a child, if the school district is unable to identify or locate the parent for a child with a disability or if the foster parent of a child is unwilling or unable to serve as the parent.

Prohibits a surrogate parent appointed by a school district from being an employee of the state, school district, or any other agency involved in the education or care of the child or from having any interests that conflict with the interests of the child.

Requires a surrogate parent appointed by a school district to fulfill certain requirements.

Authorizes a school district to appoint a person as a child's surrogate parent who has been appointed to serve as a child's guardian ad litem or as a court-certified volunteer advocate.

Requires that a school district consult with DFPS and appoint another person to serve as the surrogate parent of a child, if a court appoints a surrogate parent for a child with a disability under Section 263.0025, Family Code, and the school district determines that the surrogate parent is failing to perform or is not properly performing the listed duties.

Requires DFPS, on receiving notice from a school district, to promptly notify a court of the failure of the appointed surrogate parent to properly perform the required duties.

Authorizes an appointed court-certified volunteer advocate to be assigned as the acting surrogate parent of a child, as provided by 20 U.S.C. Section 1415(b), if the volunteer advocate completes a training program for surrogate parents that complies with minimum standards established by TEA rule within the time specified by statute.

Defines "child."

Authorizes a foster parent of a child to act as the parent of the child, as authorized under 20 U.S.C. Section 1415(b), if the rights and duties of DFPS to make decisions regarding the child's education under Section 153.371, Family Code, have not been limited by a court order and if the foster parent agrees to certain requirements of this bill.

Provides that certain provisions of this bill apply to a foster parent who acts or desires to act as a parent of a child for the purpose of making special education decisions.

Authorizes a court, to ensure that the educational rights of a child are protected in the special education process, to appoint a surrogate parent for the child if the child's school district is unable to identify or locate the parent of the child or if the foster parent of the child is unwilling or unable to serve as the parent for the purposes of this bill.

Authorizes a court to appoint a person, except an employee of certain entities, to serve as a child's surrogate parent, if the person is willing to serve in that capacity and meets the requirements of 20 U.S.C. Section 1415(b).

Authorizes a court to appoint a child's guardian ad litem or a court-certified volunteer advocate as a child's surrogate parent.

Authorizes a court, in appointing a person to serve as the surrogate parent of a child, to consider the person's ability to meet the qualifications listed in statute.

Requires that the training program, comply with the minimum standards for training established by TEA rule, if the court prescribes training for a person who is appointed as the surrogate parent of a child.

**Summer Internship Pilot Program for Foster Youth—H.B. 1608**
*by Representative Minjarez—Senate Sponsor: Senator Uresti*

Young adults face challenges in the job market in regard to having relevant previous experience to obtain employment. Many youth gain some of the skills and experience that they need through internships. However, finding an internship is often more difficult for foster youth who live in a less stable home and may have fewer connections to internship opportunities. Studies have shown that foster youth are less likely to finish high school and have more difficulty finding employment after they age out of foster care. This bill:

Requires the Department of Family and Protective Services (DFPS) to establish a summer internship pilot program (pilot program) that provides foster youth the opportunity to develop marketable job skills and obtain professional work experience through a summer internship with a participating business, nonprofit organization, or governmental entity.

Authorizes DFPS to collaborate with other state agencies, as appropriate, to establish the pilot program. Requires DFPS, not later than January 1, 2018, to establish the pilot program. Authorizes the pilot program to be implemented in more than one DFPS region.

Authorizes DFPS to enter into an agreement with one or more entities described by this bill to allow the entity to award internships, either paid or unpaid, to youth who participate in the pilot program.

Requires DFPS, not later than April 1 of each year, to select foster youth or former foster youth who are 15 years of age or older to participate in the pilot program. Requires that each youth participant enter into an agreement with the entity awarding the internship and with DFPS, relating to the terms of the youth's internship.

Requires DFPS to complete an evaluation of the pilot program not later than the second anniversary of the date the pilot program begins and to submit the report to the governor, the lieutenant governor, and the speaker of the house of representatives. Requires that the report include certain information.

Authorizes the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement provisions of this bill.

Provides that certain provisions in this bill expire on September 1, 2021.

**Quality-Based Outcome Measures for Persons with HIV—H.B. 1629**
*by Representative Coleman—Senate Sponsor: Senator Zaffirini et al.*

According to the Texas Department of State Health Services's (DSHS) Texas HIV Surveillance Report, more than 80,000 Texans are living with HIV. Of those, slightly more than 15,000 receive services through Texas Medicaid or the Children's Health Insurance Program (CHIP). One significant means of reducing the transmission of HIV and improving the health outcomes for persons living with HIV is to ensure that such individuals maintain a low viral load of less than 200 copies per milliliter of blood. If this quality measure were adopted in Medicaid and CHIP, it would help improve the health of affected persons in those programs and would help reduce the transmission of HIV in Texas. Current statute outlines the duty of the Health and Human Services Commission (HHSC) to develop quality-based outcome and process measures that promote the provision of efficient, quality health care that be used in CHIP and Medicaid but does not require these quality measures to measure HIV viral loads. This bill:

Requires HHSC, in coordination with DSHS, to develop and implement a quality-based outcome measure for the child health plan program and Medicaid to annually measure the percentage of child health plan program enrollees or Medicaid recipients with HIV infection, regardless of age, whose most recent viral load test indicates a viral load of less than 200 copies per milliliter of blood.

Requires HHSC to include in the annual report required by statute, aggregate, nonidentifying data that was collected using the quality-based outcome measure and authorizes HHSC to include that data in any other report required by this bill. Requires HHSC to determine the appropriations of including the quality-based outcome in the quality-based payments and payment systems developed by statute.

Defines "HIV."

Requires HHSC and DSHS, as soon as practicable after the effective date of this Act, to develop and implement the quality-based outcome measure.

Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency and authorizes a delay in implementation until such a waiver or authorization is granted.

**Notifying the Department of Defense Family Advocacy Program—H.B. 2124**
*by Representative Minjarez et al.—Senate Sponsor: Senator Kolkhorst*

Interested parties have expressed a need to support the development of more consistent memoranda of understanding between the United States (U.S.) Department of Defense Family Advocacy Program and state and local child welfare services to improve coordination of local child welfare and military protective rehabilitative services in support of military children and families. H.B. 2124 addresses this issue by requiring the Department of Family and Protective Services (DFPS), in an

investigation of a report of abuse or neglect allegedly committed by a person responsible for a child's care, custody, or welfare, to notify the U.S. Department of Defense Family Advocacy Program of the investigation if the person under investigation is determined to be an active-duty member of the U.S. armed forces (armed forces) or the spouse of a person on active duty. This bill:

Requires DFPS, in an investigation of a report of abuse or neglect allegedly committed by a person responsible for a child's care, custody, or welfare, to determine whether the person is an active-duty member of the armed forces or the spouse of a member on active duty. Requires DFPS, if DFPS has determined that the person is an active-duty member of the armed forces or the spouse of a member on active duty, to notify the U.S. Department of Defense Family Advocacy Program at the closest active duty military installation of the investigation.

### Raising Physician Awareness to Prevent False Abuse or Neglect Allegations—H.B. 2848

*by Representatives Burkett and Greg Bonnen—Senator Sponsor: Senate Perry*

Certain medical conditions produce symptoms that might lead a physician to believe erroneously that a child with such a condition has been abused or neglected. The goal of H.B. 2848 is to raise awareness of certain metabolic bone diseases or connective tissue disorders to prevent families from having to face false allegations of abuse or neglect. This bill:

Defines "network" and "system."

Requires any agreement between the Department of Family and Protective Services (DFPS) and the Forensic Assessment Center Network (FACN) or between the Department of State Health Services and the entities that receive grants under the Texas Medical Child Abuse Resources and Education System (MEDCARES) to provide assistance in connection with DFPS investigations of abuse and neglect to authorize both MEDCARES and FACN to obtain consultations with physicians, including radiologists, geneticists, and endocrinologists who specialize in identifying such unique health conditions as rickets, Ehlers-Danlos syndrome, osteogenesis imperfecta, vitamin D deficiency, and other similar metabolic bone diseases or connective tissue disorders.

Requires that if, during an investigation of abuse or neglect or an assessment provided by this bill, DFPS or a physician in FACN were to determine that a child required a specialty consultation with a physician, DFPS or the physician could refer the child's case to MEDCARES for the consultation, if MEDCARES has available capacity to take the child's case.

Requires FACN and MEDCARES, in providing assessments to DFPS as provided by this bill to use a blind peer-review process to resolve cases in which physicians in FACN or MEDCARES disagree in the assessment of the causes of a child's injuries or in the presence of a condition listed in this bill.

### Authorization Agreements for Nonparent Child Caregivers—H.B. 3052

*by Representative Herrero—Senate Sponsor: Senator Watson*

Chapter 34 (Authorization Agreement for Nonparent Relative), Family Code, provides for authorization agreements that a biological parent may use to authorize a nonparent relative or

voluntary caregiver to make certain decisions on behalf of the biological parent's child. Authorization agreements allow a caregiver to authorize or obtain on behalf of the child medical treatment, insurance coverage, public benefits, a driver's license, or enrollment in school but do not allow for the authorized caregiver to obtain a birth certificate or social security card. Stakeholders note that birth certificates and social security cards are necessary for authorized caregivers to execute some of their responsibilities to the child. This bill:

Allows an authorized relative to obtain copies or originals of a child's identification documents through authorization agreements. Requires notification to a parent who is not present when the agreement is authorized.

**Ensuring that Foster Youth Receive Important Documentation—H.B. 3338**
*by Representatives White and Faircloth—Senate Sponsor: Senator Miles*

Too many children age out of the foster care system not fully prepared to live independently as young adults. H.B. 3338 eases the transition out of the foster care system by providing for the development of procedures to ensure that a foster child obtains a driver's license or personal identification card before the child leaves state conservatorship. This bill:

Requires the Department of Family and Protective Services (DFPS), in cooperation with volunteer advocates from a charitable organization, and the Texas Department of Public Safety to develop procedures to ensure that a foster child obtains a driver's license or personal identification card before the child leaves DFPS conservatorship.

**Addressing Issues in the Texas Child Welfare System—S.B. 11**
*by Senator Schwertner et al.—House Sponsor: Representative Frank et al.*

Concerns have been raised regarding the lack of capacity and local decision-making for children in the state's foster care system. Interested parties assert that expansion of community-based foster care will increase foster placements and the overall quality of care for foster children. S.B. 11 provides for such an expansion. This bill:

Redefines "family violence." Redefines "abuse" and "neglect" and defines "exploitation" in various sections of the Family Code. Redefines "person responsible for a child's care, custody, or welfare."

Updates provisions relating to the duties of a guardian ad litem.

Entitles the prospective adoptive parents to examine any record or other information relating to the child's health history, including certain information provided by the Department of Family and Protective Services (DFPS) or a single source continuum contractor (SSCC). Requires that the health history of the child include certain information.

Requires DFPS to collect and monitor data regarding repeated reports of abuse or neglect involving the same child or by the same alleged perpetrator.

Requires a state agency to investigate a report that alleges abuse, neglect, or exploitation occurred in a facility operated, licensed, certified, or registered by that agency as provided by statute.

Requires the Texas Juvenile Justice Department (TJJD) to make a prompt, thorough investigation if TJJD receives a report of alleged abuse, neglect, or exploitation in any juvenile program or facility. Requires that the primary purpose of the investigation be the protection of the child.

Updates provisions relating to a new trial or extensions for certain suits affecting the parent-child relationship.

Requires DFPS, as soon as possible but not later than 24 hours after a change in placement of a child in DFPS conservatorship, to give notice of the placement change to the managed care organization (MCO) that contracts with the Texas Health and Human Services Commission (HHSC) to provide health care services to the child under the STAR Health program. Requires the MCO to give notice of the placement change to the primary care physician listed in the child's health passport before the end of the second business day after the day the MCO receives DFPS's notification.

Requires the SSCC that has contracted with HHSC to provide foster care services in a catchment area in which community-based care has been implemented, as soon as possible but not later than 24 hours after a change in placement of a child in DFPS conservatorship, to give notice of the placement change to the MCO that contracts with HHSC to provide health care services to the child under the STAR Health program.

Requires that a child who has been taken into DFPS conservatorship and remains in DFPS conservatorship for than three business days receive a certain medical examination.

Creates a foster parent recruitment study to study the feasibility of developing a program to recruit and provide training for young adult caregivers.

Defines "community-based care." Creates a foster care capacity needs plan that requires appropriate DFPS management personnel from a child protective services region in which community-based care has not been implemented, in collaboration with certain interested parties, to use data collected by DFPS on foster care capacity needs and availability of each type of foster care and kinship placement in the region to address the regions substitute care capacity needs.

Requires DFPS, in regions of the state where community-based care has not been implemented, to collaborate with child-placing agencies to implement the single child plan of service model developed under the single child plan of service initiative and ensure that a single child plan of service is developed for each child in foster care in those regions.

Implements statutory provisions for "community-based care," which include:

> definitions for "alternative caregiver," "case management," "catchment area," and "community-based care;"
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> qualifications of SSCCs and requirements for their selection by DFPS;
>
> required SSCC contract provisions;
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> a readiness review process for community-based care contractors;

the process for expansion of community-based care;

transferring of case management and certain other services from DFPS to SSCCs;

requiring the SSCC, or any subcontractor, to maintain certain insurance coverage;

requiring the SSCCs providing foster care services and services for elative and kinship care in a catchment area to assume certain statutory duties of DFPS;

requiring DFPS to develop a formal review process to evaluate an SSCC's implementation of placement services and case management services in a catchment area;

continuing certain duties of DFPS;

providing for confidentiality in certain SSCC records;

authorizing an SSCC to terminate a contract by providing notice to DFPS and HHSC of the SSCC's intent to terminate the contract not later than the 60th day before the date of the termination;

creating a contingency plan in the event of early contract termination; and

authorizing DFPS to review, approve, or disapprove an SSCC's recommendation with respect to a child's permanency goal.

Requires DFPS to develop and implement in two child protective services regions of the state a pilot program under which HHSC contracts with a single nonprofit entity focused on child welfare or a governmental entity in each region to provide family-based safety services and case management for children and families receiving family-based safety services. Requires that the contract include a transition plan for the provision of services that ensures the continuity of services for children and families in the selected regions.

Changes references to foster care redesign to community-based care in sections of the Family Code.

Requires the governor to establish and administer an innovation grant program to award grants to support faith-based community programs that collaborate with DFPS and HHSC to improve foster care and the placement of children in foster care.

Requires HHSC, on behalf of DFPS and subject to the availability of funds, to enter into agreements with institutions of higher education (IHEs) to conduct efficacy reviews of any prevention and early intervention programs that have not previously been evaluated for effectiveness through a scientific research evaluation process. Requires DFPS, subject to the availability of funds, to collaborate with an IHE to create and track indicators of child well-being to determine the effectiveness of prevention and early intervention services.

Updates sections of the Government Code to conform with new statutory provisions for "community-based care."

Requires an MCO that contracts with HHSC to provide health care services to recipients under the STAR Health program to ensure that enrollees receive certain services in accordance with the requirements specified in the contract between the MCO and HHSC.

Requires that a contract between an MCO and HHSC for the MCO to provide health care services to recipients under the STAR Health program require the MCO to ensure continuity of care for a child whose placement has changed by notifying each specialist treating the child of the placement change and coordinating the transition of care from the child's previous treating primary care physician and treating specialists to the child's new treating primary care physician and treating specialists, if any.

Requires DFPS to periodically review DFPS's records retention policy with respect to case and intake records relating to DFPS functions. Requires DFPS to make changes to the policy consistent with the records retention schedule submitted under Section 441.185 (Record Retention Schedules), Government Code, that are necessary to improve case prioritization and the routing of cases to the appropriate division of DFPS.

Creates the case management services vendor quality oversight and assurance division (divison) within DFPS. Creates an office of data analytics office (office) within DFPS. Requires the commissioner of DFPS and the executive commissioner of HHSC to transfer appropriate staff as necessary to conduct the office's duties.

Requires DFPS, for all investigations of child abuse, neglect, or exploitation conducted by the Child Protective Services (CPS) division, to adopt the definitions of abuse, neglect, and exploitation provided in Section 261.001 (Definitions), Family Code. Requires DFPS to establish standardized policies to be used during investigations. Requires the commissioner of DFPS to establish units within CPS to specialize in investigating allegations of child abuse, neglect, and exploitation occurring at a child-care facility.

Authorizes DFPS to require that investigators who specialize in allegations of child abuse, neglect, and exploitation occurring at child-care facilities receive ongoing training on the minimum licensing standards for any facilities that are applicable to the investigator's specialization.

Requires DFPS, after an investigation of abuse, neglect, or exploitation occurring at a child-care facility, to provide the state agency responsible for regulating the facility with access to any information relating to DFPS's investigation. Provides that providing access to this confidential information does not constitute a waiver of confidentiality.

Requires that a contract for residential child-care services provided by a general residential operation or by a child-placing agency include provisions that enable DFPS and HHSC to monitor the effectiveness of the services; specify performance outcomes, financial penalties for failing to meet any specified performance outcomes, and financial incentives for exceeding any specified performance outcomes; authorize DFPS or HHSC to terminate the contract or impose monetary sanctions for a violation of a provision of the contract that specifies performance criteria or for underperformance in meeting any specified performance outcomes; authorize DFPS or HHSC, an agent of DFPS or HHSC, and the state auditor to inspect all books, records, and files maintained by a contractor relating to the contract; and are necessary, as determined by DFPS or HHSC, to ensure accountability for the delivery of services and for the expenditure of public funds.

Requires HHSC, in collaboration with DFPS, to contract with a vendor or enter into an agreement with an IHE to develop, in coordination with DFPS, performance quality metrics for family-based safety services and post-adoption support services providers. Requires that the quality metrics be included in each contract with those providers. Requires the commissioner of DFPS to compile a summary of all reports prepared and submitted to DFPS by family-based safety services providers and distribute that summary to appropriate entities.

Redefines "other maltreatment."

Requires a child-placing agency or general residential operation that contracts with DFPS to provide services to ensure that the children that are in the managing conservatorship of DFPS and are placed with the child-placing agency or general residential operation receive a complete early and periodic screening, diagnosis, and treatment checkup in accordance with the requirements specified in the contract between the child-placing agency or general residential operation and DFPS.

### Behavioral Health Services for Children, Adolescents, and Families—S.B. 74

*by Senator Nelson et al.—House Sponsor: Representative Price*

S.B. 58, 83rd Legislature, Regular Session, 2013, added community rehabilitation services to Medicaid managed care, allowing providers other than local mental health authorities (LMHAs) to provide these services. Three years later, only three providers have been credentialed and three more are in the credentialing process. Barriers to credentialing, as cited by providers, include a misunderstanding of requirements to become a credentialed provider and a lack of funding for expenses associated with credentialing. S.B. 74 streamlines credentialing requirements for providers seeking to offer targeted case management and rehabilitative services to children, adolescents, and their families, which is expected to increase statewide capacity for such services. An estimated 4,000 high-needs foster children are in need of these intensive mental health services. This bill:

Authorizes an in-network provider of a managed care organization (MCO) that contracts with the Health and Human Services Commission (HHSC) to provide behavioral health services under Section 533.00255 (Behavioral Health and Physical Health Services Network), Government Code, as added by this bill, to contract with the MCO to provide targeted case management and psychiatric rehabilitative services to children, adolescents, and their families.

Authorizes HHSC rules and guidelines concerning contract and training requirements applicable to behavioral health services to be applied to a provider that contracts with an MCO, only to the extent that those contract and training requirements are specific to targeted case management and psychiatric rehabilitative services to children, adolescents, and their families.

Prohibits HHSC rules and guidelines applicable to a provider that contracts with an MCO from requiring such provider to provide a behavioral health crisis hotline or a mobile crisis team that operates 24 hours per day and seven days per week. Provides that certain provisions of this bill do not prohibit an MCO that provides behavioral health services in contracts with HHSC under Section 533.00255, Government Code, from specifically contracting with a provider for the provision of a behavioral health crisis hotline or a mobile crisis team that operates 24 hours per day and seven days per week.

Prohibits HHSC rules and guidelines applicable to a provider that contracts with an MCO to provide targeted case management and psychiatric rehabilitative services specific to children and adolescents who have certain risks from requiring the provider to also provide less intensive psychiatric rehabilitative services as specified by the applicable HHSC rules and if that provider has a referral arrangement to provide access to those less intensive psychiatric rehabilitative services.

Prohibits HHSC rules and guidelines applicable to a provider that contracts with an MCO from requiring such provider to provide services not covered under Medicaid.

Requires HHSC, for an MCO that contracts with HHSC under Chapter 533 (Medicaid Managed Care Program), Government Code, and that provides behavioral health services through a contract with a third party or an arrangement with a subsidiary of the MCO, to:

> require the effective sharing and integration of care coordination, service authorization, and utilization-management data between the MCO and the third party or subsidiary;
>
> encourage, to the extent feasible, the colocation of physical and behavioral health care coordination staff;
>
> require warm call transfers between physical and behavioral health care coordination staff;
>
> require the MCO and the third party or subsidiary to implement joint rounds for physical and behavioral health services network providers or some other effective means for sharing clinical information; and
>
> ensure that the MCO makes available a seamless provider portal for both physical and behavioral health services network providers, to the extent allowed by federal law.

Requires the executive commissioner of HHSC to adopt rules necessary to implement provisions of this bill no later than January 1, 2018.

Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such a waiver or authorization is granted.

### Termination of Parental Rights for Certain Cases of Sexual Assault—S.B. 77

*by Senators Nelson and Zaffirini—House Sponsor: Representative Alvarado*

Interested parties express concern regarding the ability of a court to terminate the parental rights of a parent who has committed sexual assault against the child's other parent. S.B. 77 remedies this situation by expanding the conditions under which a court may order termination of the parent-child relationship and order child support. This bill:

Authorizes the court to order termination of the parent-child relationship if the court finds by clear and convicting evidence that the parent has, among certain acts, been convicted of the sexual assault of the other parent of the child under Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault), Penal Code, or under certain other substantially similar laws, or the parent has been placed

on certain community supervisions for being criminally responsible for the sexual assault of the other parent of the child under the same sections or laws.

Authorizes the court to order each person who is financially able and whose parental rights have been terminated for, among certain acts, conviction of sexual assault of the other parent of the child under Section 22.011 or 22.021, Penal Code, or under certain other substantially similar laws, or who has been placed on certain community supervisions for being criminally responsible for the sexual assault of the other parent of the child under the same sections or laws to support the child in the manner specified by the order for a certain time period.

### Administrative Closures of Certain Child Abuse or Neglect Cases—S.B. 190

*by Senator Uresti—House Sponsor: Representative Wu*

One of the biggest issues confronting the Department of Family and Protective Services (DFPS) is unsustainably high caseloads of investigations. S.B. 190 will improve caseload-management efficiency, which will help to clear the backlog of very low-risk cases while still requiring that an experienced individual is to make the call for administrative closures, and will ensure that a Child Protective Services (CPS) employee reviews and checks in on the case within 61 days. In addition to reducing caseloads for caseworkers, S.B. 190 will help to get families who have been neither cleared nor investigated out of limbo. This bill:

Authorizes a DFPS caseworker to refer a reported case of child abuse or neglect to a DFPS supervisor for abbreviated investigation or administrative closure at any time before the 60th day after the date a report has been received if:

> there is no prior report of abuse or neglect of the child who is the subject of a report;
>
> DFPS has not received an additional report of abuse or neglect for the child following the initial report;
>
> after contacting a professional or other credible source, a caseworker determines that a child's safety can be assured without further investigation, response, services, or assistance; and
>
> a caseworker has determined that no abuse or neglect has occurred.

Requires a DFPS supervisor to review each reported case of child abuse or neglect that has remained open for more than 60 days and to administratively close a case if a supervisor determines that certain circumstances exist and if the DFPS director grants approval for the administrative closure of the case.

Authorizes a DFPS supervisor to reassign a reported case of child abuse or neglect that does not qualify for abbreviated investigation or administrative closure to a different DFPS caseworker, if the supervisor has determined that reassignment would allow DFPS to make the most effective use of resources to investigate and respond to reported cases of abuse or neglect.

Requires the executive commissioner of HHSC to adopt rules necessary to implement provisions of this bill.

Defines "professional."

**Continuing the State's Permanency Care Assistance Program—S.B. 203**
*by Senator West et al.—House Sponsor: Representative Sarah Davis*

After passage of the federal Fostering Connections to Success and Increasing Adoptions Act in October 2008, the 81st Texas Legislature, Regular Session, 2009, acted to take advantage of federal matching funds by passing legislation to create the Permanency Care Assistance (PCA) program at the Department of Family and Protective Services (DFPS). The PCA program gives financial support to kinship caregivers who want to provide a permanent home to children who cannot be reunited with their parents. In most cases, kinship caregivers are such relatives as aunts, uncles, or grandparents.

The state's PCA program has resulted in significant cost savings to the state and positive outcomes for foster care youth but the deadline for DFPS to enter into PCA agreements with certain kinship providers occurs August 31, 2017. S.B. 203 continues the PCA program by repealing the statutory provision prohibiting DFPS from entering into such an agreement after that deadline. This bill:

Repeals Section 264.857 (Deadline for New Agreements), Family Code.

**Parental Right to View Body of Deceased Child Before Autopsy—S.B. 239**
*by Senator Campbell—House Sponsor: Representative Larson*

Interested parties are concerned that the parents of a deceased child are not always given the opportunity to view their child's body before an autopsy. S.B. 239 entitles a parent to view the body before an applicable justice of the peace (JP) or medical examiner (ME) assumes control over the body. This bill:

Entitles a parent of a deceased child to view the child's body before a JP or the ME, as applicable, for the county in which the death occurred assumes control over the body. Authorizes the viewing to be conducted at the hospital or facility where the child's death occurred, if applicable.

Prohibits a parent of a deceased child from viewing the child's body after a JP or ME assumes control over the body unless the parent first obtains the consent of the JP or ME or a person acting on behalf of those officials.

Requires that a viewing of the body of a deceased child whose death is subject to an inquest comply with the following conditions:

> requires that the viewing be supervised by an appropriate peace officer or, with the officer's consent, a physician, registered nurse, or licensed vocational nurse or the JP or ME or a person acting on those officials' behalf;
>
> prohibits a parent of the deceased child from having contact with the child's body unless the parent first obtains the necessary consent; and

prohibits a person from removing a medical device from the child's body or otherwise altering the condition of the body for a viewing unless the person first obtains the necessary consent.

Provides that a person is not entitled to compensation for performing duties on behalf of a JP or ME unless the commissioners court of the applicable county approves the compensation.

### Protection of Children in Certain Unsupervised Visits—S.B. 495

*by Senator Uresti—House Sponsor: Representative Senfronia Thompson*

Interested parties express concern that some children are subjected to unsupervised visitation with a parent who has a history of committing certain acts of violence against a member of the parent's household, or with a parent who lives in the same household as a person who has such a history. S.B. 495 protects children from potential dangers in this type of scenario. This bill:

Provides that it is a rebuttable presumption that it is not in the best interest of a child for a parent to have unsupervised visitation with the child, if credible evidence is presented of a history or pattern of certain neglect or abuse, including sexual abuse, or certain family violence by the parent, or any person who resides in that parent's household who is permitted by that parent to have unsupervised access to the child during that parent's period of possession of or access to the child.

Requires a court, in determining whether there is credible evidence of a history or pattern of child neglect or abuse or family violence by a parent or other person, as applicable, to consider whether a certain protective order had been rendered against the parent or other person during the two years preceding the filing of the suit or during the pendency of the suit.

Authorizes a court to decline entering a judgment on a mediated settlement agreement if the court finds that the agreement would permit a person who is a registered sex offender, or who otherwise has a history or pattern of physical or sexual abuse directed against any person, to reside in the same household as the child, or otherwise have unsupervised access to the child.

### Transferring Certain Suits Affecting the Parent-Child Relationship—S.B. 738

*by Senator Kolkhorst—House Sponsor: Representative Schofield*

The purpose of this bill is to keep all cases regarding the same child and same Child Protective Services incident in the same court to be heard by the same judge. S.B. 738 enacts a statute that requires the Department of Family and Protective Services (DFPS) to file a suit affecting the parent-child relationship in a court of continuing exclusive jurisdiction (CEJ) of a child named in the petition. This bill:

Requires the court of CEJ on receiving notice that a court exercising jurisdiction under Chapter 262 (Procedures in Suit by Governmental Entity to Protect Health and Safety of Child), Family Code, has ordered the transfer of a suit under this bill to transfer the proceedings to the court in which the suit under Chapter 262 is pending within the time required by Section 155.207(a) (relating to requiring the clerk of the court transferring a proceeding, no later than 10 working days after the date an order

of transfer is signed, to send certain information to the proper court in the county to which the transfer is being made), Family Code.

Requires DFPS, if a transfer order has been signed by a CEJ under Chapter 262, to file the transfer order with the clerk of the CEJ. Requires the clerk of the court of CEJ, on receipt and without a hearing or further order from the court of CEJ to transfer files, as provided by statute within the time required by Subsection 155.207(a).

Requires the court that rendered the temporary order—on a party's or the court's motion, if applicable, and in accordance with procedures provided by Chapter 155 (Continuing, Exclusive Jurisdiction; Transfer), Family Code—to:

> transfer the suit to the court of CEJ if any, within the time required by Subsection 155.207(a), if the court finds that the transfer is necessary for the convenience of the parties and in the best interest of the child;
>
> order transfer of the suit from the court of CEJ; or
>
> if grounds exist for a transfer based on improper venue, order transfer of the suit to the court that has venue of the suit under Chapter 103 (Venue and Transfer of Original Proceedings), Family Code.

Provides that provisions of this bill take effect only if a specific appropriation for the implementation of these provisions of this bill is provided in the General Appropriations Amct of the 85th Legislature.

### Personal Disqualification from Serving as Caregiver—S.B. 879

*by Senator Uresti—House Sponsor: Representatives Rose and Tomas Uresti*

The Department of Family and Protective Services (DFPS) reports that kinship placements experience fewer disruptions, better outcomes for children, and shorter lengths of stay compared to traditional placements through the foster care system. Nonviolent criminal offenses that appear on criminal background checks, which are required of every prospective kinship placement, are eliminating otherwise appropriate placements for children entering into the foster care system. This bill:

Allows DFPS to consider a kinship placement with an individual who has been convicted of a nonviolent offense, if placement with that individual would be in the child's best interest.

Defines "low-risk criminal offense."

Requires DFPS, before placing a child with a proposed relative or other designated caregiver, to conduct an assessment, rather than investigation, to determine whether the proposed placement is in the child's best interest.

Authorizes the person, if DFPS disqualifies a person from serving as a relative or other designated caregiver for a child on the basis that the person has been convicted of a low-risk criminal offense, to appeal the disqualification in accordance with the procedure developed in the bill.

Requires DFPS to develop a list of criminal offenses determined to be low-risk and a procedure for appropriate regional administration of DFPS to review certain decisions.

Requires DFPS to publish the list of low-risk criminal offenses and information regarding the review procedure developed under the bill on DFPS's Internet website and to provide prospective relative and other designated caregivers information regarding the review procedure developed under the bill.

### Providing Certain Information to Prospective Adoptive Parents—S.B. 948

*by Senator Kolkhorst—House Sponsor: Representative Morrison*

The 84th Legislature, Regular Session, 2015, passed H.B. 1781 to authorize siblings separated by the Department of Family and Protective Services (DFPS) to file an original suit requesting access to their separated sibling, regardless of their age, and to require the court to expedite this type of suit. Prospective adoptive parents, however, may not be aware of this new right to suit provided by law and the potential legal fees that could be associated, if there were a disagreement over access to the child in question. S.B. 948 ensures that prospective adoptive parents are notified and informed of an adoptee child's right to suit for access. This bill:

Requires DFPS to provide information to each person seeking to adopt a child placed for adoption by DFPS, regarding the right of a child's sibling to file a suit for access to the child under Sections 102.0045 (Standing for Sibling) and 153.551 (Suit for Access), Family Code.

Authorizes DFPS to provide the required information on any form or application provided to prospective adoptive parents.

### Improving Statute for Child Removals by DFPS—S.B. 999

*by Senators West and Uresti—House Sponsor: Representative Giddings*

There is insufficient clarity and consistency regarding the requirements affecting the various ways in which the state may remove a child from the child's parent or caregiver. S.B. 999 addresses this revising the procedures by which the state may take possession of a child. This bill:

Requires the court of continuing, exclusive jurisdiction (CEJ), on receiving notice that a court exercising jurisdiction under Chapter 262 (Procedures in Suit by Governmental Entity to Protect Health and Safety of Child), Family Code, has ordered the transfer of a suit under Section 262.203(a)(2) (relating to requiring the court that rendered the temporary order to, in accordance with certain procedures and if certain criteria are met, order a transfer of the suit), Family Code, to, in accordance with statutory requirements, transfer the proceedings to the court in which the suit under Chapter 262 is pending within the time required by Section 155.207(a) (relating to requiring the clerk of the court transferring a proceeding, not later than the 10th working day after the date an order of transfer is signed, to send certain information to the proper court in the county to which the transfer is being made), Family Code.

Requires the Department of Family and Protective Services (DFPS), if a transfer order has been signed by a court exercising jurisdiction under Chapter 262, to file the transfer order with the clerk

of the court of CEJ. Requires the clerk of the court of CEJ, on receipt and without a hearing or further order from the court of CEJ, to transfer the files within the time required by Section 155.207(a).

Requires that each suit based on allegations of abuse or neglect arising from the same incident or occurrence and involving children who live in the same home be filed in the same court.

Requires that an original suit filed by a governmental entity that requests permission to take possession of a child without prior notice and hearing be supported by an affidavit sworn to by a person with personal knowledge and stating facts sufficient to satisfy a person of ordinary prudence and caution that meets certain requirements.

Provides that a temporary restraining order under Section 262.1015 (Removal of Alleged Perpetrators; Offense), Family Code, expires not later than 14 days after the date the order is rendered, unless the court grants an extension under Section 262.201(e) (relating to placement of the child removed from the child's custodial parent), Family Code.

Requires a court, without prior notice or hearing, to issue a temporary order for the conservatorship of a child under Section 105.001(a)(1) (relating to authorizing a court to make an order for the temporary conservatorship of a child), Family Code, or to issue a temporary restraining order or attachment of a child authorizing a governmental entity to take possession of the child in a suit brought by the governmental entity to find that certain set forth conditions exist.

Requires a person taking a child into possession without a court order and without unnecessary delay to request that an initial hearing be held by no later than the first business day after the date the child is taken into possession.

Requires that an original suit filed by a governmental entity after taking possession of a child under Section 262.104 (Taking Possession of a Child in Emergency Without a Court Order), Family Code, be supported by an affidavit stating facts sufficient to satisfy a person of ordinary prudence and caution of certain circumstances pertaining to the child.

Requires a court in which a suit has been filed, after a child has been taken into possession without a court order by a governmental entity, to hold an initial hearing on or before the first business day after the date the child is taken into possession.

Requires a court to order the return of a child at the initial hearing regarding a child taken in possession without a court order by a governmental entity unless the court is satisfied that the evidence shows that one of a certain list of circumstances set forth in the bill exists.

Authorizes a court, in a suit filed under Section 262.113 (Filing Suit Without Taking Possession of Child), Family Code, to render a temporary restraining order, as provided by Section 105.001 (Temporary Orders Before Final Order), Family Code.

Requires that a full adversary hearing be held not later than 14 days after the date the child is taken into possession by the governmental entity, unless a court grants an extension, as provided by statute, in a suit filed under Sections 262.101 or 262.105 (Filing Petition After Taking Possession of Child in Emergency), Family Code, unless the child has already been returned to the parent,

managing conservator, possessory conservator, guardian, caretaker, or custodian entitled to possession and the temporary order, if any, has been dissolved.

Authorizes a court, if a parent who is not indigent appears in opposition to a suit, to, for good cause shown and within a certain time limit, postpone a full adversary hearing for not more than seven days from the date of the parent's appearance to allow the parent to hire an attorney or to provide the parent's attorney time to respond to the petition and prepare for the hearing.

Authorizes a court, in determining whether there is a continuing danger to the physical health or safety of a child, to consider whether the household to which the child would be returned includes a person who has abused or neglected or sexually abused another child.

Requires a court at the conclusion of a full adversary hearing to issue an appropriate temporary order if the court finds sufficient evidence to satisfy a person of ordinary prudence and caution that continuing danger and reasonable efforts exist, consistent with the circumstances and providing for the safety of child, were made to prevent or eliminate the need for the removal of the child.

Requires a court to render a protective order for a child under Title 4 (Protective Orders and Family Violence), Family Code, if the court finds that a child requires protection from family violence, as that term is defined by Section 71.004 (Family Violence), Family Code, by a member of the child's family or household.

Requires a court that renders a temporary order, on the motion of a party or the court's own motion, if applicable and in accordance with procedures provided by Chapter 155 (Continuing, Exclusive Jurisdiction; Transfer), Family Code, to either transfer the suit to the court of CEJ or order transfer of the suit from the court of CEJ.

Repeals Section 262.205 (Hearing When Child Not in Possession of Governmental Entity), Family Code.

### Investigating Anonymous Reports of Abuse or Neglect—S.B. 1063

*by Senator Perry et al.—House Sponsor: Representative Klick*

The Family Code currently allows home visits in investigations only if necessary and allows Child Protective Services (CPS) to visit a child's home, as part of an investigation, unless CPS can confirm or clearly rule out the alleged abuse or neglect without visiting the child's home. However, because anonymous reports are covered in a different section of the Family Code, CPS has interpreted statute to mean that if CPS were to receive an allegation from an unidentified source, CPS could visit the home of the accused family even if CPS knew the allegation had no merit. This bill:

Authorizes an investigation to include a visit to a child's home, unless the alleged abuse or neglect can be confirmed or clearly ruled out without a home visit; an interview with and examination of the child; and an interview with the child's parents.

**Creating the Office for Healthy Children at UT-Austin—S.B. 1743 [VETOED]**
*by Senator Zaffirini—House Sponsor: Representative Gina Hinojosa et al.*

Created in 1989, the Texas Office for Prevention of Developmental Disabilities (TOPDD) promotes children's safety and health by educating Texans about preventable injuries and prenatal alcohol exposure that can cause disabilities. TOPDD has been attached administratively to the Health and Human Services Commission (HHSC), allowing it to be independent in its efforts and to provide objective input on HHSC's work to prevent such injuries.

As directed by the Texas Sunset Advisory Commission (Sunset), TOPDD is set to be eliminated September 1, 2017, and its functions consolidated into HHSC. Because the functions and work of TOPDD could be eliminated without dedicated funding and staff, S.B. 1743 has been drafted to change TOPDD's name to the Texas Office for Healthy Children (OHC); transfer the office to The University of Texas at Austin (UT-Austin); and clarify that the office does not have authority to monitor or assess the effectiveness of state agencies. This bill:

Provides that the Department of Aging and Disability Services (DADS) is abolished on a date that is prescribed by Section 531.02001(2) (relating to the deadlines for the final transfers of health and human services system functions), Government Code, that is specified in the statutory required transition plan for the abolition of DADS, and that occurs after all of DADS's functions have been transferred to HHSC in accordance with Sections 531.0201 (Phase One: Initial Transfers) and 531.02011 (Phase Two: Final Transfers to Commission), Government Code.

Changes references to TOPDD to OHC in various sections of the Education Code.

Redefines "developmental disability" and "office."

Provides that OHC is established under and administered by UT-Austin.

Requires OHC, among certain other duties, to work with appropriate state agencies and other entities to develop a coordinated long-range plan to effectively monitor and reduce the incidence or severity of developmental disabilities; to recommend the role each state agency should have in regard to prevention of developmental disabilities; and to facilitate coordination of state agency prevention services and activities among appropriate state agencies.

Replaces references to executive committee of TOPDD (executive committee) with the president of UT-Austin (president), or the president's designee, and references to the executive director with the director. Authorizes the president or the president's designee to hire a director to perform the administrative duties of OHC.

Requires UT-Austin to support OHC fundraising efforts. Provides that such funds are administered by UT-Austin, and authorizes the funds to be spent only in furtherance of a duty or function of OHC, or in accordance with rules applicable to OHC. Requires UT-Austin to maintain a separate accounting of these funds. Redefines "disabled individual."

Provides that, on August 31, 2017, TOPDD is abolished as an independent office and is transferred to UT-Austin as a program and renamed OHC; the executive committee and the board of advisors of TOPDD (board of advisors) are abolished; the position of executive director of TOPDD is abolished, but the board is authorized to hire the person serving as the executive director immediately before

the effective date of this Act for a position in OHC; an employee of TOPDD becomes an employee of UT-Austin; all money, including gifts, donations, and grants of money, contracts, leases, rights, and obligations of TOPDD are transferred to UT-Austin; all property, including records, in the custody of TOPDD becomes the property of UT-Austin; all funds appropriated by the legislature to TOPDD are transferred to UT-Austin; and all functions and activities performed by TOPDD are transferred to UT-Austin.

Provides that the validity of an action taken by TOPDD, the executive committee, or the board of advisors before August 31, 2017, is not affected by the abolishment of TOPDD.

Provides that a rule, form, policy, procedure, or decision of TOPDD or HHSC that is related to TOPDD is continued in effect as a rule, form, policy, procedure, or decision of The University of Texas System until superseded by a rule, form, policy, procedure, or decision of the UT system.

Provides that any action or proceeding pending before TOPDD on August 31, 2017, becomes an action or proceeding before UT-Austin.

### Court Requirements Relating to DFPS's PAL Program—S.B. 1758

*by Senator Zaffirini et al.—House Sponsor: Representative Turner*

Interested parties suggest that greater awareness is needed with regard to whether certain children in the conservatorship of the Department of Family and Protective Services (DFPS) are receiving independent living skills. S.B. 1758 provides that awareness in applicable court hearings, among other provisions. This bill:

Requires DFPS to conduct an independent living skills assessment for children ages 14 years and older and update the assessment annually through the child's plan of service in coordination with the child, caseworker, and program staff of the Preparation for Adult Living (PAL) program.

Includes a review in the criteria reviewed by a judge at each permanency hearing before and after a final order to ensure that DFPS has conducted an independent living skills assessment and has updated it accordingly to address the goals in the child's permanency plan and to ensure that DFPS has provided the youth with necessary documentation.

Requires DFPS to work with outside stakeholders to develop a plan to standardize curriculum for the PAL program.

### Using Multidisciplinary Teams Appointed by Child Advocacy Centers—S.B. 1806

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

Children's advocacy centers facilitate a multidisciplinary approach to joint investigations of child abuse with Child Protective Services (CPS) and law enforcement. Connecting a child with a children's advocacy center not only jump-starts joint investigation, but also opens the door to evidence-based, trauma-informed mental health, medical, and family advocacy services for both the child and the family. When cases are screened by CPS in the field, they are sometimes closed prematurely without any law enforcement involvement. It is critically important to initiate a center-

facilitated joint investigation with a professional reporter as soon as possible for child fatality and sexual abuse cases. All multidisciplinary team partners at the county advocacy centers, including CPS and law enforcement, are required to delineate through memoranda of understanding and working protocols those cases that should be worked jointly by the multidisciplinary team. Every Texas center's multidisciplinary team agrees to work, at a minimum, on sexual abuse cases involving a child, on cases in which a child has witnessed a crime, and on child fatality cases. This bill:

Requires the Department of Family and Protective Services (DFPS) to refer a case to an advocacy center and to initiate a response by the center's multidisciplinary team appointed under Section 264.406 (Multidisciplinary Team), Family Code, when conducting an investigation of reported abuse made by a professional, as defined by Section 261.101 (Persons Required to Report; Time to Report), Family Code, and that (1) alleges sexual abuse of a child, (2) is a type of case handled by the center in accordance with its statutorily adopted working protocol, or (3) is a child fatality case in which surviving children are in the deceased child's household or under the supervision of the caregiver involved in the child fatality.

Requires any interview of a child, conducted as part of an investigation under this bill, to be a forensic interview conducted in accordance with a center's working protocol, unless a forensic interview is not appropriate based on the child's age and development or on the center's working protocol.

Provides that certain provisions of this bill apply only to an investigation of abuse in a county served by a center that has executed an interagency memorandum of understanding under Section 264.403 (Interagency Memorandum of Understanding), Family Code. Authorizes DFPS, if a county is not served by such a center, to directly refer a case to a center in an adjacent county and to initiate a response by that center's multidisciplinary team, when appropriate.

## Enforcement of Child Support Obligations—S.B. 1965

*by Senator Creighton—House Sponsor: Representative Dutton*

Interested parties note various issues of concern regarding a suit affecting a parent-child relationship, including the burden of making certain court appearances and the types of assets used to satisfy a child support obligation. S.B. 1965 addresses these issues in order to ensure that the law is fair and clear. This bill:

Provides that, when a respondent is taken into custody and not released on bond in suits affecting the parent-child relationship, a court may conduct the release hearing through the use of teleconferencing, videoconferencing, or other remote electronic means if the court determines that the method of appearance will facilitate the hearing.

Authorizes the court, in appointing an attorney for certain indigent individuals in suits affecting the parent-child relationship, to conduct a hearing on the issue of indigency through the use of teleconferencing, videoconferencing, or other remote electronic means if the court determines that conducing the hearing in that manner will facilitate the hearing.

Provides that a child support lien attaches to all real and personal property not exempt under the Texas Constitution or other law, including the proceeds derived from the sale of oil or gas

production from an oil or gas well in this state, among other kinds of real and personal property provided in statute.

Authorizes payments derived from the proceeds from the sale of oil or gas production from an oil or gas well in this state to be withheld without interest beyond statutory time limits if the payments are subject to a child support lien or an order or writ of withholding in suits affecting the parent-child relationship.

**Texas Center for Nursing Workforce Studies Grant Program—H.B. 280**
*by Representative Howard et al.—Senate Sponsor: Senator Buckingham*

A recent study conducted by the Department of State Health Services (DSHS) found that workforce violence against nurses is a frequent occupational hazard, with approximately half of nurses experiencing physical violence over the course of their career. Based on its findings, the study recommended that health care facilities evaluate violent incidents and identify preventative measures that are facility-specific based on location, size, and the incidence of violence.

H.B. 280 alleviates the trauma of workplace violence by providing grants to hospitals and other health facilities to implement innovative approaches unique to each facility and region to reduce the severity and frequency of these occurrences. These grants would be funded using existing revenue generated from nursing license and renewal applications, an approach widely supported by the nursing community. This bill:

Requires the nursing resource section to the extent funding is available, to administer a grant program to fund innovative approaches for reducing verbal and physical violence against nurses in hospitals, freestanding emergency medical care facilities, nursing facilities, and home health agencies.

Requires the nursing resource section to require a grant recipient to submit periodic reports describing the outcome of the activities funded through the grant, including any change in the severity and frequency of verbal and physical violence against nurses.

Requires the nursing advisory committee to serve in an advisory capacity for the grant program.

Requires DSHS to provide administrative assistance to the nursing resource section in administering the grant program.

Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules to implement the grant program, including rules governing the submission and approval of grant requests and establishing a reporting procedure for grant recipients.

Authorizes the nursing resource section to use money transferred to DSHS from the Texas Board of Nursing to fund the grants authorized by the bill.

Requires the nursing resource section, at least annually, to publish a report describing the grants awarded, including the amount of the grant, the purpose of the grant, and the reported outcome of the approach adopted by the grant recipient.

Requires the executive commissioner to adopt the rules necessary to implement provisions in the bill.

### Sanitation Standards for Artificial Swimming Lagoons—H.B. 1468
*by Representative Senfronia Thompson—Senate Sponsor: Senator Hancock*

While statute requires public swimming pools and bathhouses to maintain sanitary conditions, including limiting bacterial and chlorine content in the water, statute does not provide sanitation standards for artificial swimming lagoons. Stakeholders note that such lagoons should be required to meet basic sanitation requirements. This bill:

Defines "artificial swimming lagoon" and provides minimum sanitation requirements for artificial swimming lagoons that are similar to such requirements for swimming pools and bathhouses.

### Changing the Sunset Date for the State's Prescription Drug List—H.B. 1917
*by Representative Raymond et al.—Senate Sponsor: Senator Schwertner*

Interested parties have expressed a need to continue requiring managed care organizations that administer Medicaid benefits to develop, implement, and maintain an outpatient pharmacy benefit plan for their enrolled recipients that exclusively employs the vendor drug program formulary, to adhere to the preferred drug list adopted by the Health and Human Services Commission, and to adhere to the prior authorization procedures and requirements of the vendor drug program. H.B. 1917 addresses this issue by postponing the date on or after which statutory provisions providing for those requirements do not apply and may not be enforced. This bill:

Extends the Texas Sunset Advisory Commission review date for the requirements imposed by Subsections (a)(23)(A) (relating to a certain contract containing a requirement that the managed care organization (MCO) develop, implement, and maintain an outpatient pharmacy benefit plan (plan) for its enrolled recipients that exclusively employs the vendor drug program formulary and preserves certain state abilities), (B) (relating to a certain contract containing a requirement that the MCO develop, implement, and maintain a plan for its enrolled recipients that adheres to the applicable preferred drug list), and (C) (relating to a certain contract containing a requirement that the MCO develop, implement, and maintain for its enrolled recipients a plan that includes the prior authorization procedures and requirements for vendor drug programs), Government Code, to August 31, 2021.

### Authorizing Physician Assistants to Volunteer Services—H.B. 1978
*by Representative Sheffield—Senate Sponsor: Senator Buckingham*

In Texas, physician assistants provide medical care under the supervision and delegation of licensed Texas physicians. In certain instances, such as during a state emergency or federal disaster, physician assistants are authorized to furnish medical treatment without supervision, provided they are acting within their scope of practice. However, while physician assistants currently have liability protection to provide care during a state emergency or federal disaster, they are not protected while volunteering for a charitable organization or event. The majority of medical professionals, including physicians, nurses, and advanced practice nurses, are afforded liability protection by the state when they volunteer without compensation for certain charitable purposes. H.B. 1978 addresses this issue by enabling physician assistants to use their medical training in volunteer situations with or without a

supervising physician, as the case may be, without remuneration. Granting physician assistants liability protection similar to that of other health professionals will increase the volunteer pool available to nonprofits, to faith-based organizations, and to local health care organizations that need non-physician volunteers. This bill:

Provides that the supervision and delegation requirements of Chapter 2014 (Physician Assistants) and Subtitle B (Physicians), Occupations Code, do not apply to medical tasks voluntarily performed by a physician assistant for a charitable organization or at a public or private event, including a religious event, sporting event, community event, or health fair.

Provides that a physician assistant performing medical tasks under this bill (1) is entitled to immunity from liability provided by Section 74.151 (Liability for Emergency Care), Civil Practice and Remedies Code, and (2) is acting within the scope of the physician assistant's license for purposes of immunity under Section 84.004(c) (relating to providing that certain volunteer health care providers serving as a direct service volunteer of a charitable organization are immune from civil liability for any act or omission resulting in death, damage, or injury under certain circumstances), Civil Practice and Remedies Code.

Authorizes a physician assistant to perform tasks described by this bill under the supervision of any licensed physician who is also performing volunteer work in a disaster for a charitable organization or at a public or private event.

Authorizes a physician assistant employed by the United States government or licensed in another state to perform medical tasks in this state in circumstances described by this bill without holding a license in this state.

### Medicaid Coverage for Certain Maternal Health Screenings—H.B. 2466

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

A mother's health has a significant impact on the development and well-being of her child. Diagnosing and treating maternal depression early is crucial to the health of infants and their families. Low-income households are particularly vulnerable to not accessing treatment for maternal depression. Since a mother is especially likely to attend a checkup with her child, pediatricians are in a unique position to screen for maternal depression. This bill:

Defines "maternal depression."

Requires that covered services under a child health plan include a maternal depression screening for an enrollee's mother, regardless of whether the mother is also an enrollee, that is performed during the enrollee's covered well-child or other office visit and that is to occur before the enrollee's first birthday. Requires HHSC to provide medical assistance reimbursement for a maternal-depression screening for a recipient's mother, regardless of whether the mother is also a recipient, that is performed during the recipient's covered examination under the Texas Health Steps Comprehensive Care Program that occurs before the recipient's first birthday.

Requires the executive commissioner of the Health and Human Services Commission (HHSC) to adopt any necessary rules that are based on certain criteria to implement the newly added Section 62.1511 (Coverage for Mental Depression Screenings), Health and Safety Code.

Requires HHSC to seek, accept, and spend any federal funds available for the purposes of this bill.

Requires that the application form adopted for purposes of the bill include certain information relating to an individual authorize to receive a screening.

Requires a state agency, if necessary for implementation of of the bill, to request a waiver or authorization from a federal agency and authorizes the delay of implementation until such a waiver or authorization is granted.

**Authorizing Physician Assistants to Sign Work Status Reports—H.B. 2546**
*by Representative Zerwas—Senate Sponsor: Senator Campbell*

Workers' compensation insurance helps employees pay medical bills after suffering a work-related injury or illness. The workers' compensation insurance system allows treatment of such employees by a physician assistant but does not allow a physician assistant to complete or sign "work status reports" that indicate an employee's readiness to return to work. Legislators suggest increasing the efficiency of the workers' compensation insurance system by authorizing a physician assistant to sign work status reports. This bill:

Authorizes a physician assistant to sign work status reports.

**Allowing Medicaid Providers to Appeal Administrative Penalties—H.B. 2590**
*by Representative Raymond—Senate Sponsor: Senator Zaffirini*

Interested parties have expressed a need to provide an appeals process for administrative penalties imposed on providers contracted to deliver services under the home and community-based services waiver program and the Texas home living waiver program that is similar to appeals processes applicable to other long-term care providers. H.B. 2590 addresses this need by establishing an informal dispute resolution process and an amelioration process for such providers. This bill:

Changes references to the Department of Aging and Disability Services (DADS) to the Health and Human Services Commission (HHSC) in Sections 161.089(a), (b), and (c), Human Resources Code, as resdesignated by this bill.

Requires the executive commissioner of HHSC, in determining the types of violations that warrant imposition of an administrative penalty and in establishing a schedule of progressive administrative penalties and penalty amounts under statute, to consider certain factors.

Requires the executive commissioner of HHSC by rule to provide a provider of a violation who has implemented a plan of correction a reasonable period of time following the date HHSC sends notice to the provider to correct the violation before HHSC may assess an administrative penalty. Authorizes the period to be not less than 45 days. Authorizes HHSC to assess an administrative penalty without first providing a reasonable period of time to a provider to correct the violation, if

the violation meets certain criteria. Provides that an administrative penalty ceases to be incurred on the date a violation is corrected.

Defines "actual harm," "immediate threat to the health and safety of a recipient," "pattern of violation," "recipient," and "widespread in scope."

Creates an amelioration process by which HHSC, in lieu of demanding payment of an administrative penalty in accordance with Section 161.089 (Administrative Penalty), Human Resources Code, as created by this Act, to allow a provider subject to a penalty to use any provisions of the penalty amount to ameliorate the violation or to improve services in the waiver program in which the provider participates. Sets forth certain provisions relating to the amelioration process.

Requires the executive commissioner of HHSC to establish an informal dispute resolution process in accordance with statute and sets forth provisions and length of the process.

Requires the executive commissioner of HHSC to, as soon as practicable after the effective date of this Act, adopt rules necessary to implement changes in law made by this Act.

### Protecting Missing Persons Who Have Alzheimer's Disease—H.B. 2639

*by Representative Pickett et al.—Senate Sponsor: Senator Buckingham et al.*

H.B. 2639 includes persons who have been diagnosed with Alzheimer's disease among the persons covered by the statewide silver alert, regardless of age. This bill:

Includes a missing person who has Alzheimer's disease among the individuals for whom the Texas Department of Public Safety is required to develop and implement the statewide silver alert.

### Care and Transportation for Sexual Assault Survivors—H.B. 3152

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

Interested parties observe that sexual assault survivors who request to have a forensic medical examination performed must go to certain designated health care facilities that are equipped to provide such examination. Concerns have been raised regarding the methods by which a sexual assault survivor is informed of the survivor's options with regard to receiving such an examination. H.B 3152 addresses this concern by requiring a health care facility that is not designated as a sexual assault forensic exam-ready facility to provide certain information to sexual assault survivors. This bill:

Requires the Department of State Health Services (DSHS) to designate a health care facility as a sexual assault forensic exam-ready facility, or SAFE-ready facility, if the facility notifies DSHS that the facility employs or contracts with a sexual assault forensic examiner or uses a telemedicine system of sexual assault forensic examiners to provide consultation to a licensed nurse or physician when conducting a sexual assault forensic medical examination.

Requires a facility that is not a SAFE-ready facility to inform a sexual assault survivor that the facility is not a SAFE-ready facility and provide to the survivor the name and location of the closest

SAFE-ready facility as well as a certain informational form developed by DSHS for survivors of sexual assault. Provides that, at a survivor's option, the survivor is entitled to certain options, including to be stabilized and to be transferred to and receive the care at a SAFE-ready facility.

Requires a health care facility that is not a SAFE-ready facility, before transferring a sexual assault survivor, to contact the SAFE-ready facility to which the survivor will be transferred to confirm that a sexual assault forensic examiner is available at that facility. Requires each health care facility that has an emergency department that is not a SAFE-ready facility to develop a certain plan.

Requires DSHS to post on DSHS's Internet website a list of all hospitals that are designated as SAFE-ready facilities and those facilities' physical addresses. Requires DSHS to update this list annually. Requires DSHS, to the extent possible, to collect the data statutorily required as part of a survey required by DSHS under other law.

Repeals Section 323.001(1) (relating to the definition of "community-wide plan"), Health and Safety Code.

**Continuation of Medical Assistance for Certain Individuals—H.B. 3292**
*by Representative Klick et al.—Senate Sponsor: Senator Hinojosa*

Currently, individuals with intellectual and developmental disabilities (IDD) receiving services through a 1915c waiver (Medicaid waivers authorized by Section 1915 of the Social Security Act, which allows states to provide services to specific populations), through STAR+PLUS CFC, or in an intermediate care facility have a variety of reasons for temporarily "falling off" Medicaid. Most often the cause is a temporary income discrepancy, a paperwork error, or a Supplemental Security Income renewal error or delay. Since services for individuals with IDD have been transitioned to managed care, these lapses additionally result in disenrollment from their managed care plan, which deprives these individuals of medical services during that gap. This bill:

Provides that a recipient described by statute who experiences a temporary increase in income of a duration of one month or less that would result in the recipient being ineligible for medical assistance is still eligible for that assistance, if the individual either receives services through a program for individuals with an intellectual or developmental disability authorized by federal statute or resides in an intermediate care facility for individuals with IDD and continues to meet the functional and diagnostic criteria to recieve services under a program described by statute or through such a facility.

Requires a recipient, to continue to be eligible for medical assistance, to submit an application for medical assistance not later than the 90th day after the date on which the recipient is determined ineligible.

Requires a state agency, if necessary for implementation of a provision of this bill, to request a waiver or authorization from a federal agency and authorizes delay of implementation until such a waiver or authorization is granted.

Requires the Health and Human Services Commission (HHSC) to implement provisions of this bill only if the legislature appropriates money specifically for that purpose. Authorizes HHSC, if the

legislature does not appropriate money specifically for that purpose, to implement provisions of this bill using other appropriations available for that purpose.

**Duties of the Office of Ombudsman for DFPS—S.B. 213**
*by Senators Menéndez and Garcia—House Sponsor: Justin Rodriguez*

Interested parties see a benefit in expanding the office of ombudsman for children and youth in foster care within the Department of Family and Protective Services (DFPS). S.B. 213 provides such an expansion. This bill:

Redefines "ombudsman."

Requires the governor to appoint an ombudsman to DFPS to serve at the will of the governor. Prohibits a person from serving as ombudsman if the person or the person's spouse meets certain conditions.

Prohibits the ombudsman from using the name or any logo of DFPS on any forms or other materials produced and distributed by the ombudsman.

Provides that the ombudsman serves as a neutral party in assisting certain individuals, including persons with a complaint against DFPS regarding case-specific activities of DFPS programs, namely Adult Protective Services, Child Protective Services, Child Care Licensing, and Statewide Intake.

Requires the ombudsman to develop and implement statewide procedures to receive complaints from children and youth in DFPS conservatorship to ensure that DFPS and any person or child or youth in DFPS conservatorship who files a complaint with the ombudsman is informed of the final result of the investigation; to collaborate with DFPS to develop and implement an annual outreach plan that meets certain requirements; and to monitor and evaluate DFPS's corrective actions taken in response to recommendations by the ombudsman.

Requires that the ombudsman's final determination in a report described by this bill include a determination of whether there was wrongdoing or negligence by DFPS, or an agent of DFPS, or whether the complaint was frivolous and without merit. Requires the ombudsman, if the ombudsman determines there was wrongdoing or negligence, to recommend corrective actions to be taken by DFPS.

Authorizes the ombudsman to attend any judicial proceeding relating to a complaint filed with the Office of Health Coordination and Consumer Services.

Provides that the division of the ombudsman for children and youth in foster care is created within the office of the ombudsman for certain purposes.

Requires that if a child or youth in DFPS conservatorship contacts the ombudsman by telephone call to report a complaint, the telephone call is to be transferred directly to a person employed by the division of the ombudsman created by this bill.

Authorizes a child-placing agency responsible for a foster child to refer a dispute regarding the child's placement or permanency plan to the ombudsman by filing a complaint with the ombudsman. Requires that such complaint include a clear explanation of the dispute and the requested remedy.

Requires the ombudsman to notify the court with jurisdiction over the child's case of any investigation of a complaint filed under this bill.

Includes certain individual to whom DFPS or another health and human services agency is prohibited from retaliation against namely, a DFPS employee and any person who in good faith makes a complaint to the ombudsman or who cooperates with the ombudsman in an investigation.

Requires that the annual report prepared by the ombudsman be submitted to the governor, the lieutenant governor, each standing committee of the legislature with jurisdiction over matters involving DFPS, each member of the legislature, the executive commissioner of HHSC, and the commissioner of DFPS.

Requires the commissioner of DFPS, as soon as practicable after the effective date of this Act, to abolish the Office of Consumer Affairs in DFPS and transfer any DFPS funds and resources allocated to the Office of Consumer Affairs to the office of ombudsman for DFPS, as created by this bill.

Provides that this Act takes effect only if a specific appropriation for the implementation of the Act is provided in the General Appropriations Act of the 85th Legislature.

**TMB Guidelines for Prescribing Certain Opioids—S.B. 315**
*by Senator Hinojosa et al.—House Sponsor: Representative Burkett et al.*

S.B. 315 contains recommendations adopted by the Texas Sunset Advisory Commission in its review of the Texas Medical Board (TMB) to clarify the agency's authority to regulate pain management clinics. Furthermore, S.B. 315 creates a chapter in the Occupations Code that requires TMB to adopt guidelines for physicians prescribing opioid antagonists. This bill:

Authorizes TMB, if a person has failed to comply with a subpoena, to act through the Texas attorney general (attorney general) to file suit to enforce the subpoena in a district court in Travis County or in a county in which a hearing conducted by TMB is authorized to be held.

Requires the court, on finding that good cause exists for issuing a subpoena, to order a person to comply with the subpoena.

Provides that the legislature finds that deaths resulting from the use of opioids and other controlled substances constitute a public health crisis and that the state has a compelling interest in TMB closely regulating the prescribing of opioids and other controlled substances by physicians and their delegates. Provides that, accordingly, the legislature finds that inspections and investigations conducted by TMB, including TMB's use of subpoenas for immediate production, inspection, and copying of medical and billing records, are necessary to adequately regulate the prescribing of opioids and other controlled substances to protect the public health and welfare.

Authorizes TMB to inspect a pain management clinic that is certified under Chapter 168 (Regulation of Pain Management Clinics), Occupations Code, including the documents of a physician practicing at the clinic, as necessary to ensure compliance with Chapter 168.

Authorizes TMB to inspect a clinic or facility that is not certified under Chapter 168, Occupations Code, to determine whether that clinic or facility is required to be certified under Section 168.101 (Certificate Required), Occupations Code. Requires TMB to establish the grounds for conducting an inspection, including grounds based on the population of patients served by the clinic or facility, the volume or combination of drugs prescribed to patients served by the clinic or facility; and any other criteria TMB considers sufficient to require an inspection of the clinic or facility.

Provides that, for purposes of Section 168.201 (Regulation of Person Affiliated with Clinic), Occupations Code, inappropriate prescribing includes nontherapeutic prescribing or other conduct as specified by TMB rule.

Defines "opioid antagonist" and "opioid-related drug overdose."

Requires TMB to adopt guidelines for the prescribing of opioid antagonists. Requires that the guidelines address (1) prescribing an opioid antagonist to a patient to whom an opioid medication is also prescribed, (2) identifying patients at risk of an opioid-related drug overdose, and (3) prescribing an opioid antagonist to such patient or to a person in a position to administer the opioid antagonist to that patient. Provides that, in adopting guidelines, TMB:

> shall consult materials published by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services; and
>
> may consult other appropriate materials, including medical journals subject to peer review and publications by medical professional associations.

Provides that a physician who acts in good faith and with reasonable care, regardless of whether the physician follows the guidelines adopted under Chapter 168, is not subject to criminal or civil liability, or any professional disciplinary action, for prescribing or failing to prescribe an opioid antagonist or any outcome resulting from the eventual administration of an opioid antagonist prescribed by the physician.

## Female Genital Mutilation—S.B. 323

*by Senator Nelson et al.—House Sponsor: Representative Burkett*

Concerned parties note the numerous negative health consequences of female genital mutilation. S.B. 323 strengthens legal protections for potential or actual victims of female genital mutilation. This bill:

Amends the Health and Safety Code to include that a person commits an offense if the person is a parent or legal guardian of another person who is younger than 18 years of age (minor) and knowingly consents to or permits the acts of circumcision, excision, or infibulation on any part of the labia majora, labia minor, or clitoris of a minor or knowingly transports or facilitates the

transportation of a minor within this state or from this state for the purpose of having any of these acts performed.

Provides that it is not a defense to prosecution if the person on whom these acts were performed or were to be performed or another person authorized to consent to medical treatment of that person, including that person's parent or legal guardian, consented to these acts, nor is it a defense if these acts were required by a custom or practice of a particular group or part of, or in connection with, a religious or other ritual.

**EMS Personnel to Transport Detainees for Emergency Detention—S.B. 344**
*by Senators West and Garcia—House Sponsor: Representative Sheffield*

Currently, when a peace officer takes a person into custody without a warrant under Section 573.001 (Apprehension by Peace Officer Without Warrant), Health and Safety Code, because the officer believes the person has a mental illness and presents a danger to himself or herself or others, that officer must transport the person to a mental health facility. Permitting emergency medical services (EMS) personnel to transport that person to such a facility could better serve public health by providing a more appropriate means of transport and could enhance public safety by permitting law enforcement personnel to resume their duties more quickly. This bill:

Defines "emergency medical services personnel," "emergency medical services provider," and "law enforcement agency."

Requires a peace officer who takes a person into custody to immediately transfer the apprehended person to EMS personnel of an EMS provider in accordance with a memorandum of understanding (MOU) executed under this bill for transport to a facility described by statute. Requires such EMS personnel of an EMS provider to immediately file with the facility the notification of detention completed by the peace officer who made the request.

Requires the peace officer to provide the notification of detention on a certain form and sets forth the text of the form. Prohibits a mental health facility or hospital emergency department from requiring a peace officer or EMS personnel to execute any form other than the form provided by this bill as a predicate to accepting for temporary admission of a person detained by a peace officer under Section 573.0001 (Definitions), Health and Safety Code, and transported by the officer or by EMS personnel of an EMS provider at the officer's request, made in accordance with an MOU executed under this bill.

Authorizes a law enforcement agency and an EMS provider to execute an MOU under which EMS personnel employed by the provider are authorized to transport a detained person under Section 573.0001 by a peace officer employed by the law enforcement agency.

Requires that an MOU address responsibility for the cost of transporting the detained person and be approved by the county in which the law enforcement agency is located and the by local mental health authority that provides services in that county.

Authorizes a peace officer to request that EMS personnel transport the detained person only if the law enforcement agency that employs the officer and the EMS provider that employs the personnel

have executed an MOU under this section and the officer determines that transferring the person is safe for both the person and the personnel.

Authorizes EMS personnel, at the request of a peace officer, to transport the detained person to the appropriate facility if the law enforcement agency that employs the officer and the EMS provider that employs the personnel have executed an MOU under this section.

Requires a peace officer who transfers a person to EMS personnel under an MOU for transport to the appropriate facility to provide to the person the notice described in statute and provide the personnel a completed notification of detention about the person on the form provided by statute.

Requires a facility to temporarily accept a person for whom an application for detention is filed or for whom a peace officer or EMS personnel of an EMS provider transporting the person in accordance with an MOU executed under this bill files a notification of detention completed by the peace officer, as provided by statute.

**Expedited Licensing for Certain Physicians Specializing in Psychiatry—S.B. 674**

*by Senator Schwertner et al.—House Sponsor: Representatives Sarah Davis and Coleman*

Texas is currently facing a severe shortage of psychiatrists, as many counties are being designated as "mental health professional shortage areas." S.B. 674 remedies this situation by creating an expedited licensing process for out-of-state psychiatrists. This bill:

Requires by rule the Texas Medical Board (TMB) to create an expedited licensing process for an applicant to practice medicine who holds an unrestricted license issued by another state, who is board certified in psychiatry by the American Board of Psychiatry and Neurology or by the American Osteopathic Board of Neurology and Psychiatry, and who is not ineligible under certain provisions of statute.

Requires that the expedited licensing process include a procedure for TMB to screen applications under Subtitle B (Physicians), Title 3 (Health Professionals), Occupations Code, to determine whether an applicant is eligible for the expedited licensing process.

Prohibits the requirements for renewing of a registration permit for a license holder who is issued a license under Section 155.010 (Expedited Licensing Process for Physicians Specializing in Psychiatry), Occupations Code, as added by this bill, from being more stringent than the requirements for a license holder who is issued a license on a non-expedited basis.

Authorizes TMB to establish a fee for the expedited process.

Provides that Section 155.010, Occupations Code, as added by this bill, expires January 1, 2022.

Requires an applicant, except as provided by this bill, to pass each part of an examination within three attempts. Provides that the limit on the number of examination attempts this bill does not apply to the Texas medical jurisprudence examination.

Authorizes TMB to refuse the renewal of a registration permit issued under Chapter 156 (Registration of Physicians), Occupations Code, if the license holder is in violation of a TMB order.

Requires TMB by rule to provide for annual or biennial renewal of a license to practice acupuncture.

Authorizes the Texas State Board of Acupuncture Examiners (TSBAE) to refuse renewal of a license issued under Chapter 205 (Acupuncture), Occupations Code, if the license holder is in violation of a TSBAE order.

Authorizes TMB to refuse to renew a license issued under Chapter 206 (Surgical Assistants), Occupations Code, if the license holder is in violation of a TMB order.

Authorizes the Texas Board of Medical Radiologic Technology (TBMRT) to refuse the renewal of a certificate issued under the Chapter 6-1 (Medical Radiologic Technologists), Occupations Code, if the certificate holder is in violation of a TBMRT order.

Deletes text exempting a person from complying with registration requirements adopted under Section 601.252 (Requirement to Adopt Rules), Occupations Code, if the person is a certain student or is performing a radiologic procedure in a certain setting. Provides that certain conditions are considered to be a hardship for the purposes of TBMRT's requirement of exempting applicants from certain requirements, if the applicant shows a hardship in employing a certified person.

Requires that all rules adopted under this bill by the Texas State Board of Dental Examiners (TSBDE) require an authorized person who performs radiologic procedures under the delegation of a dentist, other than a registered nurse, to register with TSBDE. Changes a reference to an agency to TSBDE.

Authorizes TMB to refuse the renewal of a license issued under Chapter 602 (Medical Physicists), Occupations Code, if the license holder is in violation of a TMB order.

Authorizes TMB to refuse the renewal of a license issued under Chapter 603 (Perfusionists), Occupations Code, if the license holder is in violation of a TMB order. Requires an applicant for a perfusionist license to submit an application accompanied by the application fee.

Authorizes the Texas Board of Respiratory Care (TBRC) to refuse the renewal of a certificate or temporary permit issued under Chapter 604 (Respiratory Care Practitioners), Occupations Code, if the certificate or permit holder is in violation of a TBRC order.

Requires TMB to create and implement the expedited licensing process, as added by provisions of this bill, not later than January 1, 2018.

**Deficiencies within HHSC Audit Coverage of Medicaid MCOs—S.B. 894**

*by Senator Buckingham—House Sponsor. Representative Muñoz Jr. et al.*

Concerns have been raised regarding deficiencies that exist within the Medicaid process and the Health and Human Services Commission's (HHSC) auditing coverage of Medicaid managed care organizations (MCOs). Interested parties contend that information gathered to appropriately monitor an MCO or to address any of the major issues identified in an audit findings of an MCO is not being effectively used. S.B. 894 addresses these concerns by providing an electronic visit-verification system for the provision of certain services to Medicaid recipients and by requiring HHSC to

implement a strategy for improving the overall management of auditing resources used to verify the accuracy of program and financial information reported by MCOs. This bill:

Requires HHSC, providing exceptions, not later than March 31, 2018, to conduct a review of the electronic visit-verification system that is in use on August 31, 2017. Requires HHSC, as soon as practicable after March 31, 2018, to implement an electronic visit verification system that complies with this bill.

Requires HHSC, in accordance with federal law, to implement an electronic visit-verification system to electronically verify, through a telephone, global positioning, or a computer-based system that personal care services, attendant care services, or other services identified by HHSC that are provided to recipients under Medicaid—including personal or attendant care services provided under the Texas Health Care Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315) or any other Medicaid waiver program—are provided to recipients in accordance with a prior authorization or plan of care. Requires that the electronic visit-verification system allow for verification of only certain information relating to the delivery of Medicaid services.

Requires HHSC to inform each Medicaid recipient who receives personal care services, attendant care services, or other services identified by HHSC that both the health care provider supplying the services and the recipient are required to comply with the electronic visit-verification system. Requires an MCO that contracts with HHSC for providing health care services to Medicaid recipients described by statute to also inform recipients enrolled in a managed care plan offered by an MCO of those requirements.

Provides that, in implementing the electronic visit-verification system, the executive commissioner of HHSC (executive commissioner) is required to adopt compliance standards for health care providers and that HHSC is required to ensure certain standardizations and processes.

Requires a health care provider that provides Medicaid recipients personal care services, attendant care services, or other services identified by HHSC to meet certain criteria.

Authorizes HHSC to recognize a health care provider's proprietary electronic visit-verification system as complying with this bill and to allow the health care provider to use that system for a period determined by HHSC, if HHSC were to make certain determinations.

Requires HHSC to create a stakeholder work group comprised of representatives of affected health care providers, MCOs, and Medicaid recipients and to periodically solicit input from that work group regarding ongoing operations of the electronic visit-verification system.

Authorizes the executive commissioner to adopt necessary rules.

Requires HHSC to provide a certain notice to a provider, required by Section 531.120 (Notice and Informal Resolution of Proposed Recoupment of Overpayment or Debt), Government Code, no later than 90 days before the date the required overpayment or debt that is the subject of the notice is required to be paid.

Defines "accounts receivable tracking system," "agreed-upon procedures engagement," "experience rebate," and "external quality review organization."

Requires HHSC to develop and implement an overall strategy for planning, managing, and coordinating auditing resources that HHSC uses to verify the accuracy and reliability of program and financial information reported by MCOs; improve processes for performance audits of MCOs, and take certain actions; verify that MCOs correct negative performance audit findings; enhance the use of agreed-upon procedures engagements to identify MCOs' performance and compliance issues; obtain greater assurance about the effectiveness of pharmacy benefit managers' internal controls and compliance with state requirements; develop, document, and implement billing and monitoring processes in the Medicaid and Child Health Insurance Program (CHIP) services department of HHSC to ensure, with respect to billing, that MCOs reimburse HHSC for audit-related services as required by contract; and to strengthen, with respect to biling, the process for collecting shared profits from MCOs; and enhance HHSC's monitoring of MCOs and use the information provided by the external quality review organization.

Requires HHSC to strengthen user-access controls for HHSC's accounts receivable tracking system and network folders that HHSC uses to manage the collection of experience rebates; document daily reconciliations of deposits recorded in the accounts receivable tracking system to the transactions processed in certain systems; and develop, document, and implement a process to ensure that HHSC formally documents certain information.

Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such a waiver or authorization is granted.

## Allowing Alternative Health Care Practitioners to Sign Death Certificates—S.B. 919

*by Senator Rodríguez—House Sponsor: Representative Coleman*

Advanced practice registered nurses (APRNs) and physician assistants (PAs) play a key role in providing palliative and hospice care to Texas patients. State law allows APRNs to be the attending provider of record, if a hospice patient so elects. They are intimately involved in the plan of care, treatment, and care coordination for patients and patients families. Despite their vital role in end-of-life care as palliative or hospice care providers APRNs and PAs are not authorized, under current Texas law, to sign certain documents relating to end-of-life care, which results in unnecessary delays in care during an emotionally fragile time for patients and families. This bill:

Requires a person who is required to file a death certificate or fetal death certificate to obtain the required medical certification from the decedent's attending physician, or a PA or APRN of the decedent, if the death occurred under the care of the person in connection with the treatment of the condition or disease process that contributed to the death.

Authorizes a PA or APRN to complete the medical certification for a death certificate or fetal death certificate only if a patient who has executed a written certification of a terminal illness has elected to receive hospice care and is receiving hospice services—as defined under Chapter 142 (Home and Community Support Services), Health and Safety Code—from a qualified hospice provider, or if a patient is receiving palliative care.

Requires the attending physician, PA, or APRN to complete the medical certification not later than five days after receiving the death certificate.

Authorizes certain persons to complete the medical certification if the attending physician, the PA, and the APRN are unavailable and if the attending physician, PA, or APRN approves.

Includes an APRN among the persons authorized to determine and pronounce a person dead. Includes an APRN among certain persons who, when determining death, are not liable for civil damages or subject to criminal prosecutions for actions based on the determination of death.

**Medical Licenses—S.B. 1148**

*by Senator Buckingham et al.—House Sponsor: Representative Greg Bonnen et al.*

The law requires licensed physicians to undergo continued medical education to renew their medical license. Until recently, specialists licensed by the American Board of Medical Specialties (ABMS) or the American Osteopathic Board (AOB) were issued a lifetime certification to practice medicine; however, ABMS and AOB have begun requiring physicians to undergo an additional recertification process called "maintenance of certification" to retain their certification.

ABMS and AOB exempted physicians who were board certificated prior to a certain date when it stopped issuing lifetime certifications, and authorized specialty boards operating under them to develop their own recertification criteria, which legislators note has resulted in such requirements as examination cost and time allowed between recertification periods to vary. Legislators express concern that the inconsistency among various boards' requirements has created a disparate system that is detrimental to the medical community.

State law does not require physicians to complete maintenance of certification but many hospitals and employers require such maintenance as a condition of working with or hiring a physician. This bill:

Prohibits certain managed care plan issuers, health facilities, and mental hospitals from differentiating between physicians based on a physician's maintenance of certification. Prohibits the Texas Medical Board (TMB) from requiring maintenance of certification as a requirement for registering with TMB or being licensed to practice medicine.

**Maternal Mortality Reporting and Investigation Information—S.B. 1599**

*by Senators Miles and Garcia—House Sponsor: Representative Walle et al.*

Texas's maternal mortality rates nearly doubled between 2010 and 2014. The Maternal Mortality and Morbidity Task Force (task force) is charged with reducing the incidence of pregnancy-related deaths and severe maternal morbidity in Texas. The 2016 task force and the Department of State Health Services (DSHS) joint biennial report contains finding of significant variations in how these deaths are being investigated depending on the investigating system involved and that some deaths, which should had been investigated by a medical examiner, were not appropriately routed to the medical examiner system. The task force recommends the promotion of best practices for improving the quality of maternal death reporting and investigation of death certificate data. S.B. 1599 addresses this issue by providing for the posting of certain information regarding a systematic

protocol for pregnancy-related death investigations and best practices for reporting pregnancy-related deaths. This bill:

Requires DSHS to post on the DSHS Internet website information regarding the systematic protocol for pregnancy-associated death investigations and the best practices for reporting pregnancy-associated deaths to the medical examiner or to the justice of the peace of each county, as applicable.

Requires that the information provided by this bill include guidelines for determining when a comprehensive toxicology screening should be performed on a person whose death was associated with pregnancy and when a death should be reported to or investigated by a medical examiner or a justice of the peace under Chapter 49 (Inquests Upon Dead Bodies), Code of Criminal Procedure, and as well as guidelines for correctly completing the death certificate of a person whose death was related to pregnancy.

Requires the executive commissioner of the Texas Health and Human Services Commission to adopt rules as necessary to implement provisions of this bill.

**Continuation of Benefits for Individuals Released from County Jail—H.B. 337**
*by Representative Collier et al.—Senate Sponsor: Senators Menéndez and Rodríguez*

Concerns have been raised regarding the termination of Medicaid eligibility of an individual who is confined in a county jail, regardless of whether the individual has been convicted of an offense. Interested parties note that the process of restoring an individual's Medicaid eligibility on release from confinement is often lengthy, which may leave the individual without access to health care coverage. H.B. 337 seeks to address this issue by providing a mechanism by which the Medicaid benefits of an individual confined in a county jail may be suspended, rather than terminated, and then reinstated within 48 hours of the individual's release, as long as the individual remains eligible while confined in county jail. This bill:

Requires the Health and Human Services Commission (HHSC), to the extent allowed by federal law, if an individual is confined in a county jail and if the county sheriff has notified HHSC of the confinement, to suspend or terminate, as appropriate, the individual's eligibility for medical assistance during the period the individual is confined in the county jail.

Requires HHSC, not later than 48 hours after HHSC has been notified of the release from county jail an individual whose eligibility for medical assistance has been suspended under the bill, to reinstate the individual's eligibility, provided that the individual's eligibility certification period has not elapsed. Provides that, to the extent allowed by federal law, following the reinstatement, the individual remains eligible until the period expires for which the individual was certified as eligible.

Defines "medical assistance benefits."

Authorizes a county sheriff to notify HHSC upon the confinement in a county jail of an individual who is receiving medical assistance benefits.

Requires a county sheriff, or a county employee, if the sheriff has chosen to provide a notice described in the bill, to provide such notice electronically or by other appropriate means either as soon as possible after the 30th day of an individual's confinement or not later than 48 hours after the prisoner's release or discharge from custody.

Authorizes a county sheriff, if the sheriff has chosen to provide a notice described in the bill, to notify the United States Social Security Administration of the release or discharge of a prisoner who, immediately before confinement, was receiving certain federal supplemental income assistance and to notify HHSC of the release or discharge of a prisoner who, immediately before confinement, was receiving medical assistance benefits.

Requires a county sheriff, or a county employee, at the time of a prisoner's release or discharge, if the sheriff has provided such notice described in the bill, to provide to the prisoner a written copy of the notice and a telephone number by which the prisoner may contact HHSC regarding confirmation of or assistance relating to reinstatement of the individual's eligibility for medical assistance benefits, if applicable.

Requires HHSC to establish a means by which a county sheriff, or a county employee may determine whether an individual confined in the county jail is or was, as appropriate, receiving medical assistance benefits for the purposes of Section 351.046 (Notice to Certain Governmental Entities), Local Government Code, as added by this bill.

Provides that a county sheriff or county employee is not liable in a civil action for damages resulting from a failure to comply with Section 351.046 (Notice to Certain Governmental Entities), Local Government Code, as added by this bill.

Authorizes a county sheriff to enter into an agreement with a third party experienced in providing reintegration resources or services to former prisoners under which the third party assists a person who is released or discharged from the county jail with a reinstatement of the person's eligibility for certain benefits.

### Embryo Donation Information—H.B. 785

*by Representative Raney et al.—Senate Sponsor: Senator Perry*

Opportunities can arise for potential recipients of human embryos when in vitro fertilization (IVF) patients donate unused embryos after an IVF process has been completed as an alternative to preserving or destroying embryos. H.B. 785 encourages such donations by providing for the dissemination of embryo donation information by a physician performing an assisted reproduction procedure involving embryo creation and the Department of Family and Protective Services (DFPS). This bill:

Defines "assisted reproduction," "embryo donation," "human embryo," and "department."

Requires that DFPS post information regarding embryo donation on DFPS's Internet website and that the information include contact information for nonprofit organizations that facilitate embryo donations.

### Investigational Stem Cell Treatment for Certain Chronic Diseases—H.B. 810

*by Representative Parker et al.—Senate Sponsor: Senator Bettencourt et al.*

A United States Food and Drug Administration (FDA) exemption allows terminally ill patients, with their doctors' approval and after meeting certain criteria, access to unapproved drugs that are in the clinical trial phase. H.B. 810 expands upon this exemption by granting certain terminally and chronically ill patients access to investigational stem cell treatments that are not currently approved by the FDA. H.B. 810 allows patients with a terminal illness or severe chronic disease to safely access experimental treatment that often are their last hope of significantly improving their physical well-being or even saving their lives. This bill:

Defines "investigational stem cell treatment," "severe chronic disease," and "terminal illness."

Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules designating the medical conditions that constitute a severe chronic disease or terminal illness.

Provides that a patient is eligible to access and use an investigational stem cell treatment if certain conditions are met.

Requires an eligible patient, before receiving an investigational stem cell treatment, to sign a written informed consent. Authorizes a parent, guardian, or conservator, if a patient is a minor or lacks mental capacity to provide informed consent, to provide informed consent on the patient's behalf. Authorizes the executive commissioner to adopt by rule a form for the informed consent.

Requires that a treatment provided under provisions of this bill meets certain set forth requirements.

Requires a physician who administers an investigational stem cell treatment to comply with all applicable Texas Medical Board (TMB) rules.

Authorizes an institutional review board that oversees investigational stem cell treatments and that is affiliated with either with a medical school, as defined by statute, or a hospital that has at least 150 beds to certify a physician to provide an investigational stem cell treatment.

Authorizes TMB to adopt rules regarding institutional review boards as necessary to implement certain provisions of this bill.

Provides that certain provisions of this bill do not affect the coverage of enrollees who are in clinical trials under Chapter 1379 (Coverage for Routine Patient Care Costs for Enrollees Participating in Certain Clinical Trials), Insurance Code.

Provides that provisions in this bill do not affect, or authorize a person to violate, any law regulating the possession, use, or transfer of fetal tissue, fetal stem cells, adult stem cells, or human organs.

Prohibits TMB, notwithstanding any other law, from revoking, failing to renew, suspending, or taking any action against a physician's license under Subchapter B (License Denial and Disciplinary Actions), Chapter 164 (Disciplinary Actions and Procedures), Occupations Code, based solely on the physician's recommendations to an eligible patient regarding access to or use of an investigational stem cell treatment, provided that the care provided or recommendations made to the patient meet the standard of care and the requirements of this bill.

Defines "governmental entity."

Prohibits a governmental entity, or an officer, employee, or agent of a governmental entity, from interfering with an eligible patient's access to or use of a stem cell treatment.

Requires an institutional review board overseeing an investigational stem cell treatment to keep a record on each person to whom a physician administers a treatment and to document in the person's record the provision and effects of each treatment throughout the period the treatment is administered to the person.

Requires each institutional review board overseeing an investigational stem cell treatment to submit an annual report to TMB on the institutional review board's findings based on records kept. Prohibits the report from including any patient-identifying information and requires the report to be made publicly available in both written and electronic form.

Defines "adult stem cell."

Provides that a person commits an offense if the person knowingly offers to buy or sell, acquires, receives, sells, or otherwise transfers any adult stem cells for valuable consideration for use in an investigational stem cell treatment.

Provides that Section 48.03 (Prohibition on Purchase and Sale of Adult Stem Cells for Certain Investigational Treatments), Penal Code, applies as an exception to an actor who is engaged in conducted authorized under Chapter 162 (Blood Banks and Donation of Blood), Health and Safety Code, and to a "valuable consideration" that is a fee paid to a physician or to other medical personnel for services rendered in the usual course of medical practice; a fee paid for hospital or other clinical services; reimbursement of legal or medical expenses incurred for the benefit of the ultimate receiver of the investigational stem cell treatment; or reimbursement of expenses of travel, housing, and lost wages incurred by the donor of adult stem cells in connection with the donation of such cells. Provides that a violation of these exceptions is a Class A misdemeanor.

Requires the executive commissioner, as soon as practicable after the effective date of this bill, to adopt rules necessary to implement provisions of this bill.

### Program to Prevent Streptococcus pneumoniae—H.B. 970

*by Representative Cortez et al.—Senate Sponsor: Senator Uresti*

Streptococcus pneumoniae is a bacteria that causes many types of illness, including, pneumonia (infection of the lungs), ear infections, sinus infections, meningitis (infection of the covering around the brain and the spinal cord), and bacteremia (blood stream infection). Among groups at high risk of infection are adults 65 years of age or older and children younger than two years of age. People who have weak immune systems that result from diabetes, heart disease, lung disease, or HIV/AIDS are at an increased risk of being affected by Streptococcus pneumonia. Furthermore, those who smoke cigarettes or have asthma are also at an increased risk. In 2015, there were 102 deaths due to Streptococcus pneumonia, with the majority of deaths occurring in adults ages 60 and older. The bill:

Requires the Department of State Health Services (DSHS), using existing resources and programs to the extent possible, to develop a state plan for the prevention and treatment of diseases caused by Streptococcus pneumoniae. Requires the plan to include strategies for prevention and treatment of diseases caused by Streptococcus pneumoniae in specific demographic groups that are disproportionately affected by the diseases, including certain persons.

Requires DSHS, in developing the plan, to seek the advice of certain persons or entities.

Requires DSHS to review and modify the developed plan, as necessary, at least once every five years and authorizes DSHS to update the plan biennially.

Requires DSHS to develop a program to heighten awareness and enhance knowledge and understanding of Streptococcus pneumonia.

Requires the developed program to require DSHS to conduct health education, public awareness, and community outreach activities to promote public awareness and knowledge about the risk factors for, the value of early detection of, available screening services for, and the options available for the treatment of diseases caused by Streptococcus pneumoniae and to post on DSHS's Internet website

the options available for the prevention, treatment, and detection of diseases caused by Streptococcus pneumoniae and information on the risk factors for, method of transmission of, and value of early detection of the diseases.

Authorizes DSHS, using existing resources, to include in the developed program a study to estimate the current and future impact on the state of diseases caused by Streptococcus pneumoniae.

### Guidelines for Spinal Screenings—H.B. 1076

*by Representative Oliverson et al.—Senate Sponsor: Senator Huffines*

Medical procedures have advanced around the world in the last 30 years. However, our schools still follow the standards for spinal screenings of yesteryear. Valuable new studies show that requiring screenings based on age, rather than grade level, are much more effective in catching scoliosis. This bill:

Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), in cooperation with the Texas Education Agency (TEA), to adopt rules for the mandatory spinal screening of children, rather than children in grades 6 and 9, attending public or private schools. Requires the executive commissioner, in adopting rules under this subsection, to consider the most recent nationally accepted and peer-reviewed scientific research in determining the appropriate ages for conducting a spinal screening.

Requires the executive commissioner, in cooperation with TEA, by rule, to develop a process to notify a parent, managing conservator, or guardian of the screening requirement; the purposes of and reasons for the screening requirement, including prevention of painful scoliosis correction surgery and medical risks to the child if screening were declined; the noninvasive nature of the method used to conduct the screening; and the method for declining to comply with the screening requirement through the use of an exemption described by statute.

Requires the executive commissioner to adopt rules not later than January 1, 2018. Provides that provisions in the bill apply beginning the 2018–2019 school year.

### Prescription Drug Formulary Disclosures—H.B. 1227

*by Representative Smithee—Senate Sponsor: Senator Seliger*

The Texas Insurance Code requires a health benefit plan issuer to display formulary information of a prescription drug for each health benefit plan the issuer offers on the issuer's website so that the information is publicly accessible to enrollees and prospective enrollees. Stakeholders contend that the legislation requiring this disclosure should have originally applied only to the benefit plans to which the formulary disclosures were relevant, requiring issuers to spend resources displaying information that is not necessary because employers rarely offer more than one group health benefit plan. This bill:

Amends the disclosure requirement so that a health benefit plan issuer is required to disclose the formulary information solely for individual health plans, rather than for each health benefit plan offered by the issuer.

**EMS Assistance Program—H.B. 1407**

*by Representative Sheffield et al.—Senate Sponsor: Senator Seliger*

Interested parties have expressed a need to address the shortage of emergency medical services (EMS) professionals, particularly in rural areas, and the lack of educational opportunities and training programs for such professionals. H.B. 1407 addresses these concerns by providing for the creation of EMS assistance program and the use of money from the permanent fund for EMS and trauma care for grants under the program. This bill:

Defines "educational curriculum," "general academic teaching institution," "medical and dental unit," "other agency of higher education," "public technical institute," and "program."

Requires the Department of State Health Services (DSHS) to establish the EMS assistance program to provide financial and educational assistance to eligible EMS providers.

Provides that the program includes grants to eligible EMS providers and includes an educational curriculum for providing training to rural EMS personnel.

Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules necessary to implement certain provisions of this bill, including rules to determine eligibility under the program; establish requirements for the educational curriculum; and establish requirements for a general academic teaching institution, medical and dental unit, other agency of higher education, or public technical institute that develops and offers the educational curriculum.

Provides that rules must require that an EMS provider demonstrate financial need to be eligible for assistance under the program; that a general academic teaching institution, medical and dental unit, other agency of higher education, or public technical institute applying to offer educational curriculum demonstrate the qualifications necessary to develop and offer such curriculum; and that the educational curriculum provide to EMS remote instructional courses and training necessary for rural EMS personnel to achieve department certification.

Authorizes an EMS provider to apply to DSHS, in the form and manner provided by DSHS to receive assistance under the program.

Authorizes DSHS, if DSHS determines an applicant to be eligible for assistance in the program, to provide a grant to the applicant.

Authorizes a general academic teaching institution, medical and dental unit, other agency of higher education, or public technical institute to apply to DSHS, in the form and manner provided by DSHS, to develop and offer the educational curriculum. Authorizes DSHS to contract with not more than three qualified general academic teaching institutions, medical and dental units, other agencies of higher education, or public technical institutes to develop and offer the educational curriculum.

Authorizes DSHS to provide administrative support to the program.

Authorizes the commissioner of state health services (commissioner) to use money from the permanent fund, in additional to funds available for other sources, for EMS and trauma care to provide grants to EMS providers applying for assistance under the program or to provide funding to a general academic teaching institution, medical and dental unit, other agency of higher education, or public technical institute offering the educational curriculum.

Authorizes the commissioner to ensure that at least 60 percent of the grants provided in this bill are provided to rural EMS providers.

Requires the executive commissioner by rule to establish a procedure for the Governor's EMS and Trauma Advisory Council to establish priorities for issuance of grants. Requires DSHS to distribute grants in accordance with certain requirements.

**Provisions for Peer Specialists and Services—H.B. 1486**
*by Representative Price et al.—Senate Sponsor: Senator Schwertner*

Peer specialists assist individuals experiencing mental health or substance use disorders by helping those individuals focus on recovery, wellness, self-direction, responsibility, and independent living. Without a defined scope of services, peer specialist often provide services that are not reimbursable under the Medicaid program in certain settings. H.B. 1486 addresses this issue by requiring the Health and Human Services Commission (HHSC) to provide for peer specialists and services. This bill:

Requires HHSC, with input from mental health and substance use peer specialists and the work group described the this bill, to develop rules for the executive commissioner of HHSC to adopt that establish training requirements for peer specialists so that they are able to provide services to persons with a mental illness or with a substance use condition that establish certification and supervisory requirements for peer specialists; rules that define the scope of services a peer specialist may provide; that distinguish peer services from other services that require a license; and any other rules necessary to protect the health and safety of persons receiving peer services. Requires HHSC, in its rules and standards governing the scope of services provided under the medical assistance program, to include peer services provided by certified peer specialists to the extent permitted by federal law.

Requires HHSC to establish a stakeholder work group to provide input for the adoption of rules in the bill. Provides that the work group is composed of certain stakeholders appointed by the executive commissioner. Requires the executive commissioner, as soon as practicable after the effective date of the bill, to adopt the rules and appoint the members of the stakeholder work group.

Prohibits the executive commissioner from adopting rules that preclude the provision of mental health rehabilitative services.

Requires the executive commissioner, if the executive commissioner has not adopted rules by September 1, 2018, to submit on that date a written report to the governor, the lieutenant governor, the speaker of the house of representatives, the chair of the Senate Committee on Health and Human

Services, and the chair of the House Committee on Public Health explaining why the rules have not yet been adopted. Provides that certain parts of the bill expire September 1, 2019.

Requires a state agency, if necessary for implementation of a provision in the bill, to request a waiver or authorization from a federal agency and authorizes delay of implementation until such a waiver or authorization is granted.

**Pediatric Tele-Connectivity Resource Program—H.B. 1697**
*by Representative Price et al.—Senate Sponsor: Senator Nelson*

Access to pediatric subspecialists, such as neonatologists and pediatric trauma and emergency department specialists, is severely limited in some areas of the state and is possible only by medical transport over long distances, which is disruptive to families and potentially expensive. H.B. 1697 improves access to pediatric subspecialist care, connects rural hospitals to the state's advanced pediatric specialists, and reduces the number of fragile infants who must be transferred to large urban centers for specialty care through the establishment of a grant program. This bill:

Defines "nonurban health care facility," "pediatric specialist," "pediatric subspecialist," "pediatric tele-specialty provider," "physician," "program," and "telemedicine medical services."

Requires the Health and Human Services Commission (HHSC), with any necessary assistance of pediatric tele-specialty providers, to establish a pediatric tele-connectivity resource program for rural Texas to award grants to nonurban health care facilities to connect those facilities with pediatric specialists and subspecialists who provide telemedicine medical services. Authorizes a nonurban health care facility awarded a grant under Chapter 541 (Pediatric Tele-Connectivity Resource Program for Rural Texas), Government Code, as added by this act, to use grant money for certain purposes. Authorizes HHSC with any necessary assistance of pediatric tele-specialty providers to select an eligible nonurban health care facility to receive a grant under Chapter 541.

Requires a nonurban health care facility that is eligible for a grant under Chapter 541, Government Code, to have a quality assurance program that measures the compliance of the facility's health care providers with the facility's medical protocols; have on staff at least one full-time equivalent physician who has training and experience in pediatrics and one person who is responsible for ongoing nursery and neonatal support and care; have a designated neonatal intensive care unit or an emergency department; have a commitment to obtaining neonatal or pediatric education from a tertiary facility to expand the facility's depth and breadth of telemedicine medical service capabilities; and have the capability of maintaining records and producing reports that measure the effectiveness of a grant received by the facility.

Authorizes HHSC to solicit and accept gifts, grants, and donations from any public or private source.

Authorizes a political subdivision that participates in the program to pay part of the program's costs.

Authorizes HHSC to establish a program work group to assist HHSC with developing, implementing, or evaluating the program and to prepare a report on the results and outcomes of awarded grants.

Provides that a member of a program work group is not entitled to compensation for serving on the work group and is prohibited from being reimbursed for travel or other expenses incurred while conducting the business of the program work group.

Requires HHSC, not later than December 1 of each even-numbered year, to submit a report to the governor and to legislators regarding the program's activities and grant recipients, including the results and outcomes of grants awarded.

Requires the executive commissioner of HHSC to adopt rules necessary to implement provisions of this bill.

Prohibits HHSC from spending state funds to accomplish the purposes of Chapter 541, Government Code.

Requires HHSC, not later than December 1, 2017, to establish and implement the pediatric teleconnectivity resource program for rural Texas and requires HHSC, not later than December 1, 2018, to provide the initial report to the governor and the legislature.

Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such a waiver or authorization is granted.

**Creation of County Health Care Provider Participation Programs—H.B. 2062**
*by Representative Phillips—Senate Sponsor: Senator Estes*

Interested parties are concerned that certain counties that are without a county hospital are unable to take advantage of mechanisms that are available to other counties for drawing down federal funding to finance critical health care needs. The parties contend that additional tools to help finance this care would ease the burden on those counties and better serve county residents. H.B. 2062 addresses this issue by providing for the creation and operation of health care provider participation programs. This bill:

Defines "institutional health care provider," "paying hospital," and "program."

Provides that Chapter 292A (County Health Care Provider Participation Program in Certain Counties Bordering Red River), Health and Safety Code, as added by this bill, applies only to a county that is not served by a hospital district or a public hospital; that has a population of more than 100,000; that contains at least two municipalities, each of which has a population of more than 15,000; and that borders the Red River.

Provides that a county health care provider participation program (program) authorizes a county to collect a mandatory payment from each institutional health care provider (IHCP) located in the county to be deposited in a local provider participation fund (LPPF) established by the county. Authorizes the money in LPPF to be used by the county to fund certain intergovernmental transfers and indigent care programs, as provided by Chapter 292A.

Authorizes a commissioners court to adopt an order authorizing a county to participate in the program, subject to the limitations provided by Chapter 292A. Authorizes the commissioners court

of a county to require an authorized payment by an IHCP in the county only in the manner provided by Chapter 292A. Authorizes a commissioners court, after the commissioners court has voted to require an authorized payment, to adopt rules relating to the administration of the payment.

Prohibits the commissioners court of a county from authorizing the county to collect an authorized payment without an affirmative vote of a majority of the members of the commissioners court.

Requires the commissioners court of a county that collects an authorized payment to require each IHCP to submit to the county a copy of any financial and utilization data required by and reported to the Department of State Health Services (DSHS) under Sections 311.032 (Department Administration of Hospital Reporting and Collection System) and 311.033 (Financial and Utilization Data Required), Health and Safety Code, and any rules adopted by the executive commissioner of the Health and Human Services Commission to implement those sections.

Authorizes the commissioners court of a county that collects an authorized payment to inspect the records of an IHCP to the extent necessary to ensure compliance with the requirements of this bill.

Requires the commissioners court of a county that collects an authorized payment to hold a public hearing each year on the amounts of any payments that the commissioners court intends to require during the year.

Requires the commissioners court of a county, not later than the fifth day before the date of the required hearing, to publish a notice of the hearing in the county's newspaper of general circulation.

Provides that a representative of a paying hospital is entitled to appear at the time and place designated in the public notice and to be heard regarding any matter related to the authorized payments.

Requires the commissioners court of each county that collects an authorized payment, by resolution, to designate one or more banks located in the county as the depository for payments received by the county.

Requires that all income received by a county under Chapter 292A, including certain sources of revenue, be deposited with the county depository in the county's LPPF, and authorizes the income to be withdrawn only as provided by Chapter 292A.

Requires that all funds under Chapter 292A be secured in the manner provided for securing county funds.

Requires each county that collects an authorized payment to create an LPPF. Provides that a county's LPPF consist of certain monies; authorizes that money deposited into LPPF be used only to serve certain functions; prohibits money in an LPPF from being comingled with other county funds; and prohibits intergovernmental transfers of certain LPPF funds.

Authorizes the commissioners court of a county that collects an authorized payment to require an annual payment to be assessed on the net patient revenue of each IHCP located in the county and authorizes the commissioners court to provide for the payment to be assessed quarterly. Provides that, in the first year in which the payment is required, the payment is assessed on the net patient revenue of an IHCP, as determined by the data reported to DSHS under Sections 311.032 and

311.033 in the fiscal year ending in 2015, or, if the IHCP did not report any data under those sections in that fiscal year, then as determined by the IHCP's Medicare cost report submitted either for the 2015 fiscal year or for the closest subsequent fiscal year for which the IHCP submitted the Medicare cost report. Requires the county to update annually the amount of the payment.

Requires that the amount of an authorized payment be uniformly proportionate with the amount of net patient revenue generated by each paying hospital in a county and prohibits an authorized payment from holding harmless any IHCP, as required under 42 U.S.C. Section 1396b(w).

Requires the commissioners court of a county that collects an authorized payment to set the payment amount and prohibits the amount of the payment required of each paying hospital from exceeding six percent of the paying hospital's net patient revenue.

Requires the commissioners court of a county that collects an authorized payment, subject to the maximum amount prescribed by this bill, to set payment amounts that, in the aggregate, will generate sufficient revenue to cover the county's administrative expenses for activities under Chapter 292A; to fund an intergovernmental transfer described by this bill; and to pay for indigent programs, except that the amount of revenue from payments used for the county's administrative expenses for activities in a year is prohibited from exceeding a certain amount.

Prohibits a paying hospital from adding a required payment as a surcharge to a patient.

Authorizes a county to collect or contract for the assessment and collection of authorized payments.

Provides that interest, penalties, and discounts on required payments are governed by the law applicable to county ad valorem taxes.

Provides that the purpose of Chapter 292A is to generate revenue by collecting from IHCPs a payment to be used to provide the nonfederal share of a Medicaid supplemental payment program.

Authorizes a county, to the extent any provision or procedure under Chapter 292A causes an authorized payment to be ineligible for federal matching funds, to provide by rule for an alternative provision or procedure that conforms to certain requirements.

Requires a state agency, if necessary for implementation of a provision of this bill, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such a waiver or authorization is granted.

## Allowing Patient-Designated Caregiver for Aftercare Instruction—H.B. 2425

*by Representative Price et al.—Senate Sponsor: Senator Van Taylor*

Patients discharged from a hospital may not receive consistent or needed follow-up care from a caregiver in order to ensure a successful recovery. Oftentimes, a patient's lack of understanding of how to implement a doctor's aftercare recommendations result in reduced aftercare effectiveness, prolonged recovery times, and additional appointments. In some cases, patients are readmitted to the hospital. The lack of thoroughness in aftercare not only hinders a patient's recovery, but also increases the potential for a financial burden to be placed on the state, insurer, patient, and hospital if a patient were to require additional care through readmittance to a hospital. Given these concerns,

interested parties assert that caregivers should be given more thorough information and instruction relating to the aftercare of the patient whom they will be assisting. This bill:

Defines "aftercare," "designated caregiver," "discharge," "hospital," "patient," and "surrogate decision-maker."

Provides that provisions in this bill apply only to a patient who is aged 18 years or older or younger than 18 years who has had the disabilities of minority removed.

Requires a hospital, on admission to the hospital or before a patient is discharged or transferred to another facility, to provide the patient, the patient's legal guardian, or the patient's surrogate decision-maker the opportunity to designate a caregiver.

Requires a hospital, if a patient, a patient's legal guardian, or a patient's surrogate decision-maker designates a caregiver, to document certain information in the patient's medical record and request written authorization from the patient, the patient's legal guardian, or the patient's surrogate decision-maker to disclose health care information to the patient's designated caregiver.

Requires a hospital, if a patient, a patient's legal guardian, or a patient's surrogate decision-maker declines to designate a caregiver, to promptly record in the patient's medical record that the patient, the patient's legal guardian, or the patient's surrogate decision-maker did not wish to designate a caregiver.

Exempts a hospital, if a patient, a patient's legal guardian, or a patient's surrogate decision-maker declines to give authorization to a hospital to disclose health care information to the designated caregiver, from being required to comply with provisions in this bill.

Authorizes a patient, a patient's legal guardian, or a patient's surrogate decision-maker to change the patient's designated caregiver at any time, and requires a hospital to document the change in the patient's medical record.

Provides that a designation of a person as a patient's caregiver does not obligate the person to serve as the patient's designated caregiver or provide aftercare to the patient.

Requires a hospital, providing certain exceptions, to notify at a certain time a designated caregiver of the patient's discharge or transfer. Prohibits the inability of the hospital to contact the designated caregiver from interfering with, delaying, or otherwise affecting any medical care provided to the patient or to the discharge of the patient.

Requires a hospital, if the hospital is unable to contact a designated caregiver, to promptly record in a patient's medical record that the hospital attempted to contact the designated caregiver.

Requires a hospital, providing certain exceptions, to provide to the patient and designated caregiver, before a patient's discharge from the hospital, a written discharge plan that describes the patient's aftercare needs. Requires a discharge plan to include certain information.

Requires a hospital, before a patient's discharge from the hospital to any setting in which health care services are not regularly provided to others, to provide a designated caregiver the instruction and training necessary to perform aftercare tasks.

Requires the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement provisions of this bill.

Prohibits provisions in the bill from being construed to interfere with the rights of an agent operating under a valid advance directive or to alter, amend, revoke, or supersede any existing right or remedy granted under any other provision of law. Prohibits provisions in the bill from a certain private right of action against a designated caregiver, a hospital, a hospital employee, or a person in a contractual relationship with a hospital.

Prohibits a hospital, a hospital employee, or a person in a contractual relationship with a hospital from being held liable in any way for services rendered or not rendered by a patient's designated caregiver to the patient.

Prohibits a designated caregiver from being reimbursed by a government or commercial payer for aftercare assistance.

Provides that nothing in this bill be construed to alter the obligation of certain entities to provide coverage required under a health benefit plan; to affect, impede, or otherwise disrupt or reduce the reimbursement obligations of certain entities issuing health benefit plans; or to affect the time at which a patient may be discharged or transferred from a hospital to another facility.

## Updating a Medical Authorization Form to Comply with Federal Law—H.B. 2891

*by Representative Smithee—Senate Sponsor: Senator Creighton*

The statutory medical authorization form required to be included with a notice asserting a health care liability claim is not compliant with certain federal law. H.B. 2891 addresses this issue by revising the form to be compliant with federal law. This bill:

Requires that medical authorization required by statute be in a certain form and be construed in accordance with the "Standards for Privacy of Individually Identifiable Health Information."

Sets forth the required language of the medical authorization.

## Notice Required by Freestanding Emergency Facilities—H.B. 3276

*by Representative Oliverson et al.—Senate Sponsor: Senator Larry Taylor*

Statute requires a freestanding emergency medical care facility (freestanding emergency facilities) to be structurally separate and distinct from a hospital, to post notice stating that it is a freestanding emergency medical care facility; it charges rates comparable to a hospital emergency room; it may charge a facility fee; the freestanding emergency facility or its physicians may not participate in the patient's health benefit plan provider network; and its physicians may bill separately from the freestanding emergency facility.

Some freestanding emergency facilities are owned and operated by a hospital, as a department of the hospital, whereas others are owned and operated independently by physicians or other business interests. Some observers contend that freestanding emergency facilities are increasing significantly

in number and that because the facilities may look and feel like freestanding urgent care centers, which bill at rates different from freestanding emergency facilities, many consumers are unaware that freestanding emergency facilities are often not be a member of a patient's benefit plan provider network and charge patients significantly higher fees than a freestanding urgent care center for similar services. This bill:

Requires the notice of facility fees posted by certain freestanding emergency facilities to either list the health benefit plans in which the facility is a network provider or state that the facility is not a participating provider in any health benefit plan provider network. Provides that a freestanding emergency facility that is a provider in a health benefit plan network complies with the requirement if the facility provides notice on the facility's website listing the plans in which the facility is a participating provider and confirms in writing to a patient whether the facility is a participating provider in the patient's health benefit plan's provider network.

### Medicaid Service Delivery Models for Long-Term Care—H.B. 3295

*by Representative Klick—Senate Sponsor: Senator Kolkhorst*

Recent legislation has postponed the deadline for implementation of certain pilot programs to improve Medicaid service delivery models in regard to individuals with an intellectual or developmental disability but did not change the date on which such programs must conclude, causing inconsistency with the 24-month period state law allows for program operations. This bill:

Provides that on September 1, 2019, each pilot program established under Subchapter C (Stage One: Programs to Improve Service Delivery Models), Government Code, that is still in operation is required to conclude and the subchapter is required to expire.

Requires the Health and Human Services Commission (HHSC) to transition the provisions of Medicaid benefits to individuals for whom Section 534.201 (Transition of Recipients under Texas Home Living Waiver Program to Managed Care Program), Government Code, applies to certain program delivery models on September 1, 2020.

Requires HHSC to use existing resources to identify and evaluate barriers that prevent Medicaid recipients enrolled in the STAR + PLUS Medicaid managed care program or a home and community-based services waiver program from choosing the consumer-directed services option; to develop recommendations for increasing the percentage of Medicaid recipients enrolled in those programs who choose the consumer-directed services option; and to study the feasibility of establishing a community-attendant registry to assist Medicaid recipients enrolled in the community-attendant services program with locating providers.

Requires HHSC, not later than December 1, 2018, to submit a report containing HHSC's findings and recommendations to the governor, the legislature, and the Legislative Budget Board. Authorizes the report to be combined with any other report required by this bill or other law.

Requires HHSC to conduct a study of the provision of dental services to adults with disabilities under the Medicaid program, including certain dental services and the availability of those services. Requires HHSC, in conducting the study, to:

identify the number of adults with disabilities whose Medicaid benefits include limited or no dental services and who, as a result, have sought medically necessary dental services during an emergency room visit;

if feasible, estimate the number of adults with disabilities who are receiving services under the Medicaid program and who have access to alternative sources of dental care, including pro bono dental services, faith-based dental services providers, and other public health care providers; and

collect data on the receipt of dental services during emergency room visits by adults with disabilities who are receiving services under the Medicaid program, including reasons for seeking dental services during an emergency room visit and the cost of providing dental services during such a visit, as compared to the cost of providing the dental services in the community.

Requires HHSC, not later than December 1, 2018, to submit a report containing the results of the study conducted on certain dental services, as well as recommendations for improving access to dental services in the community and for reducing the provision of dental services during an emergency room visit to adults with disabilities who are receiving services under the Medicaid program, to the governor, the legislature, and the Legislative Budget Board. Authorizes the report to be combined with any other report required by this bill or other law.

Provides that if before implementing any provision of this Act, a state agency were to determine that a waiver or authorization from a federal agency was necessary for implementation of a provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization has been granted.

## County Health Care Provider Participation Programs—H.B. 3398

*by Representative Darby—Senate Sponsor: Senator Perry*

Interested parties are concerned that communities without hospital districts may be disadvantaged with respect to certain Medicaid-related programs. This bill:

Defines "institutional health care provider," "paying hospital," and "program."

Provides that Chapter 293A (County Health Care Provider Participation Program in Certain Counties Including Portion of Concho River), Health and Safety Code, as added by this bill, applies only to a county that is not served by a hospital district or a public hospital; that has a population of more than 100,000; and that includes a portion of the Concho River.

Provides that a county health care provider participation program authorizes a county to collect a mandatory payment from each institutional health care provider (provider) located in the county to be deposited in a local provider participation fund (LPPF) established by the county.

Authorizes money in LPPF to be used by the county to fund certain intergovernmental transfers and indigent care programs, as provided by Chapter 293A.

Authorizes a county commissioners court to adopt an order authorizing a county to participate in the program, subject to certain limitations.

Sets forth the powers and duties of the commissioners court, general financial provisions, and the provisions for mandatory payments.

Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such a waiver or authorization is granted.

**Surveillance of Communicable Diseases—H.B. 3576**
*by Representative Guerra et al.—Senate Sponsor: Senators Schwertner and Hinojosa*

Proper surveillance of an emerging high-consequence communicable disease, such as the Zika virus, enables local, state, and federal authorities to effectively plan and support clinical interventions. H.B. 3576 ensures the state can assist in this surveillance and better protect the public's health by providing for the release of certain information to the federal government relating to a person in Texas who has or is suspected of having a potential health condition resulting from exposure to such a disease. This bill:

Authorizes medical or epidemiological information, including information that links an exposed person to a person with a communicable disease, to be released to appropriate federal agencies, such as the Centers for Disease Control and Prevention. Requires that, except as provided by this bill, such information is limited to the patient's name, address, sex, race, and occupation; the date of disease onset; the probable source of infection; and other requested information relating to the case or suspected case of a communicable disease or health condition.

Authorizes medical or epidemiological information relating to a person who has or is suspected of having a present or potential health condition resulting from exposure to a high-consequence communicable disease, such as the Zika virus, to be released to an appropriate federal agency, including information on the patient's name, address, sex, race, and occupation; the date of disease onset; the probable source of infection; and other requested information relating to the case or suspected case of a communicable disease or health condition.

Authorizes the Department of State Health Services (DSHS) to investigate the existence of a communicable disease in the state to determine the nature and extent of the disease and the potential health effects on individuals and to formulate and evaluate control measures used to protect the public health. Requires a person to provide records and other information to DSHS on request, according to DSHS's written instructions.

**Health Care Plan Coverage of Ophthalmologic or Optometry Visits—H.B. 3675**
*by Representative Paddie et al.—Senate Sponsor: Senator Hinojosa*

Current statute requires managed care organizations (MCOs) to allow enrollees to seek care at a network ophthalmologist or optometrist for nonsurgical eye care without obtaining a referral or prior

authorization. This allows for timely care, improved patient outcomes, and cost savings. However, there are cases of MCOs requiring eye doctors to obtain prior authorization to provide covered eye care services to their patients, circumventing the intent of the statute. Upon being hired at an eye care practice, due to market demands, the new associate doctor should be able to provide care to the patients of that practice, if he or she meets the credentialing requirements and agrees to the MCO's contractual terms. This opportunity is available in the private insurance market, but not in the Medicaid managed care market, which is a hardship to many eye care practices and a barrier to the ability of enrollees to receive care. This bill:

Provides that, notwithstanding any other law, a recipient of medical assistance is entitled to select an ophthalmologist or therapeutic optometrist who is a medical assistance provider to provide nonsurgical eye health care services that are within the scope of the professional specialty practice for which the ophthalmologist or therapeutic optometrist is licensed and to have direct access to the selected ophthalmologist or therapeutic optometrist for the provision of the nonsurgical services without any requirement that the patient, ophthalmologist, or therapeutic optometrist obtain a certain authorization.

Provides that certain provisions of the bill applies only to an optometrist who is licensed by the Texas Optometry Board (TOB); a therapeutic optometrist who is licensed by TOB; an ophthalmologist who is licensed by the Texas Medical Board; and to an institution of higher education (IHE) that provides an accredited program for training as a Doctor of Optometry or an optometrist residency, or for training as an ophthalmologist, or an ophthalmologist residency.

Prohibits the Health and Human Services Commission (HHSC) from preventing a provider to whom this section applies from enrolling as a Medicaid provider if the provider (1) either joins an established practice of a health care provider (or provider group) that has a contract with an MCO to provide health care services to recipients under Chapter 533 (Medicaid Managed Care Program), Government Code, or is employed by, or otherwise compensated for providing training at, an IHE described by this bill; (2) applies to be an enrolled provider under Medicaid; (3) if applicable, complies with the requirements of the contract between the provider or the provider's group and the applicable MCO; and (4) complies with all other applicable requirements relating to being a Medicaid provider.

Prohibits HHSC from preventing an IHE from enrolling as a Medicaid provider if the IHE has a contract with an MCO to provide health care services to recipients under Chapter 533, Government Code; applies to be an enrolled provider under Medicaid; complies with the requirements of the contract between the provider and the applicable MCO; and complies with all other applicable requirements related to being a Medicaid provider.

Requires HHSC, subject to Section 32.047 (Prohibition of Certain Health Care Service Providers), Human Resources Code, but notwithstanding any other law, to require each MCO that contracts with HHSC under any Medicaid managed care model or arrangement to provide health care services to recipients in a region and to include in the MCO's provider network each optometrist, therapeutic optometrist, ophthalmologist in and IHE described in this bill in the region who agrees to comply with the terms and conditions of the MCO; who agrees to accept the prevailing provider contract rate of the MCO; who agrees to abide by the standards of care required by the MCO; and who is an enrolled provider under Medicaid.

Requires HHSC to, in a contract between HHSC and an MCO under Chapter 533, Government Code, that is entered into or renewed on or after the effective date of this bill, require that the MCO comply with provisions added by this bill.

Requires HHSC to amend each contract entered into with an MCO under Chapter 533, Government Code, before the effective date of this bill and to require those MCOs to comply with provisions in this bill. Provides that, to the extent of a conflict between sections added by this bill and a provision of a contract with an MCO entered into before the effective date of this bill, the contract provision prevails.

Prohibits the provisions in this bill from being construed as authorizing or requiring implementation of Medicaid managed care delivery models in regions in this state in which those models are not used on the effective date of this bill for the delivery of Medicaid services.

Requires a state agency, if necessary for implementation of a provision of this bill, to request a waiver or authorization from a federal agency and authorizes delay of implementation until such a waiver or authorization is granted.

**Health Care Provider Participation Programs in Certain Counties—H.B. 3954**

*by Representatives Larry Gonzales and Wilson—Senate Sponsor: Senator Schwertner*

Interested parties note the need for a county health care provider participation program in certain counties bordering a county containing the state capital. H.B. 3954 provides such a program. This bill:

Defines "institutional health care provider," "paying hospital," and "program."

Provides that Chapter 292B (County Health Care Provider Participation Program in Certain Counties Bordering County Containing State Capital), Health and Safety Code, as added by this bill, applies only to a county that is not served by a hospital district or a public hospital; that has a population of more than 400,000; and that is adjacent to the county containing the state capital.

Provides that a county health care provider participation program (program) authorizes a county to collect a mandatory payment from each institutional health care provider (IHCP) located in the county to be deposited in a local provider participation fund (LPPF) established by the county. Authorizes money in the fund to be used by the county to fund certain intergovernmental transfers and indigent care programs, as provided by Chapter 292B.

Authorizes a commissioners court to adopt an order authorizing a county to participate in the program, subject to the limitations provided by Chapter 292B.

Authorizes the commissioners court of a county to require a mandatory payment, authorized under Chapter 292B, by an IHCP in the county only in the manner provided by Chapter 292B; prohibits the commissioners court of a county from authorizing the county to collect the mandatory payment without an affirmative vote of a majority of the members of the commissioners court; and authorizes the commissioners court to adopt rules relating to the administration of the mandatory payment.

Requires the commissioners court of a county that collects a mandatory payment authorized under Chapter 292B to require each IHCP to submit to the county a copy of any financial and utilization data required by and reported to the Department of State Health Services (DSHS) under Sections 311.032 (Department Administration of Hospital Reporting and Collection System) and 311.033 (Financial and Utilization Data Required), Health and Safety Code, and any rules adopted by the executive commissioner of the Health and Human Services Commission to implement those provisions.

Authorizes the commissioners court of a county that collects a mandatory payment authorized under Chapter 292B to inspect the records of an IHCP to the extent necessary to ensure compliance with the requirements of this bill.

Requires the commissioners court of a county that collects a mandatory payment authorized under Chapter 292B, each year, to hold a public hearing on the amounts of any mandatory payments that the commissioners court intends to require during the year.

Requires the commissioners court of a county, not later than the fifth day before the date of the hearing required under this bill, to publish a notice of the hearing in the county's newspaper of general circulation.

Provides that a representative of a paying hospital is entitled to appear at a public hearing and to be heard regarding any matter relating to the mandatory payments authorized under Chapter 292B.

Requires the commissioners court of each county that collects a mandatory payment authorized under Chapter 292B, by resolution, to designate one or more banks located in the county as the depository for mandatory payments received by the county.

Requires that all income received by a county under Chapter 292B, including revenue from mandatory payments remaining after discounts and fees for assessing and collecting payments are deducted, be deposited with the county depository in the county's LPPF and may be withdrawn only as provided by Chapter 292B.

Requires that all funds under Chapter 292B be secured in the manner provided for securing county funds.

Requires each county that collects a mandatory payment authorized under Chapter 292B to create an LPPF. Provides that the LPPF of a county consists of certain revenue, money, and earnings.

Authorizes money deposited into an LPPF to be used only to fund intergovernmental transfers from a county to the state to provide certain payments, subsidize indigent programs, pay administrative expenses of a county solely for activities under Chapter 292B, refund a portion of a mandatory payment collected in error from a paying hospital, and refund paying hospitals the proportionate share of money received by a county that is not used to fund the nonfederal share of Medicaid supplemental payment program payments.

Prohibits money in an LPPF from being commingled with other county funds.

Prohibits an intergovernmental transfer of funds, described by this bill, and any funds received by a county as a result of an intergovernmental transfer being used by the county or any other entity to

expand Medicaid eligibility under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152).

Authorizes the commissioners court of a county that collects a mandatory payment authorized under Chapter 292B to require an annual mandatory payment to be assessed on the net patient revenue of each IHCP located in the county. Authorizes the commissioners court to provide for a mandatory payment to be assessed quarterly. Provides that, in the first year in which a mandatory payment is required, the mandatory payment is assessed on the net patient revenue of an IHCP, as determined by the data reported to DSHS under Sections 311.032 and 311.033 in the fiscal year ending in 2015, or, if an IHCP did not report any data under those sections in that fiscal year, them as determined by the IHCP's Medicare cost report submitted either for the 2015 fiscal year or for the closest subsequent fiscal year for which the provider submitted the Medicare cost report. Requires a county to update annually the amount of the mandatory payment.

Requires that the amount of a mandatory payment authorized under Chapter 292B be uniformly proportionate with the amount of net patient revenue generated by each paying hospital in the county. Prohibits a mandatory payment authorized under Chapter 292B from holding harmless any IHCP, as required under 42 U.S.C. Section 1396b(w).

Requires the commissioners court of a county that collects a mandatory payment authorized under Chapter 292B to set the amount of the mandatory payment. Prohibits the amount of the mandatory payment required of each paying hospital from exceeding six percent of the paying hospital's net patient revenue.

Requires the commissioners court of a county that collects a mandatory payment authorized under Chapter 292B to set the mandatory payments in amounts that, in the aggregate, will generate sufficient revenue to cover the county's administrative expenses for activities under Chapter 292B; to fund an intergovernmental transfer described by this bill; and to pay for indigent programs, except that the amount of revenue from mandatory payments used for the county's administrative expenses for activities under Chapter 292B in a year may not exceed the lesser of four percent of the total revenue generated from the mandatory payment or $20,000.

Prohibits a paying hospital from adding a mandatory payment as a surcharge to a patient.

Authorizes a county to collect or contract for the assessment and collection of mandatory payments authorized under Chapter 292B.

Provides that interest, penalties, and discounts on mandatory payments required under Chapter 292B are governed by the law applicable to county ad valorem taxes.

Provides that the purpose of Chapter 292B is to generate revenue by collecting from IHCPs a mandatory payment to be used to provide the nonfederal share of a Medicaid supplemental payment program. Authorizes a county, to the extent any provision or procedure under Chapter 292B causes a mandatory payment authorized under Chapter 292B to be ineligible for federal matching funds, to provide by rule for an alternative provision or procedure that conforms to the requirements of the federal Centers for Medicare and Medicaid Services.

Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes a delay of implementation until such a waiver or authorization is granted.

**Abortion and Fetal Tissue Donation—S.B. 8**

*by Senator Schwertner et al.—House Sponsor: Representative Burkett et al.*

Interested parties state that federal laws banning partial-birth abortion and the sale or transfer of human fetal tissue and organs are inadequate because, without a concurrent prohibition in state law, they are only enforceable under certain conditions, resulting in the federal government having the sole authority to assert criminal charges and prosecute offenders in these cases. S.B. 8 seeks to enact state bans on partial-birth abortion and the sale of human fetal tissue, and to regulate the disposition of embryonic and fetal tissue remains. This bill:

Redefines "abortion" in Section 33.001(1), Family Code, and in Sections 170.001(1), 171.002(1), 171.061(1), and 245.002(1), Health and Safety Code.

Defines "partial-birth abortion" and "physician."

Updates Texas statute to match the federal prohibition of partial-birth abortion and prohibits a physician or other person from knowingly performing such an abortion. Creates exceptions for partial-birth abortion to save the mother's life in certain circumstances; provides criminal penalties for partial-birth abortion; and updates Texas Medical Board procedures for handling cases of partial-birth abortion.

Defines "dismemberment abortion."

Prohibits a person from intentionally performing a dismemberment abortion unless the dismemberment abortion is necessary in a medical emergency.

Provides that a woman on whom a dismemberment abortion is performed, an employee or agent acting under the direction of a physician who performs a dismemberment abortion, or a person who fills a prescription or provides equipment used in a dismemberment abortion does not violate the provisions of this bill.

Provides that a person who violates Section 171.152 (Dismemberment Abortions Prohibited), Health and Safety Code, as added by this bill commits an offense and provides that such an offense is a state jail felony.

Requires a court, if any court determines that a provision of Subchapter G (Dismemberment Abortions), Chapter 171 (Abortion), Health and Safety Code, as added by this bill, is unconstitutionally vague, to interpret the provision to avoid vagueness and to enforce the provision to the maximum possible extent. Requires the Texas Supreme Court, if a federal court finds any provision of this bill or its application to any person, group of persons, or circumstances to be unconstitutionally vague and declines to impose the saving construction, to provide an authoritative construction of the objectionable statutory provisions that avoids unconstitutionality while enforcing

the statutory restrictions to the maximum possible extent, and to agree to answer any question certified from a federal appellate court regarding the statute.

Prohibits a state executive or administrative official from declining to enforce Subchapter G, or from adopting a construction of Subchapter G that narrows its applicability, based on the official's own beliefs concerning the requirements of the state or federal constitution, unless the official is enjoined by a state or federal court from enforcing this subchapter.

Prohibits certain provisions in this bill from being construed to authorize the prosecution of or a cause of action to be brought against a woman on whom an abortion is performed or induced in violation of Subchapter G or from creating or recognizing a right to abortion or a right to a particular method of abortion.

Defines "authorized facility" and "human fetal tissue."

Prohibits the donation of human fetal tissue acquired as a result of an elective abortion. Provides a consent form relating to the donation of voluntary fetal tissue; provides a criminal penalty; updates records retention; and creates a new annual report relating to the donation of fetal tissue. Requires DSHS, no later than December 1, 2017, to create the standard consent form required by this bill.

Defines "ectopic pregnancy."

Requires a physician who performs an abortion at an abortion facility to complete and submit a monthly report to DSHS on each abortion performed by the physician at an abortion facility; prohibits this report from including patient-identifying information; prohibits the release of information in the report; and provides criminal penalties for releasing information in the report.

Requires a physician, not later than the 15th day of each month, to submit to DSHS the report required by this section for each abortion performed by the physician at an abortion facility in the preceding calendar month.

Requires DSHS to establish and maintain a secure electronic reporting system for the submission of the required reports, and as soon as practicable after the effective date of this Act, to develop the system. Requires DSHS to publish the required report on its Internet website. Requires DSHS to adopt procedures to enforce certain provisions of this bill and to ensure that only physicians who perform one or more abortions during the preceding calendar month are required to file a report for that month.

Defines "cremation," "department," "embryonic and fetal tissue remains," "executive commissioner," "incineration," "interment," and "steam disinfection."

Provides that embryonic and fetal tissue remains are not pathological waste under state law. Provides that, unless otherwise provided by this bill, Chapters 711 (General Provisions Relating to Cemeteries) and 716 (Crematories), Health and Safety Code, and Chapter 651 (Cemetery and Crematory Services, Funeral Directing, and Embalming), Occupations Code, do not apply to the disposition of embryonic and fetal tissue remains.

Requires that a health care facility in this state that provides health or medical care to a pregnant woman, subject to Section 241.010 (Disposition of Fetal Remains), Health and Safety Code, dispose

of embryonic and fetal tissue remains that are passed or delivered at the facility by interment, cremation, incineration followed by interment, or steam disinfection followed by interment. Provides that ashes resulting from a cremation or incineration of embryonic and fetal tissue are authorized to be interred or scattered but are prohibited from being placed in a landfill.

Authorizes the umbilical cord, placenta, gestational sac, blood, or other bodily fluids from a terminated pregnancy for which the issuance of a fetal death certificate is not required by state law, notwithstanding any other law, to be disposed of in the same manner as, and with the embryonic and fetal tissue remains from, that same pregnancy.

Requires DSHS to establish a burial or cremation assistance registry.

Requires DSHS to develop and establish, no later than October 1, 2017, a grant program that uses private donations to provide financial assistance for the costs associated with disposing of embryonic and fetal tissue remains, and requires DSHS, no later than February 1, 2018, to begin awarding the grants. Authorizes DSHS to suspend or revoke the license of a health care facility that violates rules relating to fetal tissue disposition.

Requires the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules to implement Chapter 697 (Disposition of Embryonic and Fetal Tissue Remains), Health and Safety Code, as added by this bill.

Includes performing, inducing, or attempting to perform or induce an abortion in violation of Subchapters C (Abortion Prohibited At or After 20 Weeks Post-Fertilization), F (Partial-Birth Abortions), or G, Chapter 171 (Abortion), Health and Safety Code, as added by this bill, in the list of certain prohibited practices for a physician or an applicant for a medical license.

Provides that the criminal penalties provided by Section 165.152 (Practicing Medicine in Violation of Subtitle), Occupations Code, do not apply to a violation of Section 170.002 (Prohibited Acts; Exemption), Health and Safety Code, or to Subchapters C, F, or G, Chapter 171, Health and Safety Code, as added by this bill.

Redefines "human organ" and defines "human fetal tissue."

Provides that a person commits a felony offense if the person knowingly acquires, receives, sells, offers to buy or sell or otherwise transfers any human fetal tissue for economic benefit.

Requires the executive commissioner of HHSC, not later than December 1, 2017, to implement any necessary rules, as provided by this bill.

### Guidelines for Prescribing Opioid Antagonists—S.B. 584

*by Senator West et al.—House Sponsor: Representative Rose*

According to the Centers for Disease Control and Prevention, overdose deaths from opioids have more than quadrupled since 1999. In 2015, more than 33,000 people died from an opioid-related overdose, which is more than any year on record. Nearly half of all opioid-related overdose deaths involve a prescription opioid. Opioid overdose deaths could be reduced by establishing guidelines

for an appropriate "co-prescription" of naloxone—opioid antagonist—alongside an opioid prescription when a patient is at a high risk of overdosing. This bill:

Defines "opioid antagonists" and "opioid-related drug overdose."

Requires the Texas Medical Board (TMB) to adopt guidelines for the prescription of opioid antagonists. Provides that, in adopting guidelines required by this bill, TMB:

is required to consult with the Texas State Board of Pharmacy;
is required to consult materials published by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services; and
is authorized to consult other appropriate materials, including medical journals subject to peer review and publications by medical professional associations.

Requires the guidelines to address prescribing an opioid antagonist to a patient already being prescribed an opioid, address identifying patients at risk of an opioid-related drug overdose, and addresses prescribing an opioid antagonist to a high-risk patient or to a person in a position to administer the opioid antagonist to that patient.

Provides that a physician who acts in good faith and with reasonable care, regardless of whether the physician follows the guidelines adopted, is not subject to criminal or civil liability or any professional disciplinary action for prescribing or failing to prescribe an opioid antagonist, nor to any outcome resulting from eventual administration of an opioid antagonist prescribed by the physician.

**Continuation of Women's Health Advisory Committee—S.B. 790 [VETOED]**
*by Senators Miles and Zaffirini— House Sponsor: Representative Howard et al.*

The Health and Human Services Commission (HHSC) launched two new women's health programs on July 1, 2016: Healthy Texas Women and the Family Planning Program. These programs offer health and family planning services to women in Texas. The Women's Health Advisory Committee (committee) was created by an amendment to S.B. 200, 84th Legislature, Regular Session, 2015, and was set to be abolished September 2017. The committee is charged with providing recommendations to HHSC on the consolidation of women's health programs and the committee is made up largely of providers of the new women's health programs, which gives providers and HHSC the opportunity to directly interact with each other on the implementation of these programs. With the new programs still less than a year old, it would be beneficial to extend the life of the committee another two years, to provide more time for HHSC and the providers on the committee to directly discuss and improve the new programs. This bill:

Provides that the Women's Health Advisory Committee is abolished and Section 531.02221(e), Government Code, expires September 1, 2019.

**Reimbursement to Medicaid Providers for Telehealth Services—S.B. 922**
*by Senator Buckingham—House Sponsor: Representative Larry Gonzales*

School districts and charter schools are recognized as Medicaid providers and are required by federal law to identify and provide certain services for child with special needs such as speech-language therapy, occupational therapy, and certain counseling services. Many parts of the state, especially rural areas, have a limited number of professionals who are able to provide schools with these necessary therapeutic services. As such, schools in shortage areas are often required to spend significant tax dollars to contract with providers from other areas to deliver therapeutic services. S.B. 922 addresses this issue by permitting telehealth technology in school-based settings. In addition to reducing the financial burden on schools, S.B. 922 ensures that students with special needs living in rural or underserved areas have increased access to the essential therapeutic services. This bill:

Defines "health professional."

Requires the Health and Human Services Commission (HHSC) to ensure that Medicaid reimbursement is provided to a school district or open-enrollment charter school for telehealth services that are provided through the school by a health professional, despite whether the health professional is the patient's primary care provider, if the school is an authorized health care provider under Medicaid and if the parent or legal guardian of the patient provides consent before the service is provided.

Requires a state agency, if necessary for implementation of this bill, to request a waiver or authorization from a federal agency and authorizes delay of implementation until such a waiver or authorization is granted.

**Allowing Telemedicine and Telehealth Services—S.B. 1107**
*by Senator Schwertner et al.—House Sponsor: Representative Price et al.*

S.B. 1107 creates a clear and accountable regulatory structure regarding the establishment of a valid practitioner-patient relationship via telemedicine. Specifically, S.B. 1107 removes the provision that allows the Texas Medical Board (TMB) to establish rules requiring a face-to-face consultation between a patient and a physician who provides a telemedicine medical service, if the physician has never seen the patient, and creates a new framework for establishing a valid practitioner-patient relationship in a telemedicine encounter. This bill:

Defines "store forward technology" and redefines "telehealth service" and "telemedicine medical service."

Authorizes TMB, in consultations with the commissioner of insurance, to adopt certain rules as necessary.

Provides that for purposes of Section 562.056 (Practitioner-Patient Relationship Required), Occupations Code, a valid practitioner-patient relationship is present between a practitioner providing a telemedicine medical service and a patient receiving the service as long as the practitioner has complied with the standard of care described in this bill and has met certain criteria.

Requires a practitioner who provides telemedicine medical services to a patient to guide the patient on appropriate follow-up care and to provide, if the patient consents and has a primary care physician, the patient's primary care physician, a medical record or other report containing an explanation of the treatment provided by the practitioner to the patient, along with the practitioner's evaluation, analysis, or diagnosis, as appropriate, of the patient's condition within 72 hours after providing the services to the patient.

Provides that, notwithstanding any other provision of this bill, a practitioner-patient relationship is not present if a practitioner prescribes an abortifacient or any other drug or device that terminates a pregnancy.

Requires TMB, the Texas Board of Nursing (BON), the Texas Physician Assistant Board (PAB), and the Texas State Board of Pharmacy (TSBP) to jointly adopt rules that establish the determination of a valid prescription in accordance with Section 111.005 (Practitioner-Patient Relationship for Telemedicine Medical Services), Occupations Code, as added by this act. Requires the rules to allow the establishment of a practitioner-patient relationship by a telemedicine medical service provided by a practitioner to a patient in a manner that complies with certain provisions of this bill.

Requires TMB, BON, PAB, and TSBP to jointly develop and publish on each respective board's Internet website responses to frequently asked questions relating to the determination of a valid prescription issued during a telemedicine medical services encounter.

Provides that a health professional providing a health care service or procedure as a telemedicine medical service or a telehealth service is subject to the standard of care that would apply to the provision of the same health care service or procedure performed in person. Prohibits an agency with regulatory authority over a health professional from adopting rules pertaining to telemedicine medical services or telehealth services that would impose a higher standard of care than the standard described above.

Provides that a valid practitioner-patient relationship is present between a practitioner providing telemedicine medical services and the patient receiving the telemedicine medical services if the practitioner has complied with the requirements for establishing such a relationship in accordance with certain provisions.

Prohibits a health benefit plan from excluding from coverage 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 a telehealth service solely because the covered health care service or procedure was not provided through an in-person consultation.

Authorizes a health benefit plan to require a deductible, co-payment, or coinsurance 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 a telehealth service. Prohibits the amount of the deductible, copayment, or coinsurance from exceeding the amount of the deductible, copayment, or coinsurance required for the covered health care service or procedure provided through an in-person consultation.

Provides that a health benefit plan is not required to provide coverage for a telemedicine medical service or a telehealth service provided by only synchronous or asynchronous audio interaction,

including an audio-only telephone consultation, a text-only e-mail message, or a facsimile transmission.

Requires each issuer of a health benefit plan to adopt and display conspicuously on its Internet website its policies and payment practices for telemedicine medical services and telehealth services but not to display negotiated contract payment rates for health professionals who contract with the issuer to provide such services.

Repeals Sections 531.02163 (Telepresenters) and 531.0217(i-1) (relating to TMB adopting rules to establish supervisory requirements for a physician delegating a service to be performed by a certain individual), Government Code.

### Creation of Certain Local Health Care Provider Participation Programs—S.B. 1462

*by Senators Hinojosa and Lucio—House Sponsor: Representative Lucio III*

Interested parties contend that changes to the governing statutes of certain health care funding districts and health care provider participation programs are needed to provide greater flexibility and efficiency. S.B. 1462 addresses this need by amending those statutes. This bill:

Authorizes money deposited to the local provider participation fund to be used only to fund certain intergovernmental transfers from the county health care funding district to the state, including refunding to paying hospitals the proportionate share of money that the district determines cannot be used to fund the nonfederal share of Medicaid supplemental payment program payments.

Authorizes the district to collect or, using a competitive bidding process, contract for the assessment and collection of certain mandatory payments. Decreases the number of days by which the certain county commissioners courts are required to publish certain notice regarding the amounts of mandatory payments.

Authorizes the board of hospital managers of the Tarrant County Hospital District (TCHD) to authorize TCHD to participate in a health care provider participation program (program) on the affirmative vote of a majority of the board. Authorizes the board to require a mandatory payment by an institutional health care provider (IHCP) in TCHD only in a certain manner. Authorizes the board to adopt rules relating to the administration of the program, including collection of the mandatory payments, expenditures, audits, and any other administrative aspects of the program.

Requires the board to require each IHCP to submit to TCHD a copy of certain financial and utilization certain data. Requires the board, in each year that the board authorizes a program, to hold a public hearing on the amounts of any mandatory payments that the board intends to require during the year and how the revenue derived from those payments is to be spent. Requires the board to publicize the hearing to the public and notify each IHCP in TCHD by a certain date.

Requires TCHD, if TCHD requires a mandatory payment, to create a local provider participation fund consisting of all revenue received by TCHD attributable to mandatory payments, money received from the Health and Human Services Commission (HHSC) as an intergovernmental transfer refund under the program, and the earnings of the fund. Authorizes money deposited to TCHD local provider participation fund of TCHD to be used only for certain purposes.

Authorizes the board to require that an annual mandatory payment be assessed on the net patient revenue of each IHCP located in TCHD and provides certain methods and guidelines for assessment.

Authorizes TCHD, if the Centers for Medicare and Medicaid Services issues a disallowance of federal matching funds for a purpose for which intergovernmental transfers were made and HHSC demands repayment from TCHD of federal funds paid to TCHD for that purpose, to require and collect mandatory payments from each paying provider that received those federal funds in an amount sufficient to satisfy HHSC's repayment demand.

**Remote Dispensing Sites Providing Pharmaceuticals to Underserved Areas—S.B. 1633**
*by Senator Perry—House Sponsor: Representative Oliverson et al.*

Certain parts of the state, especially small communities, lack a local pharmacy because the demand for filling prescriptions in those areas is too low to support a pharmacy staffed by a pharmacist. S.B. 1633 addresses this issue by providing remote dispensing sites for prescription drugs and related devices. This bill:

Defines "direct supervision," "provider pharmacy," and "remote dispensing site" and redefines "telepharmacy system."

Requires the Texas State Board of Pharmacy (TSBP) to establish rules for the use and duties of a pharmacy technician and a pharmacy technician trainee who is employed by a pharmacy licensed by TSBP. Requires a pharmacy technician and a pharmacy technician trainee to be responsible to and directly supervised by a pharmacist.

Authorizes a Class A or Class C pharmacy located in this state to provide certain pharmacy services through a telepharmacy system at locations separated from the Class A or Class C pharmacy.

Authorizes a telepharmacy system to be located only in certain locations, including a remote dispensing site.

Requires TSBP to adopt rules regarding the use of a telepharmacy system including location eligible to be licensed as a remote dispensing sites and licensing and operational requirements for a remote dispensing sites.

Prohibits a telepharmacy system located at a health care facility from being located in a certain community, as set forth in the bill.

Prohibits a telepharmacy system located at a remote dispensing site from dispensing a Schedule II controlled substance, as established by the commissioner of state health services under Chapter 481 (Texas Controlled Substances Act), Health and Safety Code.

Prohibits a remote dispensing site from being located by road within 25 miles of a Class A pharmacy. Provides that if a Class A pharmacy is established within 25 miles by road of a remote dispensing site that is currently in operation, the remote dispensing site may continue to operate at that location. Prohibits a telepharmacy system located at a remote dispensing site in a county with a population of at least 13,000 but not more than 14,000 from being located by road within 22 miles of a Class A pharmacy. Provides that if a Class A pharmacy is established within 22 miles by road of a

remote dispensing site that is currently operating, the remote dispensing site may continue to operate at that location.

Authorizes TSBP to require and develop a process for a remote dispensing site to apply for classification as a Class A pharmacy, if the average number of prescriptions dispensed each business day the site is open is more than 125, as calculated each calendar year. Requires TSBP to adopt such rules not later than January 1, 2018.

## Task Force of Border Health Officials—S.B. 1680

*by Senators Lucio and Hinojosa—House Sponsor: Representative Raymond*

Concerned public health officials contend that public health along the Texas-Mexico border is like nowhere else in the state, as each sides of the border handles public health risks differently. Additionally, health officials contend that high unemployment, extreme poverty, complex barriers to health care, and low per capita income make addressing the public health and health care needs of the border region different and even more challenging than any other region in Texas. S.B. 1680 calls for a specialized task force focused on border issues to assist the Texas Department of State Health Services (DSHS). Local public health departments will empower the state to better address the countless health issues that are home to this region. This bill:

Defines "border region" and "task force."

Provides that the Task Force of Border Health Officials (task force) is subject to Chapter 325 (Texas Sunset Act), Government Code, and that unless continued in existence as provided by that chapter, the task force is abolished and Chapter 120 (Task Force for Border Health Officials), Health and Safety Code, as added by this act, expires September 1, 2029.

Requires DSHS to establish the task force to advise the commissioner of state health services (commissioner) on policy priorities addressing major issues affecting the border region residents' health and health conditions, on raising public awareness of the issues described by this bill, and on other health issues impacting the border region as determined by the commissioner, including barriers to health care; certain health problems affecting the region; certain factors that impede access to health care; surveillance and tracking of communicable diseases, environmental factors, and other factors negatively influencing health; standardization of data to ensure compatibility with data collected by border states on both sides of the international border with Mexico; public health infrastructure that includes education and research institutions to train culturally competent health care providers; the establishment of local and regional public health programs that build on local resources and maximize the use of public dollars to address the needs of the indigent population; and the collaboration and cooperation with Mexican counterparts of the task force at the state and federal levels, and collaboration with federal counterparts in the United States.

Requires the Office of Border Health (OBH), established under Section 12.071 (Office of Border Health), Health and Safety Code, to provide staff support and any other assistance as needed or required by the task force, if practicable.

Sets forth the membership of the task force; requires the commissioner to designate a chair and vice chair from among the task force members; and sets forth the term of certain task force members.

Requires the commissioner, lieutenant governor, and speaker of the house of representatives to appoint the members of the task force established by this Act not later than October 1, 2017.

Requires the task force to meet at least quarterly each fiscal year and sets forth statutory provisions relating to governmental body meetings that apply to the task force. Provides that a task force member is not entitled to compensation or reimbursement for expenses incurred in performing the member's duties.

Requires the task force to study and make recommendations relating to the health problems, conditions, challenges, and needs of the population in the border region. Requires the task force to submit a report of recommendations to the commissioner for short-term and long-term border health improvement plans, as described by this bill, not later than November 1 of each even-numbered year.

Requires the commissioner to review the task force's recommendations and, based on those recommendations, recommend short-term and long-term border health improvement plans to the executive commissioner of the Health and Human Services Commission (executive commissioner).

Requires the executive commissioner to adopt short-term and long-term border health improvement plans and direct DSHS to implement portions of the plans that are authorized to be implemented within existing appropriations. Requires the executive commissioner, not later than September 1 of each even-numbered year, to submit a report detailing the actions taken by the task force. Requires that the report include certain information.

Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the task force.

Authorizes a state agency or political subdivision of this state, at the request of the task force, to cooperate with the task force to the greatest extent practicable to fully implement the task force's statutory duties.

Requires that the initial short-term border health improvement plan include a plan for implementation beginning not later than September 1, 2018. Requires DSHS to implement the plan's initiatives, as directed by the executive commissioner, not later than September 1, 2022.

Requires that the initial long-term border health improvement plan include a plan for implementation beginning not later than September 1, 2020. Requires DSHS to implement the plan's initiatives, as directed by the executive commissioner, not later than September 1, 2027.

**Statewide Initiative to Study Seniors with Visual Impairments—S.B. 1693**
*by Senators Lucio and Garcia—House Sponsor: Representative Raymond*

S.B. 1693 originates from the Legislative Committee on Aging (committee) hearing during the 2016 interim. The committee heard testimony from advocates for the elderly and those who are visually impaired or blind on the state's effort to address the needs of the 424,000 legally blind elderly in Texas. The committee was informed that "over the next 15 years, the number of people over the age of 65 is expected to grow by 60 percent, which means there will be approximately 60 percent more older Texans who lose their vision, which means there will be some 680,000 legally blind seniors

living in Texas by the year 2030." Concerned stakeholders contend that the state has no concerted plans to meet this challenge but that existing resources can be built upon to address the present needs of the blind and visually impaired in Texas. Testimony provided to the committee indicates that state agencies and nonprofits are presently able to provide services to only 10 percent of this population. S.B. 1693 addresses this concern by developing a statewide initiative that allows the state to better address the needs of visually impaired and blind seniors in Texas. This bill:

Defines "advisory committee."

Requires the executive commissioner of the Health and Human Services Commission (HHSC) to direct the Aging Texas Well Advisory Committee (advisory committee) to assist HHSC in determining an appropriate level of independent living services for the growing number of seniors in the state with a visual impairment and make recommendations on the provision of services to those seniors.

Authorizes the advisory committee, in implementing its duties under this Act, to meet by a telephone conference call, videoconference, or other similar telecommunication method, notwithstanding certain provisions of the Government Code.

Requires the advisory committee to conduct a study to determine the projected growth and geographic distribution of seniors with a visual impairment over the next five to 10 years and methods for improving and expanding services to those seniors. Requires that the study include certain information.

Requires the advisory committee to develop, in collaboration with private entities and other organizations that assist individuals with a visual impairment, methods to publicize the services available to seniors with a visual impairment. Authorizes HHSC to solicit and accept funding for and contract with a private entity for implementing an advisory committee recommendation.

Requires that the recommendations required by this bill be in the form of a new initiative, an immediate proposed regulatory change by a state agency, a proposed statutory amendment, or a suggested funding level.

Requires the advisory committee to develop a written report on the study, publicity methods, and recommendations developed by the advisory committee and to submit the report to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature not later than November 1, 2018.

Provides that certain provisions in this bill expire June 1, 2019.

**Wheelchair Self-Release Seat Belts for Long-Term Care Residents—H.B. 284**
*by Representative Springer—Senate Sponsor: Senator Buckingham*

Interested parties assert that laws relating to the use of restraints intended to protect residents living in certain health care facilities have had unintended consequences. Presently, restraints that obstruct a resident's airway, impair breathing through pressure, or interfere with the ability to communicate are not permitted. While these laws were intended to keep patients safe, they have had the adverse effect of preventing the use of any and all restraints, even those that serve as safety belts to prevent patients such as paraplegics from falling out of their mobility devices. This bill:

Requires certain health care facilities to allow a resident to use a wheelchair self-release seat belt while the resident is in a wheelchair, provided that the resident demonstrates an ability to release and fasten the seat belt without assistance; that the use of a seat belt complies with the resident's plan of care; and that the facility receives written authorization signed by the resident or the resident's legal guardian for the resident to use the wheelchair self-release seat belt.

Provides that a facility that advertises as a restraint-free facility is not required to comply with the bill if the facility provides to current and prospective residents a written disclosure stating the facility is restraint-free, is not required to comply with a request, and makes all reasonable efforts to accommodate the concerns of a resident who requests a seat belt.

**Requiring Reports of Abuse to be Submitted to Local Law Enforcement—H.B. 1642**
*by Representative Bell et al.—Senate Sponsor: Senator Kolkhorst*

Current law requires the Department of Aging and Disability Services (DADS) to submit to local law enforcement a complete final written report of every regulatory investigation of alleged abuse, neglect, or exploitation at certain facilities. This requirement, however, may be too burdensome and thus hinder the ability of local law enforcement to investigate the most critical cases. This bill:

Requires DADS, if DADS determines the report of abuse, neglect, or exploitation to be substantiated at the conclusion of an investigation, to make a complete final written report of the investigation and submit the report and its recommendations to the appropriate law enforcement agency.

**Regulations Relating to Long-Term Care Facilities—H.B. 2025**
*by Representatives Yvonne Davis and Rose—Senate Sponsor: Senators Schwertner and Kolkhorst*

Interested parties express concern regarding certain health care facilities lack of staff members who have training or experience in providing care to individuals with Alzheimer's disease or dementia. H.B. 2025 addresses this concern by providing staff requirements for such facilities. This bill:

Requires that the informal dispute resolution process established by rule by the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) provide adjudication by an appropriate disinterested person of disputes relating to certain proposed

enforcement actions or related proceedings of HHSC or the Department of Aging and Disability Services (DADS), or its successor agency, under certain provisions.

Requires HHSC, as part of the informal dispute resolution process, to contract with an appropriate disinterested person to adjudicate disputes between an institution or facility licensed under statute and DADS, or its successor agency, concerning certain statements of violations prepared by DADS.

Requires the executive commissioner to review HHSC's methods for issuing informational letters, policy updates and clarifications, and other related materials to an entity licensed by the state and to develop and implement more efficient methods to issue those materials as appropriate.

Authorizes HHSC to assess an administrative penalty against a person who meets certain requirements.

Requires HHSC to develop and use a system to record and track the scope and severity of each violation of statute, rule, standard, or order adopted under provisions of this bill for the purpose of assessing an administrative penalty for the violation or for taking some other enforcement action against the appropriate institution to deter future violations. Requires that the system be comparable to the system used by the Centers for Medicare and Medicaid Services (CMS) to categorize the scope and severity of violations for nursing homes, and authorizes the system to be modified, as appropriate, to reflect changes in industry practice or changes made to the system used by CMS.

Provides that Section 242.0665(a) (relating to prohibiting HHSC from collecting a certain administrative penalty), Health and Safety Code, does not apply to a violation that, as determined by HHSC, represents a pattern of violation that results in actual harm; is widespread in scope and results in actual harm; is widespread in scope, constitutes a potential for actual harm, and relates to certain rights and standards of care for residents; or constitutes an immediate threat; nor does it apply to a second or subsequent violation of Section 326.002 (Written Policy Required), Health and Safety Code, as added by this bill, that occurs before the second anniversary of the date of the first violation.

Defines "actual harm," "immediate threat to the health or safety of a resident," "pattern of violation," and "widespread in scope."

Provides that a license to establish or operate an assisted living facility expires on the third anniversary of the date of its issuance. Requires the executive commissioner, by rule, to adopt a system under which these licenses will expire on staggered dates during each three-year period. Requires HHSC to prorate the license fee as appropriate if the expiration date of a license changes.

Requires the executive commissioner to set by rule license fees imposed by statute in certain manners, including in amounts reasonable and necessary to defray the cost of administering certain provisions, but not to exceed $2,250.

Provides that, in addition to the inspection required by statute, HHSC is required to inspect each assisted living facility at least every two years following the initial inspection required by statute.

Prohibits a penalty, except as provided by Section 247.0452(c) (relating to authorizing HHSC to assess and collect an administrative penalty from certain assisted living facilities), Health and Safety Code, from exceeding $5,000 for each violation that represents a pattern of violation that results in

actual harm, that is widespread in scope and results in actual harm, or that constitutes an immediate threat to the health or safety of a resident, or from exceeding $1,000 for each other violation.

Provides that the prohibition of HHSC collecting certain administrative penalties does not apply to a violation that as determined by HHSC represents a pattern of violation that results in actual harm; is widespread in scope and results in actual harm; is widespread in scope, constitutes a potential for actual harm, and relates to certain acts or practices; constitutes an immediate threat to the health or safety of a resident; or to a second or subsequent violation of statute that occurs before the second anniversary of the date of the first violation.

Provides that an initial or renewal license to own or operate a prescribed pediatric extended care center (center license) issued expires on the third anniversary of the date of issuance. Requires the executive commissioner to adopt by rule a system under which center licenses expire on staggered dates during each three-year period. Requires HHSC to prorate the center license fee as appropriate if the expiration date of a center license changes as a result of certain provisions.

Requires a person applying to renew a center license to submit a renewal application to HHSC on a prescribed form during a certain period and submit the renewal fee in the amount required by agency rule.

Requires HHSC to issue a license to establish, conduct, or maintain a facility that provides care for individuals with an intellectual disability (facility license) if, after inspection and investigation, HHSC finds that the applicant and facility meet the requirements established under Chapter 248A (Prescribed Pediatric Extended Care Centers), Health and Safety Code.

Provides that a facility license is renewable on the third anniversary of issuance or renewal of the facility license after certain actions are taken.

Requires the executive commissioner to adopt by rule a system under which facility licenses expire on staggered dates during each three-year period. Requires HHSC to prorate the facility license fee as appropriate if the expiration date of a license changes as a result of the adopted system.

Prohibits the fee for a facility license adopted by executive commissioner rule from exceeding $225 plus $7.50 for each unit of capacity or bed space for which the license is sought.

Requires HHSC, each licensing period, to conduct at least three unannounced inspections of each facility.

Defines "commission" and "facility."

Requires a facility to adopt, implement, and enforce a written policy that:

> requires a facility employee who provides direct care to a person with Alzheimer's disease or a related disorder to successfully complete training in the provision of care to persons with Alzheimer's disease and related disorders; and
>
> ensures the care and services provided by a facility employee to a person with Alzheimer's disease or a related disorder meet the specific identified needs of the person relating to the person's diagnosis of Alzheimer's disease or a related disorder.

Authorizes HHSC to assess an administrative penalty against a facility for a violation of Section 326.002 (Written Policy Required), Health and Safety Code, as added by this bill. Provides that HHSC is not required to provide a facility an opportunity to correct a second or subsequent violation of Section 326.002 that occurs before the second anniversary of the date of the first violation. Provides that a violation of Section 326.002 constitutes a violation of the law regulating a facility, and authorizes HHSC to initiate for the violation any other enforcement action authorized by that law against the facility, including an adult foster care facility with three or fewer beds.

Requires the executive commissioner to adopt rules relating to the administration and implementation of Chapter 326 (Staffing Requirements for Facilities Providing Care to Persons with Alzheimer's Disease or Related Disorders), Health and Safety Code, as added by this bill.

Requires HHSC to issue a license to operate a day activity and health services facility (day activity license) to a person who has met certain requirements.

Provides that the day activity license expires three years from the date of its issuance. Requires the executive commissioner, by rule, to adopt a system under which day activity licenses expire on staggered dates during a three-year period. Requires HHSC to prorate the day activity license fee as appropriate if the expiration date of a day activity license changes.

Requires an applicant for a day activity license to file an application on a form prescribed by HHSC together with a license fee of $75.

Provides that HHSC is required to inspect each facility every two years following the initial inspection required by statute and is authorized to inspect a facility at other reasonable times as necessary to ensure compliance with statute.

Changes references to DADS to HHSC in various sections in the Health and Safety Code and in various sections in the Human Resources Code.

### Continuing Education for Certain Long-Term Care Facilities—H.B. 3934

*by Representatives Bell and Wu—Senate Sponsor: Senator Perry*

The observation period required as part of the training for a surveyor of certain long-term care facilities is constructive for a new surveyor who has never worked in a nursing facility but serves little purpose for a surveyor with experience working in such a facility. H.B. 3934 addresses this issue by providing a waiver of the required observation period for certain surveyors. This bill:

Requires that the training required by the Department of Aging and Disability Services (DADS) for surveyors who inspect long-term care facilities include observation of the operations of a long-term care facility unrelated to the survey, inspection, or investigation process for a minimum of 10 working days within a 14-day period.

Authorizes DADS to waive the requirement imposed by statute for a surveyor who has completed in the two years preceding the inspection, survey, or investigation one year of full-time employment in a nursing facility in this state as a nursing facility administrator, licensed vocational nurse, registered nurse, or social worker.

**Allowing SSLCs to Provide Services to Nonresidents—S.B. 547**
*by Senator Kolkhorst—House Sponsor: Representative Lambert et al.*

Currently, state supported living centers (SSLCs) have authority to provide services to people in the community, including medical, behavioral health, dental, and other specialized services. The Texas Sunset Advisory Commission based on its 2015 report on the Department of Aging and Disability Services (DADS), found that SSLCs could be better utilized as a provider of services and has recommended that DADS set up a fee schedule for that purpose. This bill:

Authorizes an SSLC, notwithstanding any other law, to provide nonresidential services to support an individual, if the provision of services to the individual does not interfere with the provision of services to a resident of the SSLC.

Requires the executive commissioner of the Texas Health and Human Services Commission (HHSC), not later than September 1, 2018, by rule to establish a list of services an SSLC may provide under a contract and establish procedures to create, maintain, and amend a schedule of fees that an SSLC may charge for a listed service.

Requires HHSC, in creating a schedule of fees, to use the Medicaid reimbursement rate for the applicable service or to modify that rate with a written justification and after holding a public hearing on the modification.

Authorizes an SSLC, based on negotiations between the SSLC and a managed care organization, as defined by Section 533.001 (Definitions), Government Code, and notwithstanding provisions in this bill, to charge service a fee, other than the fee provided by the schedule of fees created by HHSC.

**Informal Dispute Resolution Procedures at Long-Term Care Facilities—S.B. 924**
*by Senator Perry—House Sponsor: Representative Klick*

Currently, an assisted living facility that disputes a survey finding from the Department of Aging and Disability Services (DADS) can appeal the finding to the Health and Human Services Commission (HHSC) in a process called "informal dispute resolution" (IDR). With the consolidation of DADS into HHSC, the agency that is issuing survey findings would be determining the validity of those findings. S.B. 924 establishes a balanced IDR process for a facility by ensuring that an independent third party conducts the IDR hearings and by providing a framework. This bill:

Requires the executive commissioner of HHSC to establish an IDR process to address disputes between a facility and HHSC concerning a statement of violations prepared by HHSC. Requires that the IDR process require:

> the assisted living facility to request an IDR not later than 10 days after the date of notification by HHSC of the violation of a standard or standards;
>
> the process to be completed not later than 90 days after the date of receipt of a request from the assisted living facility for an IDR;
>
> not later than 20 days business day after the date an assisted living facility requests an IDR, HHSC to forward to the assisted living facility a copy of all information references in the

disputed statement of violations or on which a citation is based in connection with the survey, inspection, investigation, or other visit, including any notes taken or e-mails or messages sent by a commission employee involved with the survey, inspection, investigation, or other visit and excluding certain information;

full consideration to given during the IDR process to all factual arguments raised during and to the information provided by the assisted living facility and HHSC;

ex parte communications concerning the substance of any argument relating to a survey, inspection, investigation, visit, or statement of violations under consideration to not occur between IDR staff and the assisted living facility or HHSC;

the assisted living facility and HHSC to be given a reasonable opportunity to submit arguments and information supporting the position of the assisted living facility or HHSC and to respond to arguments and information presented against them, provided the assisted living facility submits its arguments and supporting information not later than 10 business days after the date of receipt of the materials provided by this bill; and

HHSC to bear the burden of proving a violation of a standard or standards.

Requires a facility to reimburse HHSC for certain costs. Authorizes HHSC to charge the reasonable costs associated with making the redactions required by this bill.

Establishes the confidentiality of a statement of violations prepared by HHSC.

Requires the IDR process to provide the adjudication of disputes relating to a proposed enforcement action or similar HHSC proceeding and require an institution or facility to request and IDR by a certain day after being notified by HHSC, as applicable and to complete the process by a certain date.

Requires HHSC, as part of the established IDR process, to contract with an appropriate disinterested person to adjudicate disputes between HHSC and an institution or facility licensed under Chapter 242 (Convalescent and Nursing Facilities and Related Institutions), Chapter 247 (Assisted Living Facilities), Health and Safety Code, concerning a statement of violations prepared by HHSC in connection with a survey conducted by HHSC of the institution or facility.

Requires the rules adopted by the HHSC executive commissioner that relate to a dispute described by this bill to incorporate the requirements of Section 247.051 (Informal Dispute Resolution), Health and Safety Code.

**Safety Requirements for Assisted Living Facilities—S.B. 1049**

*by Senator Uresti—House Sponsor: Representatives Klick and Zerwas*

Local and state authorities are entrusted by the public to inspect assisted living facilities (ALFs) for safety both during and after a new facility's construction. When the inspection requirements of the two authorities conflict, statute does not lay out a process for resolving the matter. S.B. 1049 provides clarity so that disputes do not arise and encourages the Department of Aging and Disability

Services (DADS) to use a more recent building-code manual to minimize discrepancies initially, as well as create a more uniform regulatory environment across the state. This bill:

Requires the Health and Human Services Commission (HHSC), at least twice each year, to issue a technical memorandum providing guidance on the interpretation of minimum life safety code standards prescribed by HHSC rule. Requires any new requirement that relates to an existing standard to first appear in a technical memorandum.

Requires HHSC to solicit comments from interested parties and experts to assist in determining which standards need to be addressed in a technical memorandum and requires HHSC to post the technical memorandum on its Internet website.

Provides that the technical memorandum is binding and requires the memorandum to be followed by a person conducting a life safety code survey under provisions of statute.

Provides that the Texas Department of Licensing and Regulation (TDLR) governs the interpretation and enforcement of accessibility standards in ALFs as provided by Chapter 469 (Elimination of Architectural Barriers), Government Code.

Prohibits an ALF that during initial licensing passed TDLR's on-site inspection for compliance with accessibility standards from being cited by HHSC for violating the accessibility standards. Requires HHSC, if HHSC issues a citation relating to compliance with accessibility standards to an ALF that has not been inspected by TDLR for such compliance to rescind the citation on the ALF's passing of the TDLR on-site inspection.

Requires the executive commissioner of HHSC (executive commissioner), by rule, to specify an edition of the Life Safety Code of the National Fire Protection Association to be used in establishing the life safety requirements for an ALF licensed under statute. Requires the rules, adopted under this bill, that specify an edition of the Life Safety Code of the National Fire Protection Association to be issued on or after August 1, 2011.

Defines "governmental unit."

Provides that a governmental unit that adopts a building code or fire code governs the interpretation and enforcement of that building code or fire code.

Prohibits HHSC from issuing a citation to an ALF for violating a building code or fire code adopted by a governmental unit, if the ALF presents evidence of the governmental unit's determination that the ALF is compliant with the code. Requires HHSC, if HHSC issues such citation to an ALF that subsequently provides the necessary evidence, to rescind the citation.

Provides that this bill does not restrict HHSC's authority to issue a citation to an ALF for a violation of any National Fire Protection Association codes or standards adopted through this bill.

Requires the executive commissioner, as soon as practicable after the effective date of this bill, to adopt the rules necessary to implement the changes in law made by this bill.

**Designating San Angelo SSLC as Forensic Facility—S.B. 1300**
*by Senator Perry—House Sponsor: Representative Darby*

Current law directs the Texas Department of Aging and Disability Services (DADS) to establish a separate forensic state supported living center (SSLC) to provide special supports and services to individuals charged with a criminal offense who are found mentally incompetent to stand trial, including those individuals identified as being a high risk of causing harm to themselves or others. DADS serves male high-risk alleged offenders at Mexia SSLC in Limestone County, Texas. This facility completes competency evaluations for males and was designated as the facility to serve male high-risk alleged offender residents. Similarly situated females are served at San Angelo SSLC in Tom Green County, Texas. As of June 2016, 13 female alleged offenders were living at the San Angelo SSLC. This bill:

Requires DADS to designate separate forensic SSLCs for the care of high-risk alleged offender residents. Requires DADS to designate the Mexia and San Angelo SSLCs for this purpose.

Requires DADS, in establishing the forensic SSLCs, to place high-risk alleged offender residents in an appropriate home at a forensic SSLC based on certain criteria.

Requires DADS to ensure that each forensic SSLC has a sufficient number of SSLC employees.

Provides that Subchapter L (School District Program for Residents of State Supported Living Center), Education Code, applies only to an alleged offender resident of a forensic SSLC that is designated by statute.

**Medical or Dental Services for Persons Committed to State Facilities—S.B. 1565**
*by Senator Kolkhorst—House Sponsor: Representative Minjarez*

Section 551.041 (Medical and Dental Treatment), Health and Safety Code, requires the Health and Human Services Commission to provide medical and dental treatments to a resident in a state-run facility (state hospitals and state supported living centers) if medical or dental treatment is immediately needed but individual or guardian consent cannot be obtained. Statute outlines the process for the director of the facility to seek advice from a set number of physicians and dentists to proceed with treatment.

Since the original statute was adopted in 1991, the health care team has expanded to include additional health care providers, including advanced practice nurses and physician assistants. S.B. 1565 streamlines the medical or dental consent process to ensure timely treatment of residents while maintaining appropriate medical and dental supervision and oversight. This bill:

Requires the superintendent or director of certain facilities, if the Department of State Health Services or the Department of Aging and Disability Services requests consent to perform medical or dental treatment from a person, or the guardian of the person, whose consent is considered necessary and a reply is not obtained immediately, or if there is no guardian or responsible relative of the person, to order:

medical treatment or services on the advice and consent of three primary care providers, at least two of whom are physicians licensed by the Texas Medical Board (TMB) and at least one of whom is primarily engaged in the private practice of medicine; or

dental treatment or services on the advice and consent of two dentists licensed by the Texas State Board of Dental Examiners (TSBDE) and one physician licensed by TMB, at least one of whom is primarily engaged in the private practice of medicine.

Defines "primary care provider" to include a physician licensed by TMB, an advanced practice registered nurse licensed by the Texas Board of Nursing, and a physician assistant licensed by the Texas Physician Assistant Board.

**Access to Mental Health Insurance Benefits—H.B. 10**

*by Representative Price et al.—Senate Sponsors: Senators Zaffirini and Rodríguez*

Many consumers encounter barriers to mental health care, despite federal laws regarding parity between mental health insurance coverage and physical health insurance coverage. The Texas Department of Insurance (TDI) currently regulates full coverage insurance plans sold to large employers in certain circumstances to enforce parity, but does not regulate similar plans sold to small employers. Furthermore, TDI is authorized to enforce quantitative treatment limitations but not parity for nonquantitative treatment limitations, nor does TDI have clear authority to enforce many parity complaints so parity enforcement falls to the federal government in such cases. This bill:

Expands TDI's regulatory authority to include all full coverage insurance plans, including quantitative treatment limitations and nonquantitative treatment limitations; designates a person within the Texas Health and Human Services Commission (HHSC) to be an ombudsman for behavioral health access to care to address parity complaints; creates a mental health and substance use disorder stakeholder work group; and requires TDI and HHSC to compile data comparing the respective rates of claim denial of mental health and substance use disorder services and medical and surgical services to better understand current parity issues.

**Matching Grant Program for Community Mental Health Programs—H.B. 13**

*by Representative Price et al.—Senator Sponsor: Senators Schwertner and Rodríguez*

Interested parties express a significant need for community-based mental health services across Texas. H.B. 13 encourages local stakeholders to create locally driven solutions to mental health challenges within their respective communities by providing a matching grant program. This bill:

Requires the Health and Human Services Commission (HHSC), to the extent money is appropriated to HHSC for that purpose, to establish a matching grant program for the purpose of supporting community mental health programs that provide services and treatment to individuals experiencing mental illness.

Requires HHSC to ensure that each grant recipient obtains or secures contributions to match awarded grants in amounts of money or other consideration, as required by this bill. Authorizes the money or other consideration obtained or secured by the recipient, as determined by the executive commissioner of HHSC (executive commissioner), to include cash or in-kind contributions from any person but is prohibited from including money from state or federal funds.

Requires that money appropriated to or obtained by HHSC for the matching grant program be disbursed directly to grant recipients by HHSC, as authorized by the executive commissioner.

Requires a grant awarded under the matching grant program and any matching amounts to be used solely for supporting community programs that provide mental health care services and treatment to individuals with a mental illness and that coordinate mental health care services with other transitional support services for these individuals.

Requires HHSC to select grant recipients based on the submission of applications or proposals by nonprofit and governmental entities. Requires the executive commissioner to develop criteria for the

evaluation of those applications or proposals and for the selection of grant recipients. Requires that the selection criteria evaluate and score certain criteria, address whether the services proposed in the application or proposal would duplicate services already available in the applicant's service area, address the possibility of and method for making multiple awards, and include other factors that the executive commissioner considers relevant.

Requires a nonprofit or governmental entity that applies for a grant to notify each local mental health authority (LMHA) whose local service area is covered wholly or partly by the entity's proposed community mental health program and to provide in the entity's application a letter of support from each LMHA whose local service area is covered wholly or partly by the entity's proposed community mental health program. Requires HHSC to consider an LMHA's written input before awarding a grant and authorizes HHSC to take any recommendations made by the LMHA.

Requires HHSC to condition each grant awarded to a recipient under the program on the recipient obtaining or securing matching funds from non-state sources in amounts of money or other consideration, as required by this bill.

Provides that a community that receives a grant is required to leverage funds in certain amounts.

Requires HHSC, except as provided by this bill and from the money appropriated to HHSC for each fiscal year to implement certain provisions, to reserve 50 percent of that total to be awarded only as grants to a community mental health program that is located in a county with a population not greater than 250,000.

Requires HHSC, to the extent money appropriated to remains available after HHSC selects grant recipients for the fiscal year, to make grants available using the money remaining for the fiscal year through a competitive request-for-proposal process, without regard to the limitation provided by this bill.

Requires the executive commissioner, not later than December 1 of each calendar year, to submit to the governor, the lieutenant governor, and each member of the legislature a report evaluating the success of the matching grant program created in this bill.

Requires the executive commissioner to adopt any rules necessary to implement the matching grant program created in this bill.

Requires HHSC to implement a process to better coordinate all behavioral health grants administered by HHSC in a manner that streamlines administrative processes at HHSC and decreases the administrative burden on applicants applying for multiple grants. Provides that this may include the development of a standard application for multiple behavioral health grants.

Provides that provisions of this bill take effect only if a specific appropriation for the implementation of those provisions is provided in the General Appropriations Act of the 85th Legislature.

**Expanding Mental Health Screenings in Texas Health Steps—H.B. 1600**
*by: Representative Senfronia Thompson et al.— Senate Sponsor: Senator Watson*

Currently, Medicaid requires a mental health screening to be performed between the ages of 12 and 18. However, because Medicaid will not reimburse for more than one such screening over those six years, doctors have to carefully choose the screening tool for the child, and if a mental illness manifests after the first screening, any subsequent screenings are not reimbursed by the state. Given that tests can have different results, this presents a challenge to health care providers. This bill:

Requires the executive commissioner of the Health and Human Services Commission, in the rules governing the Texas Health Steps program, to allow a provider to conduct a mental health screening using one or more validated, standardized mental health screening tools during each annual medical exam of a recipient who is at least 12 years of age but younger than 19 years of age and be reimbursed for conducting one mental health screening using one or more validated, standardized mental health screening tools during each annual medical exam of a recipient described by the bill.

Requires a state agency, if necessary for implementation of a provision of the bill, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such a waiver or authorization is granted.

**Declaration for Mental Health Treatment Form—H.B. 1787**
*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 H.B. 1787, which will update the law regarding the execution of a declaration for mental health treatment.

H.B. 1787 provides an additional method for the execution of a written declaration for mental health treatment by permitting it to be signed in front of a notary public in lieu of two witnesses. Changes to reflect this optional method have been added to the statutory form. This bill:

Requires that a declaration for mental health treatment be signed by a principal in the presence of two or more subscribing witnesses or signed by a principal and acknowledged before a notary public.

Sets forth the language to be used in the Form of Declaration for Mental Health Treatment (form).

Provides that a form executed before the effective date of the bill is governed by the law as it existed on the date the declaration for mental health treatment was executed and that the former law is continued in effect for that purpose.

**Work Group on Mental Health Access for First Responders—H.B. 1794**
*by Representative Bell et al.—Senate Sponsor: Senator Kolkhorst*

First responders perform jobs that carry a wide range of inherent dangers that can lead to mental health disorders, such as depression and post-traumatic stress disorder. H.B. 1794 addresses this

issue by requiring the establishment of a work group to develop and make recommendations for improving access to mental health care services for first responders. This bill:

Defines "executive commissioner," "first responder," "first responder organization," and "work group."

Requires the Health and Human Services Commission (HHSC), not later than December 1, 2017, to establish the Work Group on Mental Health Access for First Responders (work group) to develop and make recommendations for improving access to mental health care services for first responders.

Provides that the work group is composed of 15 members appointed by the executive commissioner of HHSC, unless otherwise provided.

Provides that the presiding officer of the work group is the member from HHSC with experience in the field of mental health care.

Provides that a work group member is not entitled to compensation for service on the work group or to reimbursement for any expenses incurred in performing work group duties.

Requires the work group to meet at least quarterly at the call of the presiding officer. Provides that work group meetings are subject to the open meetings law, except that the work group is authorized to meet by teleconference.

Requires HHSC to provide administrative support for the work group. Requires that funding for the administrative and operational expenses of the work group be provided from HHSC's existing budget. Authorizes the work group to accept gifts, grants, and donations from any source to perform a work group duty.

Requires the work group to develop recommendations to address: the difference in access to mental health care services between certain first responder departments and agencies; potential solutions for state and local governments to provide greater access to mental health care services for first responders; the sufficiency of first responder organizations' employee health insurance plans for obtaining access to mental health care services for first responders; the sufficiency of certain first responder organizations' human resources policies relating to mental health treatment; the effectiveness of certain workers' compensation and other benefit claims for first responders; the feasibility of mental health training during the licensing or certification and renewal process for first responders; the effectiveness of methods for assessing a first responder's mental health care needs after a critical incident, including certain determinations regarding a standardized post-critical incident checklist and the effectiveness of critical incident stress debriefing programs; opportunities for public-private partnerships to provide mental health care services to first responders; and possible Texas-specific barriers, and stigmas for first responders seeking mental health care services.

Authorizes the work group, in developing recommendations and in performing academic research related to the recommendations, to collaborate with the Bill Blackwood Law Enforcement Management Institute of Texas at Sam Houston State University (SHSU), the College of Criminal Justice at SHSU, or any other academic institution considered necessary by the presiding officer of the work group.

Requires the work group to develop a written report of its recommendations and to electronically deliver the report to the governor, the lieutenant governor, and all members of the legislature not later than January 1, 2019.

Provides that the work group is abolished and this Act expires June 1, 2019.

**Recidivism, Arrest, and Incarceration of Persons with Mental Illness—S.B. 292**
*by Senator Huffman et al.—House Sponsor: Representatives Price and Coleman*

Concerns have been raised regarding the number of people with mental illness in county jails and the waiting time for a forensic commitment of persons with mental illness to a state hospital. S.B. 292 addresses these concerns by creating a grant program to reduce the recidivism, arrest, and incarceration of individuals with mental illness. This bill:

Requires the Health and Human Services Commission (HHSC) to establish a program to provide grants to county-based community collaboratives for the purposes of reducing recidivism by, the frequency of arrests of, and incarceration of persons with mental illness and the total waiting time for a forensic commitment of persons with mental illness to a state hospital.

Authorizes a community collaborative to petition HHSC for a grant under the program only if the collaborative includes a county, a local mental health authority that operates in the county, and each hospital district, if any, located in the county. Authorizes a community collaborative to include other local entities designated by the collaborative's members.

Requires HHSC to condition each grant provided to a community collaborative on the collaborative providing funds from non-state sources in a total amount at least equal to:

> 50 percent of the grant amount, if the collaborative includes a county with a population of less than 250,000;
>
> 100 percent of the grant amount, if the collaborative includes a county with a population of 250,000 or more; and
>
> the percentage of the grant amount otherwise required by this bill for the largest county included in the collaborative, if the collaborative includes more than one county.

Authorizes a collaborative, to raise the required non-state-sourced funds, to seek and receive gifts, grants, or donations from any person.

Requires HHSC, beginning on or after September 1, 2018, to reserve from money appropriated to HHSC for implementing certain provisions of this bill at least 20 percent of that total to be awarded only as grants to a community collaborative that includes a county with a population of less than 250,000.

Requires a collaborative, for each state fiscal year for which a community collaborative seeks a grant, to submit a petition to HHSC not later than the 30th day of that fiscal year. Requires that the community collaborative include with a petition certain required information.

Requires HHSC to review plans submitted with a petition required under this bill before HHSC provides a grant. Requires HHSC to fulfill its requirements not later than the 60th day of each fiscal year.

Provides certain acceptable uses for the grant money and matching funds provided by HHSC to a community collaborative.

Requires HHSC, beginning on or after September 1, 2018, to the extent money appropriated to HHSC for a fiscal year to implement this bill remains available to HHSC after HHSC selects grant recipients for the fiscal year, to make grants available using the money remaining for the fiscal year through a competitive request for proposal process, without regard to the limitation provided by this bill.

Requires each community collaborative that receives a grant, not later than the 90th day after the last day of the state fiscal year for which HHSC distributes a grant, to prepare and submit a report describing the effect of the grant money and matching funds in achieving the standard defined by the outcome measures in the plan submitted under provisions of this bill.

Authorizes HHSC to make inspections of the operation and provision of mental health services provided by a community collaborative to ensure that state money appropriated for the grant program is used effectively.

Prohibits HHSC from awarding a grant for a fiscal year to a community collaborative that includes a county with a population greater than four million if the legislature appropriates money for a mental health jail diversion program in the county for that fiscal year.

Authorizes HHSC, notwithstanding any other provision in this bill, to award a grant for the state fiscal year beginning on September 1, 2017, only to a community collaborative that includes a county with a population of 250,000 or more. Provides that certain provisions of this bill expire on August 31, 2018.

Requires HHSC to establish a program to provide a grant to a county-based community collaborative in the most populous county in this state for the purposes of reducing recidivism by, frequency of arrests of, and incarceration of persons with mental illness and the total waiting time for forensic commitment of persons with mental illness to a state hospital.

Authorizes the community collaborative to receive a grant under the program only if the collaborative includes the county, a local mental health authority that operates in the county, and each hospital district located in the county. Authorizes a community collaborative to include other local entities designated by the collaborative's members.

Requires HHSC, not later than the 30th day of each fiscal year, to make available to the community collaborative established in the county described by this bill a grant in an amount equal to the lesser of the amount appropriated to HHSC for that fiscal year for a mental health jail diversion pilot program in that county or the collaborative's available matching funds.

Requires HHSC to condition a grant provided to the community collaborative under this section on the collaborative providing funds from non-state sources in a total amount at least equal to the grant amount.

Authorizes the collaborative, to raise the required non-state sourced funds, to seek and receive gifts, grants, or donations from any person.

Provides acceptable uses for the grant money and matching funds received by community collaboratives.

Requires the community collaborative, not later than the 90th day after the last day of the state fiscal year for which HHSC distributes a grant under this bill, to prepare and submit a report describing the effect of the grant money and matching funds in fulfilling the purpose described by this bill.

Authorizes HHSC to inspect the operation and provision of mental health services provided by the community collaborative to ensure state money appropriated for the grant program is used effectively.

**Mental Health First Aid Training for University Employees—S.B. 1533**

*by Senators Rodríguez and Zaffirini—House Sponsor: Representative Moody et al.*

Mental health first aid (MHFA) is an evidence-based training program that educates nonmedical professionals about strategies and resources for responding to an individual who is either developing a mental health problem or experiencing a crisis. Participants learn how to assess risk, listen to and support the individual in crisis, and identify professional resources and supports. The program can be taught to anyone, although it is especially relevant to key community professionals, such as teachers, health care workers, police officers, and faith leaders who regularly interact with Texas youth. S.B. 1533 amends current law relating to MHFA training for employees of institutions of higher education. This bill:

Defines "university employee."

Requires that the Department of State Health Services (DSHS) make grants to provide an approved MHFA training program that is available at no cost to university employees, school district employees, and school resource officers.

Requires DSHS to grant $100 to a local mental health authority (LMHA) for each university employee, school district employee, or school resource officer who successfully completed an MHFA training program provided by the authority under Section 1001.203(c), Health and Safety Code.

Authorizes an LMHA to contract with a regional education service center to provide an MHFA training program to university employees, school district employees, and school resource officers

Requires an LMHA to provide DSHS the number of university employees, school district employees, and school resource officers who complete an MHFA training program during the preceding fiscal year and the number of non-university employees, school district employees, or school resource officers who complete an MHFA training program offered by the authority during the preceding fiscal year. Requires DSHS to compile this information submitted by an LMHA and to submit it in a report to the legislature.

**Notice and Filing Requirements for Certain Court Proceedings—S.B. 1912 [VETOED]**
*by Senator Zaffirini—House Sponsor: Representative Gina Hinojosa*

The purpose of S.B. 1912 is to clean up filings, notice, and indigent procedures in courts that have mental health jurisdiction. Historically ink in a document transmitted via fax would fade a couple of days after receipt. Accordingly, laws created at the time required that when a court document was filed electronically, the original had to be filed within the next 72 hours. With the advancement of faxing technology, e-filing, and e-mail, these provisions are no longer necessary and result in inefficient procedures. Furthermore, the Health and Safety Code needs to be clarified to permit sheriffs and constables to provide notice for mental health court proceedings so that sheriffs and constables are more inclined to participate in the process. Lastly, some counties have created mental health public defenders, offices. These counties believe that they have statutory authority to create these offices, but no explicit statutory authorization for currently exists. Public defenders' offices are more cost-effective than allowing judges to appoint private attorneys for these cases. Accordingly, statutes should explicitly authorize the creation of these public defender's offices. This bill:

Authorizes a copy of a certain required notice to be delivered personally by a county constable or sheriff or another manner directed by the court that is reasonably calculated to give actual notice.

Authorizes a person to file with a county clerk reproduced, photocopied, or electronically transmitted paper copies of original signed copies of the paper. Requires a person who receives such papers to maintain possession of the original signed copies of the paper and to make the original paper available for inspection on request by the parties or the court. Authorizes a court, with permission of the commissioners court of the county in which the court is located, to establish a mental health public defender office to provide proposed patients with legal representation provided by attorneys associated with that office.

Requires the court to appoint an attorney from a mental health public defender office, a public defender other than a mental health public defender, or a private attorney to represent a proposed patient in any proceeding under Chapter 574 (Court-Ordered Mental Health Services), Health and Safety Code.

Authorizes the court, if the court determines that a proposed patient is indigent, to authorize reimbursement to the attorney representing the proposed patient for court-approved expenses incurred in obtaining expert testimony and to order the proposed patient's county of residence to pay the expenses.

Repeals Section 571.014(d) (relating to authorizing a judge to dismiss a proceeding if the clerk does not receive the original signed copy of a paper within a certain period of time), Health and Safety Code.

## Texas Youth Camp Safety and Health Act—H.B. 492

*by Representative Craddick—Senate Sponsor: Senator Perry*

Stakeholders suggest that the Department of State Health Services (DSHS) needs greater authority when licensing youth camps. H.B. 492 addresses this concern by authorizing DSHS to grant a waiver from youth camp licensing requirements under certain circumstances. This bill:

Amends the Health and Safety Code, by adding Section 141.0025 (Waiver; Appeal), to authorize DSHS to grant a waiver from the requirements of the Texas Youth Camp Safety and Health Act to a program that is sponsored by a religious organization; has been in operation for at least 30 consecutive years; operates one camp for not more than seven days in any year, has not more than 80 campers; is conducted by adult participants who are all volunteers; operates in a county with a population of at least 4,400 but not more than 4,750; and ensures that each adult participant has received background checks and has completed the training required under the Act.

Provides that a waiver granted by DSHS is valid until the waiver is revoked for cause by DSHS.

Authorizes a person who operates a program for which an application for a waiver has been denied or for which a waiver has been revoked to appeal the action in the manner provided for an appeal of contested cases.

Requires the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement provisions in the bill.

## Information Sharing Between DFPS and a Juvenile Justice Agency—H.B. 1521

*by Representative White—Senate Sponsor: Senator Whitmire*

Reportedly, it would be beneficial if the Department of Family and Protective Services (DFPS) and a state or local juvenile justice agency (agency) could coordinate their efforts regarding services provided to multisystem youths that are similar or overlap. H.B. 1521 promotes communication between DFPS and an agency by requiring each on request to share with the other certain information relating to a multisystem youth. This bill:

Requires DFPS, or a single source continuum contractor who contracts with DFPS to provide foster care services, at the request of an agency to share with the agency any information in the possession of DFPS or contractor that is necessary to improve and maintain community safety or that assists the agency in the continuation of services for or providing services to a multisystem youth who meets certain criteria.

Requires an agency, at the request of DFPS or a single source continuum contractor who contracts with DFPS to provide foster care services, to share with DFPS or the contractor any information in the possession of the agency that is necessary to improve and maintain community safety or that assists DFPS or the contractor in the continuation of services for or providing services to a multisystem youth who is or has been in the custody or control of the agency.

## Ensuring Access to Certain Records—H.B. 1543

*by Representative Burkett—Senate Sponsor: Senator Watson*

Under current state law, hearing aid client records are treated as business records rather than medical records. As business records, the records are solely the property of the person or practice licensed to fit and dispense hearing instruments. Therefore, clients, or patients, do not have a right to their own records. This bill:

Provides that a client of a person licensed to fit and dispense hearing instruments or of a hearing instrument fitting and dispensing practice is entitled to obtain a copy of the client's records that pertain to the testing for, and fitting and dispensing of, hearing instruments by making a signed, written request to the license holder or practice for the records.

## Coordination for Youth with Complex Needs—H.B. 2904

*by Representative White—Senate Sponsor: Senator Watson*

Community resource coordination groups (CRCGs) are county-based groups comprised of public and private agencies that work with individuals and families to develop a customized, integrated individual service plan for children and youth with complex needs. These groups are made up of representatives from public and private health and human services agencies, schools, juvenile justice agencies, private sector providers, families, and caregivers. CRCGs were established by the Texas Legislature in 1987, but their program model has not been significantly updated since then resulting in inconsistent CRCG coverage across the state. Some counties have robust CRCGs that meet regularly, some have CRGGs that meet infrequently, and some are no longer served by a CRCG. These inconsistencies, coupled with state agencies' duplicative efforts suggest a need for improved cooperation, to better provide assistance for Texas children. This bill:

Requires the Health and Human Services Commission (HHSC), the Department of Family and Protective Services (DFPS), the Department of State Health Services (DSHS), the Texas Education Agency (TEA), the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI), the Texas Department of Criminal Justice (TDCJ), the Texas Department of Housing and Community Affairs (TDHCA), the Texas Workforce Commission (TWC), and the Texas Juvenile Justice Department (TJJD) to enter into a joint memorandum of understanding to promote a system of local-level interagency staffing groups to identify and coordinate services for persons needing multiagency services to be provided in the least-restrictive setting appropriate by using residential, institutional, or congregate care settings only as a last resort. Requires the division within HHSC that coordinates policy and delivery of mental health services to oversee the development and implementation of the joint memorandum of understanding.

Requires the memorandum to clarify the statutory responsibilities of each agency in relation to persons needing multiagency services by including subcategories for different services, such as family preservation and strengthening; physical and behavioral care; prevention and early intervention services, including services designed to prevent child abuse, neglect, delinquency, truancy, or dropping out of school; diversion from juvenile or criminal justice involvement; housing; "aging in place"; emergency shelter; residential care; aftercare; information and referral; and investigative services.

Requires state agencies to ensure that a state-level interagency staffing group provides information and guidance to local-level interagency staffing groups regarding the availability of programs and resources in the community and best practices for addressing the needs of persons with complex needs in the least-restrictive setting appropriate.

Defines "least restrictive setting."

Requires that HHSC, DFPS, DSHS, TEA, TCOOMMI, TDCJ, TDHCA, TWC, and TJJD, as soon as practicable after the effective date of this bill, but not later than December 1, 2017, update the joint memorandum of understanding required by this bill.

**Nursing Peer Review Committees—H.B. 3296**
*by Representative Klick—Senate Sponsor: Senate Perry*

Too few nurses are afforded the protections of a nursing peer review committee when a nurse takes or refuses to take an action on the basis of a nurse's duty to a patient. H.B. 3296 extends these protections to more nurses by providing increased establishment of nursing peer review committees. This bill:

Requires a person to establish a nursing peer review committee to conduct nursing peer review for vocational nurses, if the person regularly employs, hires, or contracts the services of eight or more nurses, and for professional nurses, if the person regularly employs, hires, or contracts the services of eight or more nurses, at least four of whom are registered nurses.

**Protecting the Right of Conscience for Child Welfare Services Providers—H.B. 3859**
*by Representative Frank et al.—Senate Sponsor: Senator Perry et al.*

Many providers of child welfare services in Texas act according to their sincerely held religious beliefs. Concerns have been raised that these providers may experience adverse or retaliatory actions from state agencies or other governmental entities for exercising their religious beliefs while providing those services. H.B. 3859 addresses these concerns by providing certain protections for child welfare services providers to maintain a diverse network of providers and families to accommodate children of diverse cultural backgrounds and beliefs to meet the needs of children in the child welfare system. This bill:

Defines "adverse action," "catchment area," "child welfare services," "child welfare services provider," and "governmental entity."

Provides that Chapter 45 (Protection of Rights of Conscience for Child Welfare Service Providers), Human Resources Code, as added by this bill, applies to any ordinance, rule, order, decision, practice, or other exercise of governmental authority and to any act of a governmental entity, in exercising governmental authority, that grants or refuses to grant a government benefit to a child welfare services provider.

Prohibits a governmental entity, or any person who contracts with the state or operates under governmental authority, that refers or places a children for child welfare services from

discriminating or taking any adverse actions against a provider on the basis, wholly or partly, that the provider:

> has declined or will decline to provide, facilitate, or refer a person for child welfare services who conflicts with, or under circumstances conflicts with, the provider's sincerely held religious beliefs;
>
> provides or intends to provide a child under the control, care, guardianship, or direction of the provider with a religious education, including by placing the child in a private or parochial school, or otherwise providing a religious education in accordance with the laws of this state;
>
> has declined or will decline to provide, facilitate, or refer a person for an abortion, contraceptives, drugs, devices, or services that are potentially abortion-inducing; or
>
> refuses to enter into a contract that is inconsistent with or would in any way interfere with or force a provider to surrender the rights created by Chapter 45, Human Resources Code.

Prohibits a provider from being required to provide any service that conflicts with the provider's sincerely held religious beliefs.

Requires a governmental entity, or any person who operates under governmental authority, that refers or places a child for child welfare services to ensure that a secondary provider is available in that catchment area to provide a service described by this bill to a child, or, if there is an insufficient number of secondary providers willing or available in that catchment area to provide that service, provide one or more secondary providers in a nearby catchment area.

Requires a provider who declines to provide a child welfare service as authorized by this bill to provide to that person seeking the declined service written information directing the person to the Web page on the Department of Family and Protective Services's (DFPS) Internet website that includes a list of other licensed providers or other informative sources that identify other licensed providers who provide the service being denied; to refer the applicant to another licensed provider who provides the service being denied; or to refer the applicant to DFPS or to a single-source continuum contractor to identify and locate a licensed provider who provides the service being denied.

Authorizes a provider to assert an actual or threatened violation of this bill as a claim or defense in a judicial or administrative proceeding and to obtain the relief specified in this bill.

Provides that a provider who successfully asserts a claim or defense under this bill is entitled to recover declaratory relief under Chapter 37 (Declaratory Judgments), Civil Practice and Remedies Code, or injunctive relief to prevent the threatened or continued adverse action.

Prohibits a person from bringing an action for declaratory or injunctive relief against an individual, other than an action brought against an individual acting in the individual's official capacity.

Provides that, notwithstanding that sovereign and governmental immunity to suits are waived, provisions in this bill do not waive or abolish sovereign immunity to suit under the Eleventh Amendment to the United States Constitution.

Prohibits certain provisions in this bill from being construed to authorize a governmental entity to burden a person's free exercise of religion; to supersede any state law that is equally, or more, protective of religious beliefs as provisions in this bill; to narrow the meaning or application of any other law protecting religious beliefs; to prevent law enforcement officers from exercising duties imposed on the officers under the Family Code and the Penal Code; to allow a provider to decline to provide, facilitate, or refer a person for child welfare services on the basis of that person's race, ethnicity, or national origin; to allow a provider to deprive a minor of rights, including the right to medical care, provided by Chapters 32 (Consent to Treatment of Child by Non-Parent or Child), 263 (Review of Placement of Children Under Care of DFPS), and 266 (Medical Care and Educational Services for Children in Foster Care), Family Code; or to prohibit DFPS from exercising its duty as a child's managing conservator to make decisions in the child's best interest or from obtaining necessary child welfare services from an alternate provider.

Provides that the protections of religious freedom afforded by this bill are in addition to the protections provided under federal or state law and both the state and federal constitutions.

Requires that provisions of this bill be liberally construed to effectuate its remedial and deterrent purposes.

### Protecting Seniors from Financial Exploitation—H.B. 3921

*by Representative Parker et al.—Senate Sponsor: Senators Hancock and West*

Stakeholders raise concerns regarding the financial exploitation of senior citizens and contend that such exploitation is the most common type of abuse faced by the elderly. Such stakeholders further contend that the individuals best suited to identify and prevent elderly exploitation lack the authority to do so. This bill:

Defines "exploitation," "financial exploitation," and "vulnerable adult."

Establishes certain methods by which financial institutions and securities professionals can report and address suspected financial exploitation of their clients who are 65 years of age or older or have certain disabilities. Requires financial institutions and securities professionals to report any suspected exploitation of a vulnerable adult to the Department of Family and Protective Services and the securities commissioner, who the bill allows to notify third parties familiar with the adult and to place a hold on financial transactions.

### DFPS Access to Criminal History Records—H.B. 4094

*by Representative Klick—Senator Sponsor: Senator Uresti*

In the 84th Legislature, Regular Session, 2015, S.B. 206 made changes to Section 411.114, Government Code, which governs the release by the Texas Department of Public Safety (DPS) of criminal history record information, including results from the Federal Bureau of Investigation's (FBI) fingerprint checks, to the Department of Family and Protective Services (DFPS). While the changes removed a laundry list of the subjects on whom DFPS may obtain criminal history record information, certain private entities were added to the list of organizations and individuals to whom

DFPS is authorized to release criminal history record information. The FBI disapproved of these changes, indicating that the subjects should be listed in statute and that private entities should be removed from the list of those to whom DFPS may disseminate FBI criminal history record information. H.B. 4094 adds the list of subjects back into statute and removes the authorization to disseminate FBI criminal history record information to a private entity. Moreover, H.B. 4094 makes changes to be in compliance with the Child Care and Development Block Grant Act, which restricts new background checks every five years for certain populations. This bill:

Defines "facility" and "Department of Family and Protective Services."

Requires DFPS to obtain from DPS criminal history record information maintained by DPS that relates to a person who is a person 14 years of age or older who will be regularly or frequently working or staying in a facility or family home other than a child in the care of the home or facility or an applicant selected for a position with DFPS, the duties of which include direct delivery of protective services to children, elderly persons, or persons with a disability. Provides that, in addition to the criminal history record information DFPS is required to obtain under certain provisions of statute, DFPS is entitled to obtain criminal history record information from DPS that relates to certain persons.

Provides that DFPS is not prohibited from releasing criminal history record information obtained under this bill to a child-placing agency listed in statute that is seeking to verify or approve a foster or adoptive home under procedures authorized by Section 471(a)(20)(A), Social Security Act (42 U.S.C. Section 671(a)(20)(A)).

Authorizes the Public Safety Commission, with respect to an applicant who is selected for employment for a function or in a division of DFPS that is transferred to the Health and Human Services Commission (HHSC) under Subchapter A-1 (Consolidation of Health and Human Services System), Chapter 531 (Health and Human Services Commission), Government Code, to obtain from DPS criminal history record information from DPS that relates to the applicant.

Requires the director, owner, or operator of a facility or family home to submit to DFPS the names of certain individuals, including each person who provides care or supervision to children who are in the care of the facility, agency, or home under a contract with the facility, agency, or home and who must have background checks, as described by this bill and in accordance with rules adopted by the executive commissioner of HHSC (executive commissioner).

Requires a person, in accordance with rules adopted by the executive commissioner, to submit a complete set of fingerprints, if the person is required to have a background check under Subsection 42.056(a)(1)-(7) (relating to individuals subject to a background check), Human Resources Code; if the person resided in another state during the five years preceding the date the person's name is required to be submitted; or if the director, owner, or operator has reason to suspect that the person has a criminal history in another state.

Provides that Subsection (a-2)(1) (relating to a person submitting fingerprints if the person is required to have a background check under Subsections (a)(1)-(7), Human Resources Code, does not apply to certain family homes described by statute.

Authorizes the rules adopted by the executive commissioner to allow DFPS to waive the submission of fingerprints required by this bill if DFPS has an active subscription to FBI's national rap back service for the person for whom fingerprints are required.

Requires DFPS to conduct background checks using certain information, including any other registry, repository, or database required by federal law.

Requires DFPS, for each person whose fingerprints are submitted under certain provisions of statute, to conduct a state and FBI criminal check using certain methods.

Provides that a person who is required to have a background check, but not required to submit fingerprints for an FBI criminal history check, is required to have a name-based check, instead of a fingerprint-based check, and the director, owner, or operator of the child-care facility, child-placing agency, or family home is required to submit the name of the person 24 months after last submitting the person's name to DFPS for use in conducting a background check.

Prohibits a person whose name is submitted under statute from providing direct care or having direct access to a child in a facility or family home before the person's background check is completed. Authorizes a person to be employed at a facility or family home and to provide direct care or have direct access to a child in the facility or family home before the person's criminal history check is completed, if the FBI fingerprint check and DFPS's background check using records of reported abuse and neglect have been completed, resulting in information that does not preclude the person from being present at the facility or family home and if the person does not have unsupervised access to any child in care but, not later than 30 days after the earliest of the date on which the person first provides direct care to a child, has direct access to a child or is hired.

Repeals Section 411.114(a)(1)(E) (relating to the definition of "ward"), Government Code.

### Office of Data Analytics in the Child Welfare System—S.B. 497

*by Senator Uresti—House Sponsor: Representative Wu*

Child Protective Services (CPS) continues to experience turmoil, along with an increasing number of emergencies. CPS struggles to retain a high-quality workforce, which has exacerbated these problems and led to troubling outcomes for children. The agency continues to have high turnover rates even after its two-year reform effort. S.B. 497 elevates the current workforce development division into an office of data analytics (the office). The office will, among other things, set performance metrics, monitor management trends, review retention initiatives, handle employee complaints, and take a holistic approach to consolidate functions related to workforce support services by creating agency performance metrics and data analytics. This bill:

Requires the Department of Family and Protective Services (DFPS) to create the office. Requires the office to report to the deputy commissioner of DFPS and authorizes the office, as determined by DFPS, to perform certain enumerated functions.

Requires the DFPS commissioner, as soon as possible after the effective date of this bill, to establish the office. Requires the commissioner and the executive commissioner of the Health and Human Services Commission to transfer appropriate staff as necessary to conduct the duties of the office.

**Quality of Water Supplied to State Supported Living Centers—S.B. 546**
*by Senators Kolkhorst and Garcia —House Sponsor: Representative Collier*

The Department of Aging and Disability Services (DADS) operates 13 state supported living centers (SSLCs) across the state. Three thousand and one hundred Texans with intellectual and developmental disabilities reside in these facilities. Recently, several SSLC's have experienced issues with contaminated water. In May 2016, SSLCs in Brenham, El Paso, and San Angelo were found to have elevated levels of lead, some of which were higher than those found in water systems in Flint, Michigan. One sample in Brenham had levels 18 times higher than Environmental Protection Agency (EPA) standards. The EPA considers levels of 15 parts per billion (ppb) to be hazardous. Samples from the Brenham SSLC each contained over 104 ppb, with the highest at 266 ppb. These facilities were forced to provide bottled water to their residents. The EPA says lead pipes and fixtures are more likely to be found in structures built before 1986. The Brenham and El Paso SSLCs opened in 1974 and the San Angelo SSLC opened in 1969. The water at the Brenham facility had not been tested for lead since 2008, and none was detected at that time. The SSLC was required to test the water again between 2013 and 2015, and was issued a violation when it failed to do so.

In response to the recent issues, the Texas Commission on Environmental Quality (TCEQ) has begun coordinating with DADS to assist with water quality testing. This bill:

Requires DADS or its successor agency, with guidance from TCEQ, to ensure the quality of water provided by public drinking water supply systems to SSLCs to:

> develop a testing plan and monitoring strategy, outreach and educational materials for distribution to residents and DADS staff, requirements for using an accredited laboratory and sample chain of custody procedures, and guidance for compliance with certain federal lead and copper rules;
>
> review public notification procedures to staff, residents, and visitors regarding water quality;
>
> review sampling protocols and procedures, locations of taps used for monitoring, analytical data on lead or copper levels exceeding the applicable action level, remediation activities, and customer service inspection reports;
>
> compile a list of qualified customer service inspectors; and
>
> perform on-site training and evaluation of sampling and on-site evaluation of customer service inspections through licensed customer service inspectors.

**Gubernatorial Appointment of DFPS and DSHS Commissioners—S.B. 670 [VETOED]**
*by Senator Birdwell et al.—House Sponsor: Representative Price et al.*

S.B. 670 requires that the commissioners of both the Department of Family and Protective Services (DFPS) and the Department of State Health Services (DSHS) be appointed by the governor and confirmed by the senate to ensure that taxpayers have sufficient ability to express their opinions through their elected representatives regarding agencies that control a significant portion of the state budget. This bill:

Amends the definition of "agency director."

Requires the governor, with the advice and consent of the senate, to appoint the commissioner of the DSHS (DSHS commissioner) and the commissioner of DFPS (DFPS commissioner).

Authorizes the governor, based on the qualifications and experience in administering public health systems, to appoint a person, other than a physician, as the DSHS commissioner.

Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), if the governor appoints a person as DSHS commissioner who is not a physician, to designate a person licensed to practice medicine in this state as chief medical executive.

Requires that the DSHS commissioner and the DFPS commissioner be appointed without regard to race, color, disability, sex, religion, age, or national origin. Provides that the DSHS commissioner and the DFPS commissioner serve at the pleasure of the governor, rather than at the pleasure of the executive commissioner.

Repeals Section 531.0056 (Appointment of Agency Director by Executive Commissioner), Government Code and Section 1001.051(a-1) (relating to the executive commissioner employing the DSHS commissioner), Health and Safety Code.

Provides that a person serving as the DSHS commissioner or as the DFPS commissioner on the effective date of this Act continues to serve in that capacity until the governor makes the appointments required by this bill.

**Consolidation of Functions of the Health and Human Services System—S.B. 1021**
*by Senator Nelson—House Sponsor: Representative Price*

Stakeholders note the continued need for studying and planning with regard to the ongoing transfer and consolidation of the state's health and human services agencies. S.B. 1021 addresses this need by providing certain reports on the consolidation and certain functions of the health and human services system, among other changes. This bill:

Provides that the Health and Human Services Commission (HHSC) Executive Council is composed of, among certain other individuals, the commissioner of the Department of Family and Protective Services (DFPS), regardless of whether that agency continues as a state agency separate from HHSC.

Requires the executive commissioner of HHSC, not later than July 31, 2018, to conduct a study and submit a report and recommendations to the Health and Human Services Transition Legislative Oversight Committee (committee) that include:

> a recommendation regarding the need to continue DFPS as a state agency separate from HHSC, unless a determination on the continuation is made before that date;
>
> a recommendation regarding the need to continue the Department of State Health Services (DSHS) as a state agency separate from HHSC;

an assessment of the quality and consistency of data sharing, communication, and coordination between DFPS and HHSC; and

an assessment of any known or potential conflicts of interest concerning licensing and regulation activities by DFPS or HHSC, including the process by which known conflicts of interest are mitigated or managed by those agencies.

Requires the committee, not later than December 1, 2018, to review the report and recommendations submitted under this bill and submit a report and recommendations to the legislature that include the same recommendations and assessments as is required to the executive commissioner, except for the assessment on conflicts of interest.

Defines "minor," "serious emotional disturbance," and "system of care framework."

Requires HHSC to implement a system of care framework to develop local mental health systems of care in communities for minors who are receiving residential mental health services and supports or inpatient mental health hospitalization, who have or are at risk of developing a serious emotional disturbance, or who are at risk of being removed from their home and placed in a more restrictive environment to receive mental health services and supports.

Requires HHSC to:

maintain a comprehensive plan for the delivery of mental health services and supports to a minor and a minor's family using a system of care framework, including certain best practices;

enter memoranda of understanding with DSHS, DFPS, the Texas Education Agency, the Texas Juvenile Justice Department, and the Texas Correctional Office on Offenders with Medical or Mental Impairments that specify the roles and responsibilities of each agency in implementing the comprehensive plan;

identify appropriate local, state, and federal funding sources to finance infrastructure and mental health services and supports needed to support state and local system of care framework efforts;

develop an evaluation system to measure cross-system performance and outcomes of state and local system of care framework efforts; and

consult with stakeholders in implementing provisions of this bill including minors who have or are at risk of developing a serious emotion disturbance or young adults, who as a minor had or was at risk of developing a serous emotion disorder and received mental health services and supports, as well as family members of those minors and young adults.

Requires that the report also include certain information including the latest information available on HHSC's progress in transferring and consolidating the administrative support services functions of the health and human services system and recommendations on whether to abolish each statutory advisory committee that considers issues related to the health and human services system, and, for an advisory committee for which abolishment is recommended, whether to reestablish the advisory

committee by rule, consolidate the advisory committee with another advisory committee, or permanently discontinue the advisory committee in any form.

**Restoration of Ward's Capacity or Modification of Guardianship—S.B. 1710**
*by Senator Zaffirini—House Sponsor: Representative Neave*

Interested parties believe that certain changes need to be made to the process for complete restoration of a ward's capacity or for modification of a ward's guardianship to respect the rights and wishes of wards. S.B. 1710 implements such changes. This bill:

Authorizes a ward or any person interested in the ward's welfare to file a written application with the court for an order finding certain changes in the status of a ward's capacity and for the court to order certain modifications to or termination of guardianship, notwithstanding an intervention by an interested person in a guardianship proceeding. Provides that, if the guardian of a ward who is the subject of an application filed has resigned, has been removed, or has died, the court may not require the appointment of a successor guardian before considering the application.

Provides that a written letter or certificate from a physician, which normally required before a court can grant an order to completely restore a ward's capacity or to modify a ward's guardianship, is not required before the appointment of an investigator or a guardian ad litem by the court who, in response to an informal letter from the ward to the court regarding the ward's capacity, will investigate the ward's particular circumstances to determine whether the ward is no longer incapacitated or whether any modification of guardianship is necessary.

Requires the court to send, by a certain date, the ward a letter by certified mail acknowledging receipt of the informal letter and advising the ward of the date on which the court appointed the court investigator or guardian ad litem, as well as the contact information for the court investigator or guardian ad litem. Requires the court investigator or guardian ad litem to file with the court and provide to the ward a report of the investigation's finding and conclusion and to file an application on the ward's behalf if the court investigator or guardian ad litem determines that it is in the best interest of the ward to terminate or modify the guardianship.

**Texas Achieving a Better Life Experience (ABLE) Program Investments—S.B. 1764**
*by Senators Zaffirini and Perry—House Sponsor: Representative Burkett*

Interested parties have expressed a need for increased flexibility regarding the investment of funds in a Texas Achieving a Better Life Experience (ABLE) program account on behalf of a person whose estate is under guardianship. S.B. 1764 provides this flexibility by, among other provisions, establishing that a guardian of an estate is considered to have exercised the standard for the investment of the ward's estate if the guardian invests in an ABLE account. This bill:

Provides that a guardian of the estate is considered to have exercised the required statutory standard of judgment and care with respect to investing the ward's estate if the guardian invests in certain investments, including an ABLE account.

Authorizes the court to, on application by the guardian of the estate of a ward or another person interested in the ward's welfare, order that the guardianship of the ward's estate terminate and be settled and closed if the court finds that the ward no longer needs a guardian of the estate because all of the ward's assets have been placed in an ABLE account and the ward is the account's designated beneficiary.

Authorizes any money recovered by the plaintiff, if not otherwise managed by a next friend or a guardian ad litem, in a suit in which a minor or incapacitated person who has no legal guardian is represented by a next friend or an appointed guardian ad litem, to be invested by the next friend or guardian ad litem, or by a court clerk on written order of the court of proper jurisdiction, in a certain higher education savings plan, a certain prepaid tuition program, or an ABLE account.

### Acceptance of High School Courses for Peace Officer License—H.B. 1545

*by Representative Clardy—Senate Sponsor: Senator Nichols*

In high schools across the state, many students have access to courses that directly relate to law enforcement. H.B. 1545 assists students seeking a career in law enforcement by requiring the Texas Commission on Law Enforcement (TCOLE) to establish a procedure under which credit hours earned for the successful completion of such high school courses can be counted toward the hours of training required of an applicant for a peace officer license. This bill:

Requires TCOLE to adopt rules that establish a procedure under which credit hours earned for the successful completion of high school courses that directly relate to law enforcement can be counted toward the hours of training required of an applicant for a peace officer license.

Requires that the rules adopted require that an applicant submit to TCOLE a high school transcript that indicates the applicant earned an endorsement in the public services category, as described by Section 28.025(c-1) (relating to a student earning an endorsement on the student's transcript by successfully completing curriculum requirements for that endorsement adopted by the State Board of Education by rule), Education Code.

### Regulation of Operation of Unmanned Aircraft—H.B. 1643

*by Representative Springer et al.—Senate Sponsor: Senator Seliger*

Interested parties contend that the offense of operating an unmanned aircraft over a critical infrastructure facility insufficiently protects farmers raising livestock because flying such aircraft near animals can have adverse effects on the livestock, thus reducing their value. The parties further contend that there is a need to update the telecommunications facilities to which this offense applies. H.B. 1643 protects the economic interests of Texas' farmers by classifying certain concentrated animal feeding operations, as well as certain oil and gas facilities, as critical infrastructure facilities for purposes of that offense and updates the offense with respect to telecommunications facilities. This bill:

Provides that "critical infrastructure facility" includes a telecommunications central switching office or structure or any structure used as part of a system to provide wired or wireless telecommunications services; concentrated animal feeding operation, enclosed by a fence or other physical barrier obviously designed to exclude intruders; an oil or gas drilling site; a group of tanks used to store crude oil, such as a tank battery; an oil, gas, or chemical production facility; an oil or gas wellhead; or any oil and gas facility that has an active flare, rather than that is enclosed by a fence or other physical barrier that is obviously designed to exclude intruders.

Provides that this Act does not apply to an operator of an unmanned aircraft that is being used for a commercial purpose, if the operation is conducted in compliance with each applicable Federal Aviation Administration (FAA) rule, restriction, or exemption, and all required FAA authorizations.

Prohibits a political subdivision from adopting or enforcing any ordinance, order, or other similar measure regarding the operation of an unmanned aircraft except during a special event, the political subdivision's use of an unmanned aircraft, or the use of an unmanned aircraft near a facility or infrastructure owned by the political subdivision, if the political subdivision takes certain actions.

**Operation of Medical Supply Transport Vehicles during States of Disaster—H.B. 1816**
*by Representative Metcalf—Senate Sponsor: Senators Creighton and Garcia*

Concerns have been raised that vehicles used by medical supply distributors to transport prescription drugs and other medical supplies to pharmacies and hospitals are not provided the same road access as emergency vehicles in a disaster area when these items are most scarce and in the highest demand. H.B. 1816 seeks to address these concerns by granting a vehicle used to transport these medical supplies to an emergency care facility, pharmacy, or licensed nursing home located in a disaster area access to highways, streets, and bridges under certain circumstances as if the vehicle were an emergency vehicle. This bill:

Defines "emergency care facility," "freestanding emergency medical care facility," "medical supply distribution," "nursing home," "pharmacy," and "trauma facility."

Authorizes a vehicle used by a medical supply distributor to transport prescription drugs and other medical supplies to an emergency care facility, pharmacy, or nursing home located in an area declared a disaster area by the governor under Chapter 418 (Emergency Management), Government Code, to have access to highways, streets, and bridges as if the transport vehicle were an emergency vehicle if the transport vehicle will not negatively impact evacuation activities or any response or recovery activities in the disaster area.

Requires the Texas Division of Emergency Management (TDEM) to: (1) establish procedures to assist medical supply distributors in accessing highways, streets, and bridges; and (2) provide medical supply distributors with documentation specifying the distributors' access to highways, streets, and bridges.

Provides that this section does not create a cause of action against a law enforcement officer involved in assisting a medical supply distributor under this section for any harm done to the distributor resulting from that assistance.

**Death Benefits for Surviving Spouses—H.B. 2119**
*by Representatives Kacal and Metcalf—Senate Sponsor: Senator West*

The 84th Legislature passed legislation to provide lifelong death benefits paid through the workers' compensation insurance system to the spouse of a first responder or volunteer who dies in the line of duty. However, this legislation was not retroactive and did not provide benefits to surviving spouses if their loved one died prior to September 1, 2015. Legislators suggest that the sacrifices made by first responders and their families should be recognized, regardless of when their loved ones die. This bill:

Expands workers' compensation death benefits for surviving spouses who remarry to spouses whose partner died prior to September 1, 2015.

**Feasibility of Creating a Coastal Barrier System—H.B. 2252**
*by Representative Faircloth et al.—Senate Sponsor: Senator Larry Taylor et al.*

The Texas Gulf Coast is a vital part of Texas's vibrant economy. Its location, however, leaves the region and its people vulnerable to hurricanes and other damaging weather events. S.B. 695 (Larry Taylor and Garcia; SP: Faircloth et al.), 84th Legislature, Regular Session, 2015, established a joint committee to study the desirability and feasibility of constructing a coastal barrier protection system, which provided a forum to discuss this complex issue and gather information for the 85th Legislature. This bill:

Continues the Joint Interim Committee to Study a Coastal Barrier System through the interim of the 85th Legislature.

**Advisory Committee for TexNet Seismic Monitoring—H.B. 2819**
*by Representative Darby et al.—Senate Sponsor: Senator Estes*

The 84th Legislature created TexNet after increased seismicity in the Dallas-Fort Worth area led to speculation that oilfield activity, particularly disposal wells, and seismicity might be related. TexNet is a seismic monitoring program administered by The University of Texas's Bureau of Economic Geology. The legislature also created a nine-member Technical Advisory Committee appointed by the governor and charged with supervising the Bureau of Economic Geology's use of its funding. Under existing law, at least two of the members must represent higher education institutions and have seismic or reservoir modeling experience; at least two members must be experts from the oil and gas industry; and at least one member must be a Railroad Commission of Texas (railroad commission) seismologist. Because the Technical Advisory Committee was part of the supplemental appropriations bill from last session, it cannot continue past the present biennium unless it is re-authorized. This bill:

Provides that the TexNet Technical Advisory Committee (advisory committee) is established as an advisory committee within the The University of Texas Bureau of Economic Geology (bureau).

Provides that the advisory committee consists of nine certain members appointed by the governor.

Requires the governor to designate a member of the advisory committee as the chair of the advisory committee to serve in that capacity at the pleasure of the governor.

Prohibits a person affiliated with the bureau or under contract for services with the bureau from serving as a voting member of the advisory committee.

Requires the director of the bureau to serve, ex officio, as a nonvoting member of the advisory committee.

Sets forth the duties of the advisory committee regarding the TexNet seismic monitoring program administered by the bureau.

Requires the advisory committee, not later than December 1 of each even-numbered year, to prepare and submit to the governor, the lieutenant governor, and the speaker of the house of representatives a certain report.

**Securing Information Technology by Governmental Entities—S.B. 532**
*by Senator Nelson—House Sponsor: Representative Capriglione et al.*

Individuals at state agencies who make decisions regarding information technology (IT) need to be made aware of the latest improvements in cybersecurity and related cost efficiencies. Furthermore, the collection and reporting of state data security information needs improvement. This bill:

Provides that information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident—including information contained in or derived from an information security log—is confidential, as long as the confidentiality of such information does not affect the notification requirements related to a breach of system security.

Amends the Government Code to require the Texas Department of Information Resources (DIR) to collect from each state agency, other than public institutions of higher education and public university systems, certain specified information on the status and condition of the agency's IT infrastructure and to require each applicable state agency to provide such information to DIR according to a schedule determined by DIR.

Requires DIR to submit a consolidated report of such information to the governor, the chair of the House Committee on Appropriations, the chair of the Senate Committee on Finance, the speaker of the house of representatives, the lieutenant governor, and the staff of the Legislative Budget Board. Requires the report to include both an analysis and an assessment of each state agency's security and operational risks and, for those state agencies with higher security and operational risks, to include a detailed analysis of, and an estimate of the costs to implement, the requirements for the agency to address the risks and related vulnerabilities, as well as to include the agency's efforts to address these risks through the modernization of IT systems and through the use of cloud services and a statewide technology center established by DIR.

Requires the report to be released or to be made publicly available on request, with the exception of information that is confidential under state or federal law.

Authorizes a governmental body to withhold such confidential information without needing to request a decision from the Texas attorney general under laws regarding access to public information.

**Images Captured by Unmanned Aircraft—S.B. 840**
*by Senator Zaffirini et al.—House Sponsor: Representative "Mando" Martinez et al.*

H.B. 912 (Gooden et al.; SP: Estes), 83rd Legislature, Regular Session, 2013, prohibits the use of an unmanned aircraft to capture an image of an individual or of privately owned real property in this state with the intent to conduct surveillance on the individual or property that is captured in the image with an exception providing a defense to prosecution for images captured within 25 miles of the border for the sole purpose of enforcing border laws. Current law breaks this exception in two, as it contains a law enforcement exception and a blanket exception for images captured within 25 miles of the border, regardless of purpose. Under current law, it appears to be entirely lawful for any person and for any reason to "use an unmanned aircraft to capture an image of an individual or privately owned real property in this state with the intent to conduct surveillance on the individual or

property captured in the image," provided the person or property is within 25 miles of the border, as provided under Section 432.002 (Persons Subject to Chapter), Government Code. This bill:

Provides that it is lawful in Texas to capture an image using an unmanned aircraft if the image is captured by a law enforcement authority, or certain persons associated with a law enforcement authority, and is of real property or a person on real property that is within 25 miles of the United States border for the sole purpose of ensuring border security.

Deletes existing text providing that it is lawful to capture an image using an unmanned aircraft in this state of real property or a person on real property that is within 25 miles of the United States border.

**TDEM Purchases of Food and Beverages—S.B. 854**
*by Senator Nelson—House Sponsor: Representative Flynn*

When Texas Division of Emergency Management (TDEM) personnel respond to a disaster, the personnel remains at the site to provide care and services. Although TDEM may use appropriated funds to purchase food and beverages for its employees in response to a disaster, TDEM is not authorized to use its funds to pay for food and beverages for non-TDEM employees who also respond to a disaster or an emergency. This bill:

Authorizes TDEM to use appropriated funds to purchase food and beverages for division personnel who are activated to provide services in response to a disaster and unable to leave or required to remain at their assignment areas due to the disaster to include any person who is activated to provide services in response to an emergency situation, an incident, or a disaster and unable to leave or required to remain at the person's assignment area due to the emergency situation, incident, or disaster.

**Information Cybersecurity—S.B. 1910**
*by Senator Zaffirini—House Sponsor: Representative Capriglione*

The state needs to respond to the increasing prevalence of cybersecurity attacks. Legislators note such adaptations to this threat in the private sector as an independent review of an entity's cybersecurity plan, separation between the chief information security officer and the information technology departments, and creation of data security plans before beta testing mobile applications that use private information. Legislators contend that state agencies are more prone to attacks because they have not adopted sufficient data security measures. This bill:

Requires the Department of Information Resources (DIR) to submit an annual report to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over state government operations identifying efforts the state can undertake to improve cybersecurity in Texas. Requires certain state agencies, including institutions of higher education, that propose to spend appropriated funds for a major information resources project to first conduct an execution capability assessment. Requires an agency to submit to DIR, the quality assurance team, and the Legislative Budget Board a report that

identifies the agency's organizational strengths and any weaknesses that will be addressed before the agency initially spends appropriated funds for a major information resources project. Requires each such state agency, system, or institution to designate an information security officer. Provides certain data security procedures for online and mobile applications of each state agency and institution of higher education.

**Proximity to Military Installation on Home Seller's Disclosure Notice—H.B. 890**
*by Representative Geren et al.—Senate Sponsor: Senator Estes*

Daily operations at some military installations in Texas create sustained noise that may cause consternation to people who live in close proximity to such an installation. Stakeholders contend that there is currently no mechanism to alert a potential home buyer that a property within close proximity to a military installation may be impacted by high-volume or other sustained military operations. This bill:

Requires a "seller's disclosure notice" to include whether the property being sold is located near a military installation and whether high-volume noise from that installation could affect the property.

Requires a county and any municipality in which a military installation is located to work with the installation to ensure that the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study for that area is publicly available on the local governmental entity's website.

**Tenants' Right to Summon Emergency Assistance—H.B. 1099**
*by Representative Canales et al.—Senate Sponsor: Senator Lucio*

The Texas Property Code currently prohibits a landlord from prohibiting a tenant from summoning police or emergency assistance in response to family violence and from imposing a financial penalty on a tenant who summons such assistance. The Property Code also prohibits such prohibitions from being included in a lease agreement. Legislators have suggested expanding this protection for tenants beyond summoning assistance solely for family violence. This bill:

Prohibits a landlord from prohibiting or limiting a tenant's right to summon emergency assistance as long as the tenant holds a reasonable belief that the emergency intervention or assistance is necessary, rather than summoning assistance in response to family violence.

**Foreclosure Auctions of Real Property—H.B. 1128**
*by Representative Wray—Senate Sponsor: Senator Larry Taylor*

Foreclosure auctions and other sales of real property are statutorily required to occur on the first Tuesday of a month between 10 a.m. and 4 p.m. Stakeholders have expressed concern that the first Tuesday of a month sometimes occurs on such widely celebrated holidays as New Year's or Independence Day and that turnout to foreclosure auctions is negatively affected when one of these holidays falls on the first Tuesday of a month. This bill:

Provides that a foreclosure auction of real property may occur on the first Wednesday of a month if the first Tuesday of that month is January 1 or July 4.

**Investment Training for Officers of Public Housing Authorities—H.B. 1238**
*by Representative VanDeaver—Senate Sponsor: Senator Hughes*

Public housing authorities are closely regulated by the United States Department of Housing and Urban Development with respect to investment of federal funds they receive. Most, if not all, small to mid-sized housing authorities limit their investments to certificates of deposit and standard interest-bearing savings accounts.

The 10 hours of required training for officers of public housing authorities is far greater in scope than what is needed for the financial decisionmakers in most Texas housing authorities. Reducing the number of required training hours for smaller housing authorities will save federal funds by not requiring unnecessary training and travel expense while ensuring necessary protections of resources. This bill:

Requires the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government, with certain exceptions, to attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

Authorizes a housing authority created under Chapter 392 (Housing Authorities Established by Municipalities and Counties), Local Government Code, to satisfy the training requirement provided by Section 2256.008(a)(2) (relating to requiring a certain investment officer to attend certain training), Government Code, by requiring the treasurer, or the chief financial officer if the treasurer is not the chief financial officer, or the investment officer, or if the authority does not have an officer described by provisions of the bill, another officer of the authority to attend at least five hours of appropriate instruction, in each two-year period that begins on the first day of that housing authority's fiscal year and consists of the two consecutive fiscal years after that date.

Provides that certain provisions of the bill do not apply to an officer of a municipality or housing authority if the municipality or housing authority does not invest municipal or housing authority funds, as applicable, or only deposits those funds, rather than municipal funds, in certain accounts.

Provides that to the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

**Prohibiting Linkage Fees—H.B. 1449**
*by Representative Simmons et al.—Senate Sponsor: Senator Nelson et al.*

Stakeholders contend that fees levied on new construction, sometimes called linkage fees, by certain political subdivisions significantly increase the cost of new housing and other construction and that limiting regulatory burdens on the housing industry could improve the affordability of housing in Texas. This bill:

Prohibits a political subdivision from adopting a regulation that imposes a fee on new construction for the purposes of offsetting the cost of rent. Provides exemptions for certain affordable housing and property tax abatement programs.

**Real Estate Foreclosure Auctions—H.B. 1470**
*by Representative Villalba and Oliveira—Senate Sponsor: Senator Creighton*

Legislators suggest that the foreclosure process in Texas is inadequately defined regarding the reasonableness of fees charged by trustees who conduct foreclosure auctions, the auction process itself, and the requirements for involved parties after an auction. This bill:

Creates Chapter 22 (Public Sale of Residential Real Property Under Power of Sale), Business and Commerce Code. Authorizes a trustee to contract with an attorney to advise the trustee in the administration of the trustee's duties under a security instrument. Requires a winning auction bidder to provide certain information to the trustee at the time of sale. Requires the trustee to maintain funds received at the sale in a separate account until distributed.

**Administration of Owner-Builder Loan Program—H.B. 1512**
*by Representative Isaac—Senate Sponsor: Senator Watson*

The Texas Bootstrap Loan Program is a self-help housing construction program that provides low-income families or "owner-builders" an opportunity to purchase or refinance real property on which to build new housing or repair their existing homes through "sweat equity." To qualify, an owner-builder's household income may not exceed 60 percent of area median family income and the total loan amount the owner-builder secures for purchase of the land and construction cannot exceed $90,000. The program receives $3 million in funding annually from the state housing trust fund, as well as repayments on the loans issued in previous years.

The issue H.B. 1512 addresses is the $90,000 cap that has excluded many individuals in the areas of the state that have experienced rapid property value growth. To remedy this problem, H.B. 1512 removes that cap but maintains the $45,000 cap for funds loaned by the state, thereby qualifying more individuals but not costing the state additional funds. By making this change, more families will be empowered to build a home for themselves. This bill:

Deletes existing text prohibiting the total amount of amortized, repayable loans made by the Texas Department of Housing and Community Affairs (TDHCA) and other entities to an owner-builder under Subchapter FF (Owner-Builder Loan Program), Chapter 2306 (Texas Department of Housing and Community Affairs), Government Code, from exceeding $90,000.

Provides that, notwithstanding any other law, all money received by TDHCA, including any amount received by TDHCA for the payment of the principal of or interest on a loan made under Subchapter FF, Chapter 2306, Government Code, is part of the owner-builder revolving loan fund. Requires that all money constituting part of the owner-builder revolving loan fund be deposited in the housing trust fund established under Section 2306.201 (Housing Trust Fund), Government Code. Deletes

existing text requiring TDHCA to deposit money received in repayment of a loan under Subchapter FF, Chapter 2306, Government Code, to the owner-builder revolving loan fund.

Requires TDHCA, as soon as practicable after the effective date of this Act, to adopt rules necessary to implement provisions of the bill, as amended by this Act.

**Manufactured Housing—H.B. 2019**

*by Representative Tracy O. King et al.—Senate Sponsor: Senator Estes*

The Occupations Code provides licensing and other requirements for manufacturers, retailers, brokers, salespeople, and installers of manufactured homes. Licensing and regulations are administered by the manufactured housing division and its governing board, both of which operate under the Texas Department of Housing and Community Affairs (TDHCA). The manufactured homeowners' recovery trust fund is an account in the general revenue fund used to compensate consumers who sustain certain kinds of damage from unsatisfied claims against manufactured housing licensees. Stakeholders contend that technological advancements, changing general practices, and many statutory provisions regulating manufactured homes are outdated or do not comport with other areas of the law. This bill:

Requires the Manufactured Housing Board to conduct a cost benefit analysis for any rule, policy, or process change that would increase a cost to license holders or consumers by more than $50. Changes the name of the manufactured homeowners' recovery trust fund to the Manufactured Homeowner Consumer Claims Program.

Prohibits TDHCA from requiring an inspection for habitability of a manufactured home before issuing a statement of ownership if the home is being transferred to a retailer. Requires a manufactured home to be habitable when sold for business use, but provides that a used home sold for nonresidential or nonbusiness is not required to be habitable.

Requires the Manufactured Housing Board to review the manufactured housing licensing examinations if the failure rate exceeds 25 percent. Allows certain unlicensed individuals to act as a retailer, broker, or salesperson for an entity if at least one person at that entity is licensed.

Requires electronic public records to be published on TDHCA's website.

**Residential Service Companies—H.B. 2279**

*by Representative Goldman—Senate Sponsor: Senator Hancock*

Residential service companies (RSCs) are licensed by the Texas Real Estate Commission (TREC) and sell home warranties typically during the sale of a home to the home buyer for additional assurances on home appliances or to the home seller to increase the marketability of his or her home. Legislators suggest updating statute to reflect the landscape of the RSC industry. This bill:

Provides that forms that are not disapproved by TREC within 30 days are approved. Provides requirements for RSC licensure applications. Provides that information submitted to TREC by an

applicant is confidential. Requires an RSC to maintain a funded reserve against its liability to provide repair and replacement services under its outstanding contracts.

**Housing Authorities Established by Municipalities and Counties—H.B. 2792 [VETOED]**
*by Representative Mary González—Senate Sponsor: Senator Rodríguez*

Current state statutes address traditional public housing, as defined by Section 9, United States Housing Act of 1937 (42 U.S.C. Section 1437g). However, many public housing authorities have diversified, or are in the process of diversifying, into new federal housing programs that transition residents from public housing to other subsidized programs. For instance, almost all housing authorities in Texas participate in the Housing Choice Voucher program so that residents can use a voucher administered by the housing authority to rent in the private housing market. This program is often referred to as Section 8, which refers to Section 8, U.S. Housing Act (42 U.S.C. Section 1437f), which created the program.

Other housing authorities are converting their public housing into a similar type of federal subsidized housing. For example, the Housing Authority of the City of El Paso (HACEP) is converting all of its federal public housing units into project-based rental assistance (PBRA) units, which are also governed by Section 8. As HACEP completes its public housing-to-PBRA conversion, it will no longer have any residents living in public housing units. This bill:

Provides that an exemption under Section 392.005 (Tax Exemption), Local Government Code, for a multifamily residential development applies only if a certain meeting is held or if occupancy is at a certain amount.

Redefines "public housing unit."

Prohibits a commissioner from being an officer or employee of the municipality. Authorizes a commissioner to be a recipient of housing assistance, rather than a person who is a recipient of housing assistance, administered through the authority's HCV program or PBRA program.

Requires a municipality with a municipal housing authority composed of five commissioners, except as provided by provisions of the bill, under Section 392.031 (Appointment of Commissioners of a Municipal Housing Authority), Local Government Code, to appoint at least one commissioner who is a tenant of a public housing project over which the authority has jurisdiction or who is a recipient of housing assistance administered through the authority's HCV program or PBRA program. Requires a municipality with a municipal housing authority composed of seven or more commissioners, except as provided by provisions of the bill in appointing commissioners under Section 392.031, Local Government Code, to appoint at least two commissioners who are tenants of a public housing project over which the authority has jurisdiction or who are recipients of housing assistance administered through the authority's HCV program or PBRA program.

Sets forth provisions for commissioners.

Requires a majority of the other commissioners, if a commissioner appointed under Section 392.0331 (Appointment of Tenant Representative as Commissioner of Municipal, County, or Regional Housing Authority), Local Government Code, as a recipient of housing assistance

administered through the authority's HCV program or PBRA program ceases to receive the assistance, to decide whether to request that a new commissioner be appointed. Authorizes a majority of the commissioners to decide to allow the commissioner to serve the remaining portion of the commissioner's term.

**Subpoenas and Residential Mortgage Loan Servicer Investigations—H.B. 2823**
*by Representative Dean—Senate Sponsor: Senator Buckingham*

Prior to the passage of the Residential Mortgage Loan Servicer Registration Act (Chapter 158, Finance Code), the Texas Department of Savings and Mortgage Lending's (SML) administered regulatory authority over the mortgage industry, including residential mortgage loan companies, mortgage bankers, and residential mortgage loan originators. Upon passage of the Act in 2011, and as a response to increased concerns over mortgage servicing complaints and greater foreclosures, SML regulatory oversight expanded to the registration of non-depository third-party residential mortgage loan servicers.

While SML possesses authority to issue and enforce a subpoena in the furtherance of an investigation into a complaint filed against certain people, it does not possess authority to issue and enforce a subpoena in the furtherance of an investigation into residential loan mortgage servicers. This bill:

Provides for the issuance and enforcement of a subpoena by the savings and mortgage lending commissioner during the course of an investigation of a residential mortgage loan servicer under the Residential Mortgage Loan Servicer Registration Act.

**Allocation of Low-Income Housing Tax Credits—H.B. 3574**
*by Representatives Collier and Coleman—Senate Sponsor: Senator Menéndez*

Interested parties note that many urban areas in Texas are in need of more affordable rental housing but contend that scoring and ranking applications for low-income housing tax credits using an area's educational quality too often results in areas most in need of such credits being considered ineligible. H.B. 3574 addresses this issue by allowing educational quality to be considered as part of the threshold criteria for those applications while prohibiting its consideration in scoring and ranking the application. This bill:

Authorizes the Texas Department of Housing and Community Affairs (TDHCA) to consider educational quality as part of the threshold criteria but prohibits TDHCA from considering educational quality as a scoring factor.

Applies only to an application for low-income housing tax credits that is submitted to TDHCA during an application cycle that is based on the 2018 qualified allocation plan or a subsequent plan adopted by the governing board of TDHCA under Section 2306.67022 (Qualified Allocation Plan; Manual), Government Code. Provides that an application that is submitted during an application cycle that is based on an earlier qualified allocation plan is governed by the law in effect on the date the application cycle began, and the former law is continued in effect for that purpose.

Provides that the change in law made by this Act expires on August 31, 2019, and thereafter reverts to the law in effect prior to the enactment of these changes.

Requires TDHCA, not later than September 1, 2019, to report the outcome of considering educational quality as part of the threshold criteria but not as a scoring factor in applications for low-income housing tax credits.

### Nonlawyer Representation in Eviction Appeals—H.B. 3879

*by Representatives Goldman and Cain—Senate Sponsor: Senator Hancock*

Stakeholders have suggested that certain residential property owners should be permitted to elect representation that is neither the owner nor an attorney in an appeal of an eviction suit for nonpayment of rent. This bill:

Provides for nonlawyer representation for an owner of a multifamily residential property in an appeal of an eviction suit for nonpayment of rent in a county or district court.

### Governance of Housing Authorities—S.B. 593

*by Senator Rodriguez—House Sponsor: Representatives Blanco and Moody*

Interested parties note that some of the governance requirements for certain municipal housing authorities are unnecessarily difficult to satisfy. S.B. 593 addresses this issue by reforming the governance requirements of certain municipal housing authorities. This bill:

Authorizes a municipal housing authority commissioner to be a recipient of housing assistance administered through the housing authority's housing choice voucher (HCV) program or project-based rental assistance (PBRA) program.

Requires a municipality with a municipal housing authority composed of five commissioners, in appointing commissioners, to appoint at least one commissioner to the authority who meets certain criteria, with certain exceptions. Requires a municipality, with a municipal housing authority composed of seven or more commissioners, to appoint at least two commissioners to the authority who meet certain criteria, with certain exceptions.

Applies only to a municipality that has a population over 600,000 and is located adjacent to the international border of this state.

Requires a municipality that has a municipal housing authority composed of five commissioners to appoint at least one commissioner to the authority who is a tenant of a public housing project over which the authority has jurisdiction, or who is recipient of housing assistance administered through the authority's HCV program or PBRA program.

**Requiring Annual Mortgage Statements—S.B. 830 [VETOED]**
*by Senator Rodríguez—House Sponsor: Representative Walle*

Rather than a traditional bank or credit union, some families finance their homes through small self-financing lenders that do not provide basic information concerning the status of a loan, including the amount paid toward principal and interest. Legislators contend that providing borrowers with vital information about their loans will reduce miscommunication, ambiguity of loan status, and legal disputes. This bill:

Requires mortgage servicers to provide borrowers with an annual statement for the duration of a loan. Sets forth requirements for the annual statement. Provides that a borrower is excused from liability for all payments, fees, or other charges owed under the loan during a given year, if the mortgage servicer fails to send the borrower an annual statement upon receiving a request for it from the borrower.

**Tax Credits for At-Risk Low-Income Housing Developments—S.B. 1238**
*by Senator Rodríguez—House Sponsor: Representative Moody*

While interested parties note that tax credits are awarded under the Low Income Housing Tax Credit program for purposes of developing and preserving affordable housing for low-income households, the parties contend that statutory changes are needed to expand the at-risk developments eligible for tax credits under the program. S.B. 1238 provides for these changes to the program. This bill:

Provides that, notwithstanding any other provision of law, an at-risk development proposing to rehabilitate or reconstruct certain housing units and that was previously allocated certain housing tax credits set aside by the Texas Department of Housing and Community Affairs does not lose eligibility for those credits if the portion of units reserved for public housing are later converted under the Rental Assistance Demonstration program administered by the United States Department of Housing and Urban Development.

**Manufactured Home Communities—S.B. 1248**
*by Senators Buckingham and Hall—House Sponsor: Representative Lucio III*

Manufactured home communities exist within the zoning jurisdictions of many municipalities. Some manufactured home communities existed prior to the current municipal zoning or are located in areas that were originally outside of a city but have since been annexed. In cases of zoning being changed to something other than allowing for a manufactured home community, the existing manufactured home communities are considered a nonconforming use by a municipality. Typically, such a community is granted a zoning variance to continue operating as it was prior to the zoning change.

However, in certain instances cities have interpreted or have indicated they would interpret their local nonconforming use and abandonment ordinances in a manner that, if existing manufactured homes are removed, replacement manufactured homes would not be allowed. Legislators express concern that prohibiting replacement homes disincentivizes the development of new homes and

forces community owners to keep older homes that they would otherwise replace for fear of losing future revenue, if no replacement is allowed to be built.

Municipalities have also required that any manufactured homes being replaced comply with current lot setback requirements for manufactured home communities, rather than the original setbacks established when the community first came into existence. Legislators contend that these setbacks are arbitrarily large and much larger than other single family site-built setback requirements in the same city, and stakeholders contended that building replacement homes in compliance with the larger setbacks will result in a significant reduction in the number of viable lots in the community and a significant decrease in lot rental revenue. This bill:

Prohibits a municipality from requiring a change in the nonconforming use of any manufactured home lot in a manufactured home community under certain circumstances. Authorizes a manufactured home owner to install a new or used manufactured home or any appurtenance on his or her lot. Prohibits a municipality from regulating a tract of land as a manufactured home community, park, or subdivision unless the tract contains at least four spaces offered for lease.

**Insurance Coverage for Cochlear Implants—H.B. 490**
*by Representative Rodney Anderson et al.—Senate Sponsor: Senator Kolkhorst et al.*

A cochlear implant is an electronic device that is implanted in the inner ear and activated by a device worn outside the ear. The implant restores partial hearing to individuals with severe to profound hearing loss who do not benefit from a conventional hearing aid. Whereas a conventional hearing aid amplifies and clarifies sounds entering the outer ear, a cochlear implant bypasses damaged parts of the auditory system and directly stimulates the hearing nerve.

Deaf or hard-of-hearing children who receive early intervention for hearing loss generally experience more positive outcomes than those who do not, but cochlear implants can cost up to $100,000 and not all insurance companies provide benefits to cover that cost. This bill:

Requires certain health benefit plans to provide coverage for the cost of a medically necessary hearing aid, or cochlear implant, and related services and supplies for a covered individual who is 18 years of age or younger.

**Workers' Compensation Benefits for Nongovernmental Employees—H.B. 919**
*by Representative Kacal et al.—Senate Sponsor: Senator Schwertner*

Stakeholders contend that no mechanism currently exists by which the state can provide workers' compensation insurance benefits for non-state employee members of incident management teams or Texas intrastate fire mutual aid system teams on state-activated deployments or training, and that no state coverage exists for such personnel if they were to be injured or killed. Legislators have suggested that the state could maximize the effectiveness of its emergency response teams if it were to cover these first responders. This bill:

Provides that participating nongovernmental members and local governmental employee members of an incident management team or an intrastate fire mutual aid system team are covered by workers' compensation insurance.

**Insurance Coverage for Improved Mammogram Techniques—H.B. 1036**
*by Representative Senfronia Thompson et al.—Senate Sponsor: Senators Whitmire and Miles*

A mammogram is an X-ray picture of the breast and is used to check for breast cancer in women before they experience symptoms to detect the disease early in its development. Technological advances have produced several improvements to the original technique, including breast tomosynthesis—also called "three-dimensional mammography." Three-dimensional mammography is an imaging technique in which multiple images of the breast are captured from different angles and reconstructed into a three-dimensional image. Studies routinely show that three-dimensional mammograms result in earlier detection of breast cancer that is hidden on a conventional mammogram, greater accuracy in determining the size and location of a breast cancer tumor, fewer unnecessary tests, and clearer images of abnormalities within dense breast tissue. Unfortunately, some insurance carriers do not provide benefit coverage for three-dimensional mammograms. This bill:

Requires certain health benefit plans to cover breast tomosynthesis for a female who is 35 years of age or older.

**Provisional License for Insurance Agents—H.B. 1073**
*by Representative Smithee—Senate Sponsor: Senator Creighton*

The 84th Legislature passed legislation creating 90-day provisional licenses for certain types of insurance agents who pass the state's insurance agent licensure examination and who submit fingerprints for criminal background reviews. While that legislation offered a solution to the backlog of application reviews and supports of individuals seeking employment as insurance agents, it inadvertently failed to provide a provisional license for life-only insurance agents. This bill:

Adds the life-only insurance agent license type to the list of licenses for which the Texas Department of Insurance is authorized to issue a provisional permit.

**Authority of Captive Insurance Companies to Issue Reinsurance—H.B. 1187**
*by Representative Capriglione—Senate Sponsor: Senator Nelson*

Captive insurance is an alternative to self-insurance in which a parent company creates a licensed insurance company to provide coverage for the operational risks of its parent company, affiliates, or unaffiliated controlled companies. A captive insurance company may currently provide certain types of reinsurance to an insurer who is covering the operational risks of the captive insurance company's affiliates, including employee benefit plans, liability insurance, and workers' compensation insurance. Legislators have suggested clarifying the authority of a captive insurance company to provide reinsurance to such an insurer. This bill:

Authorizes a captive insurance company to provide reinsurance for credit life insurance and credit disability insurance to an insurer covering risks of the captive insurance company's parent or affiliate companies.

**Temporary License for Insurance Agents—H.B. 1197**
*by Representative Paul—Senate Sponsor: Senator Creighton*

The Texas Insurance Code provides a 90-day temporary license for insurance agents if the agent's training is supervised by another agent, insurer, or health maintenance organization. The temporarily licensed agent must complete 40 hours of training within 14 days of when the Texas Department of Insurance receives the application and must request for the temporary license. Stakeholders contend that 14 days is not enough time to complete 40 hours of training for a person who is already working a full-time job or is fulfilling his or her familial responsibility. Legislators have suggested lengthening the period during which training must be completed. This bill:

Increases the period of time during which temporary license holders must complete their training from 14 days to 30 days.

**Synchronization of Prescription Medications—H.B. 1296**
*by Representative Frullo et al.—Senate Sponsor: Senator Buckingham*

Medication is the primary source of medical treatment for many Americans with such conditions as high blood pressure, diabetes, high cholesterol, or heart disease. Inability to adhere to this source of medical treatment can result in avoidable and costly complications in a patient's treatment. Stakeholders contend that synchronizing the fill dates for a patient's prescription medications prevents missed refills by allowing the patient to pick up medications on the same day, as opposed to making trips for each medication as it becomes available.

Synchronizing prescription medications poses a significant up-front cost to a patient because health benefit plans do not always provide coverage for less than a 30-day supply, which effectively requires a patient to pay for a 30-day supply when he or she purchases only a partial refill that would synchronize the next fill date with the fill dates of their other medications. This bill:

Requires certain health benefit plans to prorate the amount charged for a partial supply of a prescription medication and to establish a process by which a pharmacy or pharmacist may override a denial of prorated coverage for certain reasons.

**Commercial Property Insurance—H.B. 1298**
*by Representative Frullo—Senate Sponsor: Senator Hancock*

Texas law does not define "commercial property insurance" and in turn commercial property policies have included coverage for fire, glass, inland marine, boilers, and other machinery for many years. While the Texas Insurance Code includes multi-peril insurance as a separate line of insurance, it does not define "multi-peril," which has resulted in confusion over whether a commercial property insurance policy that provides multi-peril coverage is a commercial property policy or a multi-peril policy. The Texas Department of Insurance has recommended resolving the confusion. This bill:

Defines "commercial property insurance" to mean insurance coverage against loss caused by or resulting from loss or destruction of real personal property, including any combination of certain types of coverage.

**Settlement of Out-of-Network Claims by TRS Members—H.B. 1428**
*by Representative Smithee—Senate Sponsor: Senator Huffman*

Interested parties report that the out-of-network claim dispute resolution process available to certain health benefit plan enrollees has led to both fair resolution of claims and cost savings for enrollees. H.B. 1428 provides that dispute resolution process to enrollees in the Texas Public School Employees Group Benefits Program and the uniform group coverage program established under the Texas School Employees Uniform Group Health Coverage Act. This bill:

Redefines "administrator" to include an administering firm for a health benefit plan providing coverage under Chapter 1551 (Texas Employees Group Benefits Act), 1575 (Texas Public School Employees Group Benefits Program), or 1579 (Texas School Employees Uniform Group Health

Coverage), Insurance Code, rather than a health benefit plan providing coverage under Chapter 1551, Insurance Code.

Redefines "enrollee" to include an individual who is eligible to receive benefits through a preferred provider benefit plan or a health benefit plan under Chapter 1551, 1575, or 1579, Insurance Code, rather than eligible to receive benefits through a preferred provider benefit plan or a health benefit plan under Chapter 1551, Insurance Code.

Provides that this Act applies to an administer of a health benefit plan, other than a health maintenance organization plan, under Chapter 1551, 1575, or 1579, Insurance Code, rather than under Chapter 1551, Insurance Code.

**Providing Surplus Lines Insurance to Commercial Insureds—H.B. 1559**
*by Representative Frullo—Senate Sponsor: Senator Hancock*

H.B. 1559 authorizes a retail agent to offer insurance with an admitted market versus providing a better option through a nonadmitted or surplus lines market. This bill:

Defines "industrial insured."

Provides that Section 981.004(a)(1) (relating to authorizing an eligible surplus lines insurer to provide surplus lines insurance if certain criteria are met), Insurance Code, does not apply to insurance procured for an industrial insured if the agency procuring or placing the insurance discloses to the industrial insured that comparable insurance may be available from the admitted market that is subject to more regulatory oversight than the surplus lines market and that a policy purchased in the admitted market may provide greater protection than the surplus lines insurance policy. Provides that Section 981.004(a)(1), Insurance Code, does not apply to insurance procured for an industrial insured if the surplus lines company offering the coverage has a financial strength rating of A- or better from the A.M. Best Company and, after receiving the notice described in this Act, the industrial insured requests in writing that the agent procure the insurance from or place the insurance with an eligible surplus lines insurer.

Requires a surplus lines agent to maintain a complete record of each surplus lines contract obtained by the agent, including, if applicable, evidence establishing that the insured qualified as an industrial insured and that the surplus lines agent complied with the requirements created by this Act, if a diligent effort to obtain insurance in the admitted market was not made pursuant to Section 981.004(a)(1), Insurance Code.

Makes application of this Act prospective.

**Liability in Insurance Claims—H.B. 1774**
*by Representative Greg Bonnen et al.—Senate Sponsor: Senator Hancock*

At a hearing of the Senate Committee on Business and Commerce during the 85th Legislature, Regular Session, Senator Hancock discussed the practice of "storm chasing" by a small number of lawyers, noting that such a practice constitutes lawsuit abuse and occurs when a lawyer or third-

party contractor solicits clients whose property has suffered damage in a hailstorm. Senator Hancock further explained that some roofers and public adjusters convince homeowners to file unnecessary lawsuits, rather than work through a claims process with their insurer, and in some cases file a lawsuit before an insurance claim is filed with the carrier.

Chapter 542 (Processing and Settlement of Claims), Insurance Code, which regulates the processing and settlement of claims, provides that an insurer that is liable for a policy claim and that is in violation is liable to pay the policyholder the amount of the claim; interest on the amount of the claim, at an annual interest rate of 18 percent; and reasonable attorney's fees. This bill:

Requires an insured making a claim against an insurer or agent relating to damage to real property caused by certain natural phenomena, including earthquake, flood, or hail, to provide written pre-suit notice to the insurer at least 61 days before filing a lawsuit, and establishes requirements for the notice.

Changes the interest rate applicable to late-paid claims from 18 percent to a floating rate.

### Expanding Provisions for Captive Insurance Companies—H.B. 1944

*by Representative Murphy et al.—Senate Sponsor: Senator Hughes*

In 2013, the Texas Legislature authorized captive insurance companies, which are wholly owned subsidiaries created to provide self-insurance to the captive company's noninsurance parent companies. Captive insurance companies are established to meet the risk and financial management needs of owners or members. In 2015, the legislature expanded the opportunities for companies to form captive insurance companies, but the state has yet to authorize captive insurance companies to take credit for reinsurance from approved, nonaffiliated insurers or to create a reciprocal exchange. This bill:

Allows the formation of a captive exchange by amending the statutory definition of "captive insurance company" to include a captive exchange. Allows a captive insurance company to cede risks to or take credit for reserves on risks ceded to certain non-affiliated reinsurers. Requires a captive exchange to file a subscriber declaration with the Texas Department of Insurance. Allows a captive insurance company to issue life insurance if the company insures employee benefits.

### Workers' Compensation—H.B. 1989

*by Representatives Shine and Oliveira—Senate Sponsor: Senator Zaffirini*

Current law allows a certified self-insurer to withdraw from self-insurance at the approval of the commissioner of workers' compensation if the self-insurer establishes an adequate program to pay incurred losses that arise out of accidents or occupational diseases. Legislators suggest reducing the burden of compliance on self-insurers and clarifying the statute. This bill:

Defines "adequate program" to include a program in which the certified self-insurer has insured or reinsured all workers' compensation obligations incurred by the self-insurer under an agreement that is filed with and approved in writing by the commissioner of workers' compensation.

**Texas Certified Self-Insurer Guaranty Trust Fund—H.B. 1990**

*by Representatives Shine and Oliveira—Senate Sponsor: Senator Zaffirini*

The Texas Certified Self-Insurer Guaranty Association was established in 1989 and is composed of large employers in Texas who have elected to self-insure and who serve as their own carriers by contributing to the Texas certified self-insurer guaranty trust fund, which is fully funded by the member companies. The trust fund is currently capped at $2 million, and member companies express concern that this amount is too low, contending that the fund should be capped by a rate, rather than a dollar amount. This bill:

Provides that the Texas certified self-insurer guaranty trust fund may not exceed three percent, rather than $2 million, of the combined value of the security deposits of all certified self-insurers.

**Privacy in Financial Examination Reports—H.B. 2437**

*by Representative Phillips—Senate Sponsor: Senator Hancock*

The Insurance Code provides that a final or preliminary financial examination report, and any information obtained during an examination of insurer carriers under supervision or conservatorship, is confidential and not subject to disclosure under the Public Information Act. However, such examination reports obtained during an examination in connection with a liquidation or receivership are not protected. This bill:

Provides that financial examination reports and any information obtained during an examination is protected for all purposes, excluding a grand jury subpoena or discovery or admissibility of evidence in a civil action.

**Authorizing Surplus Lines Insurers to Insure Risks in Texas—H.B. 2492**

*by Representatives Frullo and Fallon—Senate Sponsor: Senator Zaffirini*

H.B. 2492 allows surplus lines insurers domiciled in Texas to insure risks in Texas. This bill:

Redefines "eligible surplus lines insurer" to include eligible domestic surplus lines insurers. Defines "domestic surplus lines insurer."

Authorizes a certain property and casualty insurance company that has capital and surplus in an amount that meets the minimum capital and surplus requirements to apply to the Texas Department of Insurance in a form and manner prescribed by the commissioner of insurance (commissioner) for designation as a domestic surplus lines insurer. Requires the commissioner to designate an applicant as a domestic surplus lines insurer and issue the applicant such a certificate upon approval of an application.

Provides that a domestic surplus lines insurer is not entitled to a certificate of authority to engage in the business of insurance in this state in the admitted market.

Provides that a domestic surplus lines insurer is subject to Chapter 981 (Surplus Lines Insurance), Insurance Code, and all other insurance laws applicable to a property and casualty insurance company, except as provided by a list set forth by the bill.

Authorizes a domestic surplus lines insurer to insure a risk in the state only if the insurance is procured as eligible surplus lines insurance and the insurance is a type of insurance that the insurer is authorized to write under the insurer's articles of incorporation.

Prohibits a domestic surplus lines insurer from issuing a policy in the admitted market or from issuing a policy to satisfy requirements of any law of this state mandating insurance coverage by an insurance company authorized to engage in the business of insurance in this state.

Provides that the premium for a surplus lines policy is subject to the premium tax, if applicable, imposed under Chapter 225 (Surplus Lines Insurance Premium Tax), Insurance Code.

Provides that a domestic surplus lines insurer is subject to an applicable maintenance tax as if the domestic surplus lines insurer were an authorized insurer.

Defines "surplus lines document" and requires a surplus lines document that is issued by a domestic surplus lines insurer to include a statement in the form and manner provided by the commissioner.

Authorizes a foreign insurer to redomesticate to this state as a domestic surplus lines insurer if the foreign insurer meets certain qualifications.

Includes domestic surplus lines insurers in the list of insurers eligible to provide surplus lines coverage.

## Nonemergency Medical Transportation Providers—H.B. 2501

*by Representative Phillips—Senate Sponsor: Senator Creighton*

Nonemergency medical transportation (NEMT) providers deliver patients to routine and follow-up medical appointments and provide service that improves patient outcomes and lowers health care costs. Some NEMT providers are partnering with such ride-share companies as Uber or Lyft or are developing their own ride-share model. However, statute does not allow NEMT providers to obtain motor vehicle insurance if they operate a ride-share model.

Legislation passed by the 84th Legislature clarifies what insurance is required of transportation network companies and their drivers. The legislation established insurance requirements for situations in which a driver is not yet carrying a passenger but is waiting for a passenger request, but the legislation is written in a way that excludes NEMT providers. This bill:

Removes from the definition of a "transportation network company" language that excludes an entity providing NEMT services.

**Notice of Action by Commissioner of Insurance—H.B. 2542**
*by Representative Rodney Anderson—Senate Sponsor: Senator Larry Taylor*

Stakeholders have raised concerns regarding insurance agents who are placed in conservatorship or under supervision by the commissioner of insurance (commissioner) and, stakeholders contend that this information could be a signal to other insurers that engaging in business with an agent is a risk. Legislators suggest that notice of the commissioner's decision would benefit insurers working with such an agent. This bill:

Requires the commissioner to provide written notice of issuing an order of supervision or conservatorship to each insurer for which the monitored agent holds an appointment on the date the supervisor or conservator is appointed.

**Reciprocity for Nonresident Insurance Agents—H.B. 3018**
*by Representative Phelan—Senate Sponsor: Senator Creighton*

The Louisiana Citizens Property Insurance Corporation (LCPIC) is Louisiana's equivalent to the Texas Windstorm Insurance Association (TWIA), which functions as an insurer of last resort for windstorm and hail insurance in Texas. Louisiana's legislature enacted a law in 2016 that restricts resident licensed agents' access to LCPIC, and agents in Texas were notified by LCPIC that they must provide verification of their Louisiana state license or their agency appointment will be deactivated and their policies will transfer to LCPIC. This means that Texas resident agents are no longer authorized to write policies with LCPIC but that Louisiana resident agents are able to continue offering or selling insurance policies issued by TWIA. This bill:

Establishes a reciprocity requirement that will allow nonresident licensed agents to access TWIA only if the nonresident's state allows Texas agents to access that state's similar insurer.

**Health Insurance—H.B. 3218**
*by Representative Phillips—Senate Sponsor: Senator Schwertner*

Currently, health insurance companies can enter into a contract with a pharmacy benefit manager (PBM) who works with drug distributors and pharmacy networks to negotiate more affordable rates when providing prescription drug benefits to policyholders. Health maintenance organizations (HMOs) contract with PBMs to provide care at lower cost to consumers.

Recently, the Texas Department of Insurance ruled that HMOs are not allowed to enter into a contract with PBMs because the Insurance Code does not expressly grant this permission. Legislators suggest that without express authority to contract with PBMs, HMOs will face significant financial burdens that will negatively affect consumers. This bill:

Authorizes an HMO to enter into a contract with a PBM.

**Group-Wide Supervisor for Internationally Active Insurance—H.B. 3220**
*by Representative Phillips—Senate Sponsor: Senator Hancock*

H.B. 3220 establishes the authority and framework for the commissioner of insurance (commissioner) to act as the group-wide supervisor for certain internationally active insurance groups. This bill:

Defines "group-wide supervisor" and "internationally active insurance group."

Provides that Section 823.011 (Confidentiality of Information), Insurance Code, applies to only certain information, including information that is reported or provided under Section 823.0147 (Group-Wide Supervisions of Internationally Active Insurance Groups), Insurance Code, as created by this Act, and information obtained by or disclosed to the commissioner in the course of investigation under Chapter 401 (Audits and Examinations), Insurance Code.

Authorizes the commissioner to act as the group-wide supervisor for any internationally active insurance group and to otherwise acknowledge another regulatory official to act as the group-wide supervisor if the internationally active insurance group meets certain conditions. Provides that the commissioner, in cooperation with other state, federal, and international regulatory agencies, will identify a single group-wide supervisor for an internationally active insurance group. Requires the commissioner to consider certain factors when making a determination or acknowledgement.

Authorizes the commissioner, as a group-wide supervisor for an internationally active insurance group, to engage in certain group-wide supervision activities.

Requires that a registered, internationally active insurer be liable for and pay the reasonable expenses of the commissioner's participation, including the engagement of attorneys, actuaries, and any other professionals, and all reasonable travel expenses.

Provides that, if the amount of a single transaction or the total amount of all transactions involving sales, purchases, exchanges, loans, or other extensions of credit or investments is more than one-half of one percent of an insurer's admitted assets by a certain date, the transaction or transactions, respectively, are considered to be material.

Makes application of this Act prospective.

**Absentee Ballots for Farm Mutual Elections—H.B. 3496**
*by Representative Shine—Senate Sponsor: Senator Kolkhorst*

Currently, farm insurance policyholders are required to attend policyholder meetings to elect a board of directors. Stakeholders note that policyholders often live in rural areas where traveling to policyholder meetings becomes difficult, especially considering that so many have livestock that cannot be left unattended. Legislators contend that repealing the attendance requirement and allowing a policyholder to cast a vote electronically or by mail is appropriate. This bill:

Authorizes a farm mutual insurance company to provide in its constitution or bylaws that a policyholder may vote electronically or by mail without making a personal appearance at a

policyholders' meeting. Subjects a mutual insurance company acting as a fronting insurer to the property and casualty insurance premium tax.

**Investments by Insurance Companies—H.B. 3803**
*by Representative Faircloth—Senate Sponsor: Senator Zaffirini*

The Insurance Code authorizes an insurance company to make certain investments backed by a valid first lien on real property or a leasehold estate in real property. Other states have expanded the types of real estate loans in which domestic life, health, and accident insurers are authorized to invest, including interest-only loans, self-insured loans, and mortgages on leasehold estates. This bill:

Provides that an unexpired term of a leasehold estate includes any renewal options exercisable by the lessee when determining the duration of a leasehold estate and when the term of an obligation secured by a first lien on a leasehold estate amortizes.

Provides that an obligation secured by a first lien holder on a leasehold estate in real property is payable in certain installment structures. Specifies when the installment structure does not apply to obligations secured by a first lien on a leasehold estate.

Specifies under what conditions an insurer may make investments back by uninsured buildings on real property. Specifies under what conditions property insurance for an obligation secured by a leasehold estate is not required.

**Child Support Insurance Reporting Program—H.B. 3845**
*by Representative Raymond—Senate Sponsor: Senator Creighton*

Under current law, the child support division within the Office of the Attorney General operates an insurance reporting program through which insurers assist in identifying citizens who owe child support payments in order for the child support division to intercept awards or claims to satisfy the child support payments owed. Currently in statute, certain insurance claims are exempted from the reporting requirements of the program. H.B. 3845 expands the types of claims an insurer is not required to report or identify under the program. This bill:

Prohibits an insurer from being required to report or identify a claim for benefits, or a portion of a claim for benefits, assigned to be paid to a funeral service provider or facility for actual funeral expenses owed by the insured that are not otherwise paid or reimbursed; a claim for benefits assigned to be paid to a health care provider or facility for actual medical expenses owed by the insured that are not otherwise paid or reimbursed; or a claim for benefits to be paid under a limited benefit insurance policy that provides coverage for one or more specified diseases or illnesses, dental or vision benefits, or hospital indemnity or other fixed indemnity coverage.

**Revising Texas Public School Retired Employees Group Benefits Act—H.B. 3976**
*by Representative Ashby et al.—Senate Sponsor: Senator Huffman*

Interested parties suggest that the law relating to the administration of and benefits payable under the Texas Public School Retired Employees Group Benefits Act is in need of revision. H.B. 3976 provides for that revision. This bill:

Authorizes the Teacher Retirement System of Texas (TRS) to adopt rules, plans, procedures, and orders reasonably necessary to implement the Texas Public School Employees Group Benefits Program, including group coverage for retirees, dependents, surviving spouses, and surviving dependent children; periods for enrollment and selection of coverage and procedures; a timetable for establishing health benefit plans offered under the Texas Public School Employees Group Insurance Program (group program); and taking bids and awarding contracts for health benefit plans offered under the group program.

Requires that a health benefit plan offered under the group program, other than a Medicare Advantage plan or a Medicare prescription drug plan, cover preexisting conditions.

Prohibits a retiree who applies for coverage during an enrollment period from being denied coverage in a health benefit plan for which the retiree is eligible unless TRS finds that the retiree defrauded or attempted to defraud the group program.

Requires a retiree who has coverage under a health benefit plan offered under the group program to pay a monthly contribution, as determined by TRS.

Provides that a retiree participating in the group program is entitled to secure for the retiree's dependents group coverage for which the dependents are eligible, including requirements established by TRS.

Authorizes a surviving spouse who is entitled to group coverage to elect to retain or obtain coverage for which the surviving spouse or dependents of the surviving spouse are eligible.

Authorizes a surviving dependent child, the guardian of the child's estate, or the person having custody of the child to elect to retain or obtain group coverage for which the surviving dependent child is eligible at the applicable rate for a dependent.

Requires TRS to establish or contract for and make available under the group program a Medicare Advantage plan and a Medicare prescription drug plan for certain eligible retirees, dependents, surviving spouses, and surviving dependent children.

Authorizes TRS, if TRS determines that a Medicare Advantage plan or Medicare prescription drug plan is no longer appropriate for the group program, to establish or contract for and make available under the group program other health benefit plans to provide medical or pharmacy benefits.

Provides that a retiree, dependent, surviving spouse, or surviving dependent child who is not eligible to enroll in Medicare is eligible to enroll in a high deductible health plan offered under the group program, subject to any other applicable eligibility requirements, including requirements established by TRS.

Provides that a retiree, dependent, surviving spouse, or surviving dependent child who is eligible to enroll in Medicare is eligible to enroll in a Medicare Advantage plan or a Medicare prescription drug plan offered under the group program, subject to applicable eligibility requirements.

Authorizes an individual enrolled in a health benefit plan offered under the group program to remain enrolled in that plan as long as the individual remains eligible.

Requires that the state, through TRS, contribute from money in the retired school employees group insurance fund (fund) an amount prescribed by the General Appropriations Act to cover all or part of the cost for each retiree, surviving spouse, and surviving dependent child enrolled in a health benefit plan offered under the group program. Increases from one percent to 1.25 percent the amount of the salary of each active employee that the state is required to contribute to the fund.

Repeals certain sections of Chapter 1575 (Texas Public School Employees Group Benefits Program), Insurance Code.

**Eligibility and Contributions for Benefits under Certain University Systems—H.B. 4035**
*by Representative Flynn—Senate Sponsor: Senator Huffman*

Interested parties note that The University of Texas System (UT System) and The Texas A&M University System (TAMU System) are currently authorized to provide group insurance benefits to certain eligible individuals. H.B. 4035 makes technical and clarifying changes to allow the state employee group benefits program and health benefit plans of the UT System and the TAMU System to operate more efficiently. This bill:

Authorizes a retiree who is participating in the employees uniform insurance benefits program under the State University Employees Uniform Insurance Benefits Act (Chapter 1601, Insurance Code) to authorize the Teachers Retirement System of Texas (TRS) to deduct an amount of a contribution and any other qualified health insurance premium from the retiree's regular monthly service or disability retirement annuity payment if the amount of the monthly annuity is greater than or equal to the amount of the authorized deduction.

Requires the program administrator of the UT and TAMU Systems state employee group benefits program to notify the TRS of the authorization and, in the manner and form prescribed by TRS, provide TRS with certain information needed by TRS to administer the deduction.

Requires TRS, after making a deduction, to pay to the program administrator an aggregate amount for all retirees who authorize annuity deductions.

Provides that if a retiree no longer receives a monthly annuity greater than or equal to the amount of an authorized deduction, TRS is required to inform the program administrator and is not required to make a deduction for the retiree.

Requires that TRS make an authorized deduction each month until the date the annuity is no longer payable by TRS, until TRS is notified by the program administrator that the retiree has canceled the authorization to make the deduction, or until the amount of the monthly annuity is no longer greater than or equal to the amount of the authorized deduction.

Authorizes the UT System or the TAMU System to adjust plan and coverage standards as necessary to comply with applicable state and federal law and to provide consistent eligibility for all plans under the program, including eligibility for optional coverage.

### Study on Health Coverage for Government Employees—S.B. 55

*by Senator Zaffirini—House Sponsor: Representative Sheffield*

Interested parties note the difficulty in comparing the effectiveness of different treatment options for musculoskeletal care due to a lack of patient contact after initial treatment. These parties contend that a patient-reported outcomes registry for musculoskeletal care could benefit both the Teacher Retirement System of Texas (TRS) and the Employees Retirement System of Texas (ERS) by providing the retirement systems with data on which musculoskeletal treatment options are most effective for various patient populations. S.B. 55 provides a study on the benefits and disadvantages of establishing such a registry. This bill:

Requires TRS and ERS to conduct a joint study on the benefits and disadvantages of establishing a registry provided under the plans of group health insurance coverage. Provides that the study identify the musculoskeletal conditions and injuries that result in the highest costs for health care in group coverage plans, as well as the percentage of the total cost for health care under group coverage plans for these injuries. Requires that the study estimate the costs to establish and administer a registry, evaluate the potential benefit of a registry for populations served by group coverage plans, and identity potential collaborative partnerships that could assist in establishing and administering a registry.

Requires that TRS and ERS report the study's results and any recommendations for legislation to the lieutenant governor, speaker of the house, and standing committees of the house and senate that have jurisdiction over the retirement systems' insurance, no later than December 1, 2018.

### Casualty Insurance Policies—S.B. 417

*by Senator Watson—House Sponsor: Representatives Lucio III and Vo*

The Insurance Code requires insurers to provide written notice to a policyholder at least 30 days before an endorsement goes into effect that reduces the policyholder's insurance coverage, but this information may be lost or unnoticed among other renewal paperwork. Furthermore, reducing or restricting certain types of policies qualifies as a cancellation, which triggers cancellation notice requirements in addition the notice of coverage reduction, effectively causing some policyholders to receive a notice of cancellation after they decide to renew their policy with a reduced coverage. This bill:

Requires notice of coverage reduction to be provided in a conspicuous place and in plain language on notice of renewal. Provides that a renewal with reduced coverage does not qualify as a policy cancellation.

**Balance Billing Protections—S.B. 507**

*by Senator Hancock et al.—House Sponsor: Representatives Frullo and Collier*

Balance billing refers to a physician's practice of billing a patient for the portion of medical services provided not covered by the patient's health benefit plan and usually occurs when a physician is not a member of the same provider network as the facility in which the physician provides care. Currently, only patients insured by a preferred provider benefit plan or a benefit plan offered under the Texas Employees Group Benefits Act (Chapter 1551, Insurance Code) have any remedy against balance billing, which is to request the Texas Department of Insurance for mediation to settle out-of-network claims when the patient owes more than $500 to certain health care professionals. However, balance billing persists as a common practice. This bill:

Applies statutory provisions relating to out-of-network health benefit claims dispute resolution to an administrator of a health benefit plan, other than a health maintenance organization plan under the Texas Public School Retired Employees Group Benefits Act (Chapter 1575, Insurance Code) or the Texas School Employees Uniform Group Health Coverage Act (Chapter 1579, Insurance Code). Extends the availability of mediation to claims for emergency care in an ambulatory surgical center, birthing center, hospital, or freestanding emergency medical care facility that is a preferred provider.

**Unclaimed Life Insurance Benefits—S.B. 561**

*by Senator Hancock—House Sponsor: Representative Smithee et al.*

Historically, if beneficiaries to a life insurance policy do not make a claim on the policy, those unpaid claims remain with the insurance company until either a claim is eventually made or until the insured reaches his or her "limiting age," usually age 107. If attempts to contact beneficiaries are unsuccessful, insurers pay proceeds to the state as unclaimed property. However, insurance companies have begun using the United States Social Security Administration's Death Master File (Death Master File) to determine whether an insured has died and to locate missing beneficiaries. This bill:

Requires an insurer to compare its in-force life insurance policies, annuity contracts, and retained asset accounts against a Death Master File at least semiannually to identify potential Death Master File matches.

Establishes procedures for an insurer to compare its life insurance policies, annuity contracts, and retained asset accounts against a Death Master File to identify potential matches. Provides an insurer's duties regarding a Death Master File match, including a good faith effort to contact each beneficiary or other authorized representative on the relevant account or policy. Provides that, if a Death Master File match is confirmed, the proceeds of the account or policy are unclaimed proceeds on the third anniversary of the date on which the insurer completed a good faith effort but failed to locate a beneficiary or authorized representative.

**Medicaid and Children's Health Insurance Program Reimbursements—S.B. 654**
*by Senators Seliger and Rodríguez—House Sponsor: Representative Smithee et al.*

In Texas, an advanced practice registered nurse (APRN) works under a supervising physician to practice and see patients. Currently, APRNs can only accept reimbursements from the insurance plans that their supervising physician also accepted by their supervising physician. However, APRNs often work in different facilities and see different patients, many of whom are covered by Medicaid or the Children's Health Insurance Program (CHIP). APRNs express concern that they, as a result, cannot accept reimbursements from Medicaid or CHIP, and suggest that allowing APRNs to do so would increase access to health care for patients in need. This bill:

Authorizes the inclusion of an APRN as a primary care provider in the provider network for the Medicaid managed care program or CHIP, regardless of whether the supervising physician is a member of those networks.

**Step Therapy Protocols—S.B. 680**
*by Senators Hancock and Huffines—House Sponsor: Representative Greg Bonnen et al.*

Step therapy protocols are used by health insurance companies to review the use of prescription drugs and to control costs. Such protocols sometimes require patients to take cheaper or older prescription drugs before coverage is granted for the drug prescribed by the patient's doctor. Health insurance carriers grant exemptions, but criteria and appeal procedures are inconsistent, inaccessible, and slow. Stakeholders have expressed concern that patients need more protection against step therapy protocols, and legislators suggest regulating step therapy protocols to help ensure transparency and patient health. This bill:

Requires health benefit plan issuers that require a step therapy protocol before providing coverage for a prescription drug to establish and administer the step therapy protocol in accordance with clinical review criteria. Sets forth requirements for establishing the review criteria. Authorizes a prescribing provider to submit a written request for an exception to a step therapy protocol on behalf of the patient, and requires a health benefit plan issuer to grant the exception under certain circumstances. Provides an expedited appeal for a denial of an exception.

**Insurance Adjusters—S.B. 718**
*by Senator Creighton—House Sponsor: Representative Rodney Anderson*

Currently, insurers are required to use licensed insurance adjusters to pay uncontested minor claims, including those related to food that has spoiled during a power outage. Legislators suggest permitting non-licensed employees to pay small claims to allow insurers greater flexibility in managing their claim-handling resources and to help customers recover their losses more quickly. This bill:

Exempts an individual employed by an insurer or an affiliate of certain insurers from certain regulations pertaining to insurance adjusters to allow them to pay small claims, which are not to exceed $500 in value.

**Required Notification by Insurance Companies—S.B. 1012**
*by Senator Creighton—House Sponsor: Representatives Paul and Fallon*

Currently, insurance companies are required to notify the Texas Department of Insurance (TDI) of certain disciplinary actions occurring in other states by delivering a copy of any applicable order or judgment to the commissioner of insurance (commissioner) within 30 days of the imposition of a sanction.

Legislators contend that this requirement has become redundant since Texas and other states maintain a regulatory enforcement database through the National Association of Insurance Commissioners. These databases are comprehensive and are available to consumers, state and federal insurance regulators, insurance companies, and other interested parties. Legislators note that Texas is one of four remaining states that requires paper reporting by insurers and suggest repealing this provision. This bill:

Repeals the requirement that an insurer notify the commissioner and deliver a copy of an order or judgment to the commissioner not later than 30 days after the date of the imposition of a penalty, forfeiture, or sanction on the insurer.

**Adjusting Reinsurance Requirements—S.B. 1070**
*by Senator Hancock—House Sponsor: Representative Frullo*

Insurance companies buy reinsurance to increase their capacity to sell additional insurance to consumers and to maintain solvency and liquidity. Insurers who purchase reinsurance in compliance with state law may take a "credit" for this reinsurance on their accounting statements, which typically means that insurers are allowed to reduce the amount of reserves that they hold.

Current Texas law requires reinsurers domiciled in other countries to post 100 percent collateral for Texas insurers to receive credit for the purchase of that reinsurance, regardless of the reinsurer's financial strength. In contrast, reinsurers located in the United States do not post collateral, regardless of their financial strength or weakness. Legislators contend that insurers' ability to negotiate the terms of their reinsurance contracts is therefore restricted, and that basing collateral requirements solely on a reinsurer's geographic location, rather than financial strength, runs contrary to current financial solvency regulation. Legislators also note that 90 percent of all reinsurance premium is sold by reinsurers from other countries. This bill:

Amends statutory provisions relating to reinsurance for property and casualty insurers to all life, health, and accident insurance companies regulated by the Texas Department of Insurance and to health maintenance organizations operating under the Texas Health Maintenance Organization Act (Chapter 843, Insurance Code). Repeals provisions relating to reinsurance for life, health, and accident insurance companies and related entities.

Requires credit to be allowed when reinsurance is ceded to an assuming insurer that is certified by the commissioner of insurance as a reinsurer in Texas and that secures its obligations in accordance with the requirements set out by the bill. Sets forth requirements for certification.

**Insurers' Registration Statement and Reporting Requirements—S.B. 1073**
*by Senator Hancock—House Sponsor: Representative Smithee*

The Insurance Code requires that enterprise risk reports be filed with the Texas Department of Insurance with two exemptions: insurers with less than $300 million of premium are exempt, and the commissioner of insurance (commissioner) is authorized to exempt insurers with more than $300 million of premium but less than $500 million.

Laws in other states provide a "safe harbor" to insurers that operate in a state with the enterprise risk report filing requirement. This safe harbor allows an insurer to only file one enterprise risk report with its lead state. If that state does not have an enterprise risk report filing requirement, the other states will require that insurer to file a report with them as well. This bill:

Revises the criteria for certain transactions to be considered material for purposes of disclosure on a registration statement by an insurer that is a member of an insurance holding company system or on a registered insurer's report regarding material changes. Limits the applicability of an exemption from the requirement to submit an enterprise risk report for the ultimate controlling person of an insurer with total direct or assumed annual premiums of less than $300 million; applies the same limitation to the authorization for an insurer that in the preceding calendar year had direct written and assumed premiums of more than $300 million, but less than $500 million, to request an exemption from the enterprise risk reporting requirements; and removes the authorization for certain health maintenance organizations to request such an exemption.

Requires credit to be allowed when reinsurance is ceded to an assuming insurer that is certified by the commissioner as a reinsurer in Texas and that secures its obligations in accordance with the requirements set out by this bill. Sets forth requirements for certification.

**Prescription Drug Charges—S.B. 1076**
*by Senator Schwertner—House Sponsor: Representative Greg Bonnen et al.*

Legislators express concern regarding the so-called practice of "clawbacks," which refers to a pharmacy benefit manager instructing a network pharmacy to collect a co-payment amount that is higher than normal from a patient, after which the benefit manager recoups the excess amount by reducing future payments to the pharmacy. Legislators note that clawbacks are more often applied to lower-cost generic medications to obscure the price increase. This bill:

Prohibits a health benefit plan issuer that covers prescription drugs from requiring an enrollee to make a payment for a prescription at the point of sale in an amount greater than the lesser of the applicable co-payment; in the allowable claim amount for the prescription drug; or in the amount an individual would pay for the drug, if the individual purchased the drug without using a health benefit plan or any other source of drug benefits or discounts.

Requires a health benefit plan that covers prescription eye drops to treat a chronic eye disease or condition to allow the refill of prescription eye drops, if the enrollee timely pays at the point of sale the maximum allowed amount and the original prescription and refill meet certain conditions.

**Texas Health Reinsurance System—S.B. 1171**
*by Senator Estes—House Sponsor: Representative Paul*

The Texas Health Reinsurance System (THRS) was created by the 73rd Legislature to provide reinsurance to health carriers that issue small employer health benefit plans. While THRS was used in the past, it has not reinsured a risk since 2012, and the insurance carriers that are eligible to obtain reinsurance from THRS have declined to do so.

Legislators note that THRS continues to incur administrative expenses, and the THRS board of directors has previously recommended deactivating THRS. This bill:

Establishes procedures for the suspension and reactivation of the operation of THRS by order of the commissioner of insurance. Provides the initial suspension of THRS's operation. Provides circumstances under which a requirement is triggered for the commissioner of insurance to hold a hearing on authorizing or suspending THRS's operation.

**Health Benefit Plans under Affordable Care Act—S.B. 1406**
*by Senator Creighton et al.—House Sponsor: Representatives Smithee and Fallon*

Federal regulations adopted in 2013 impose specific limitations on the range of actuarial values within which a health benefit plan must fall to be compliant with the Affordable Care Act. The Act provides that states may seek waivers from certain regulations such as the actuarial value "de minimis" regulation. Legislators contend that these limitations are arbitrary and have no financial or mathematical basis, which restricts health benefit plans to a narrow range of actuarial values causing plans to become noncompliant soon after they are sold. Legislators express concern that redesigning, repricing, refiling, and remarking such plans adds significant expense and results in confusion by employers who must review and respond to a different plan design and cost each year. This bill:

Authorizes the commissioner of insurance to apply to and negotiate with the United States secretary of health and human services to obtain a state innovation waiver for small employer health benefit plans of the actuarial value requirements and related levels of health plan coverage requirements imposed under federal law.

**State Authority to Regulate Insurance—S.B. 1450**
*by Senator Larry Taylor—House Sponsor: Representative Greg Bonnen*

The Financial Stability Board, an international body that monitors and makes recommendations about the global financial system, has provided direction to the International Association of Insurance Supervisors to develop global insurance regulatory standards, which can form the basis for subsequent federal preemption of state insurance laws. Additionally, the Federal Insurance Office, which is within the United States Department of the Treasury, and the United States trade representative negotiated a covered agreement in January 2017 with the European Union that legislators contend has the potential to preempt the state's authority to regulate insurance. This bill:

Prohibits the commissioner of insurance from adopting or enforcing a rule that implements an interstate, national, or international agreement that infringes on the state's authority to regulate insurance in Texas. Revises the conditions under which the Texas Department of Insurance may require an insurer to comply with a rule, regulation, directive, or standard adopted by the National Association of Insurance Commissioners.

### Insurance Premium Rates—S.B. 1490

*by Senator Zaffirini—House Sponsor: Representative Perez*

Until legislation passed in 2003, insurance premium rates were set using a benchmark system with rates set by the Texas Department of Insurance (TDI). The legislation enacted in 2003 changed the benchmark system to a file-and-use system. Currently, insurance companies file their rates with TDI and use those rates unless TDI finds that the rates violate specific statutory provisions. Legislators note that the legislation enacting the file-and-use system failed to make a conforming amendment in the section of code that governs the assessment of a premium surcharge against drivers convicted of driving while intoxicated or of intoxication manslaughter. This bill:

Requires a vehicle insurer to assess a premium surcharge in an amount as stated in the insurer's rating plan, rather than an amount prescribed by TDI, against an insured following a conviction of certain intoxication offenses.

### Long-Term Care Insurance Premium Rates—S.B. 1492

*by Senator Zaffirini—House Sponsor: Representative Smithee*

The commissioner of insurance (commissioner) is currently required to adopt rules to stabilize long-term care insurance premium rates that are consistent with certain nationally recognized models, and the rules must contribute to the uniformity of state laws. Legislators contend that these provisions essentially require the commissioner to adopt standards established by the National Association of Insurance Commissioners (NAIC). Stakeholders have expressed concern that strict conformity to NAIC models could result in actuarially unsound rates that, according to them, can cause insurer insolvency and assumption of liabilities by public guaranty funds, if the unsound rates are applied to expensive long-term care benefits. Legislators suggest providing increased flexibility to the commissioner to adopt rules relating to such premium rates. This bill:

Repeals the requirement that the rules adopted by the commissioner to stabilize long-term care premium rates be consistent with nationally recognized models, contribute to the uniformity of state laws to the extent possible, and protect consumers.

**Temporary Health Insurance Risk Pool—S.B. 2087**
*by Senator Hancock—House Sponsor: Representative Phillips*

The Texas Health Insurance Pool was created to provide health insurance to Texans with preexisting conditions who cannot purchase private insurance. However, the enactment of the federal Patient Protection and Affordable Care Act (Affordable Care Act) prohibited the denial of coverage on the basis of a preexisting condition so the legislature dissolved the pool in 2013.

During the period when the 85th Legislature was meeting in regular session, Congress was debating so-called "repeal and replace" legislation that would provide federal funding for state insurance pools to cover individuals with high cost conditions, or provide reinsurance.

Legislators note that the final form of any "repeal and replace" legislation is unclear and contend that Texas should prepare for any federal support that could affect the state's ability to provide access to insurance for people with high cost medical conditions. This bill:

Allows the commissioner of insurance, if federal funds become available, to apply for such funds and use them to establish and administer a temporary health insurance risk pool. Provides that the temporary pool may not expand the state's Medicaid program.

**Judicial Instruction Regarding Comity of Foreign Family Law Cases—H.B. 45**
*by Representative Flynn et al.—Senate Sponsor: Senator Huffman et al.*

Interested parties assert the need for clear procedures regarding how Texas courts should determine whether to afford comity to the laws of foreign nations and the judgments of foreign courts in actions under the Family Code involving the marriage relationship or the parent-child relationship to protect against violations of constitutional rights and public policy. H.B. 45 requires the Texas Supreme Court (supreme court) to provide such procedures. This bill:

Requires the supreme court to adopt rules of evidence and procedure to implement the limitations on the granting of comity to a foreign judgment or an arbitration award involving a marriage relationship or a parent-child relationship under the Family Code to protect against violations of constitutional rights and public policy.

Requires that the adopted rules:

> require that any party who intends to seek enforcement of a judgment or an arbitration award based on foreign law that involves a marriage relationship or a parent-child relationship is required to provide timely notice to the court and to each other party;
>
> require that any party who intends to oppose the enforcement of a judgment or an arbitration award based on foreign law that involves a marriage relationship or a parent-child relationship is required to provide timely notice to the court and to each other party and include with the notice an explanation of the party's basis for opposition;
>
> require a hearing on the record, after notice to the parties, to promptly determine whether the proposed enforcement of a judgment or an arbitration award based on foreign law violates constitutional rights or public policy;
>
> to facilitate appellate review, require that a court promptly state its findings of fact and conclusions of law in a written order determining whether to enforce a foreign judgment or an arbitration award based on foreign law that involves a marriage relationship or a parent-child relationship; and
>
> provide that a court may issue any orders the court considers necessary to preserve principles of comity or the freedom to contract for arbitration while protecting against violations of constitutional rights and public policy in the application of foreign law and the recognition and enforcement of foreign judgments and arbitration awards.

Provides that an adopted rule does not apply to an action brought under the International Child Abduction Remedies Act (22 U.S.C. Section 9001 et seq.), and that in the event of a conflict between an adopted rule and a federal or state law, the federal or state law prevails.

Requires the supreme court to provide for a course of instruction that relates to issues regarding foreign law, foreign judgments, and arbitration awards in relation to foreign law that arise in actions under the Family Code involving the marriage relationship and the parent-child relationship for judges involved in those actions. Requires that the course of instruction include information about the limits on comity and the freedom to contract for arbitration that protect against violations of constitutional rights and public policy in the application of foreign law and the recognition and

enforcement of foreign judgments and arbitration awards in actions brought under the Family Code and about the rules of evidence and procedure adopted in this Act.

**Recording and Publishing Judicial Proceedings—H.B. 214**
*by Representative Canales—Senate Sponsor: Senator Burton*

Interested parties contend that recording and publishing the proceedings of the highest civil and criminal courts in Texas will promote transparency and allow the public to evaluate the efficacy of Texas's judicial system. H.B. 214 increases transparency and public confidence in the courts by requiring the Supreme Court of Texas (supreme court) and the Texas Court of Criminal Appeals (CCA) to record each oral argument and public meeting of each court and subsequently publish the recordings on the applicable court's website, if funds to do so are available. This bill:

Requires the supreme court and CCA, if appropriated funds or donations are available in the amount necessary to cover the cost, to make a video recording or other electronic visual and audio recording of each oral argument and public meeting of the court and post the recording on the court's Internet website.

Provides that the supreme court and CCA are required to implement this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, the supreme court and CCA, if the legislature does not appropriate money specifically for that purpose, to implement this Act using other appropriations available for the purpose.

**Venue for Prosecuting Retaliation Offenses—H.B. 268**
*by Representative Lozano—Senate Sponsor: Senator Zaffirini*

Concerns have been raised regarding the venue in which certain cases involving retaliation offenses are prosecuted. H.B. 268 allows for this venue to be in any county in which the retaliation occurred or the threat to do harm originated or was received. This bill:

Authorizes an offense under Section 36.06(a)(1) (relating to a person committing an offense if the person intentionally or knowingly harms or threatens to harm another by an unlawful act in retaliation for or on account of a certain service or status of another), Penal Code, to be prosecuted in any county in which the harm occured or the threat to do harm originated or was received.

**Collection of Judgments through Court Proceedings—H.B. 1066**
*by Representative Senfronia Thompson—Senate Sponsor: Senator Bettencourt*

Interested parties assert that the circumstances for collecting a judgment through a court proceeding need to be revised to make it easier for a judgment creditor to receive a court's assistance in reaching property to obtain satisfaction on the judgment. H.B. 1066 achieves this goal by removing a condition affecting property that can be reached through a court injunction or other means to obtain satisfaction on a judgment. This bill:

Amends the Civil Practice and Remedies Code to read that a judgment creditor is entitled to aid from a court of appropriate jurisdiction through injunction or other means to reach property to obtain satisfaction on the judgment, if the judgment debtor owns property, including present or future rights to property, that is not exempt from attachment, execution, or seizure for the satisfaction of liabilities, rather than property that is both nonexempt and cannot readily be attached or levied on by ordinary legal process.

**Jury Duty Exclusions—H.B. 1103**
*by Representative Hernandez—Senate Sponsor: Senator West*

Interested parties are concerned that the secretary of state (SOS) does not have clear guidance regarding which address to include, if the Texas Department of Public Safety and county voter registrar provide different addresses for a person, in the combined list sent to county voter registrars to reconstitute a county jury wheel. H.B. 1103 addresses this issue by requiring the combined list to include only the address submitted by the county voter registrar in such a case. This bill:

Requires that the voter registration list required for a reconstitution of a jury wheel exclude the names of persons on the suspense list maintained under Section 15.081 (Suspense List), Election Code.

**Filing Fees Imposed in Civil Cases in Hidalgo and Cameron Counties—H.B. 1234**
*by Representatives "Mando" Martinez and Guillen—Senate Sponsor: Senator Hinojosa*

Interested parties assert that clarity is needed regarding certain civil filing fees collected in Hidalgo County and Cameron County that are to be used for the construction, renovation, or improvement of facilities that house the civil courts in each county. H.B. 1234 provides such clarity. This bill:

Requires the clerk of a court to collect a filing fee of not more than $20 in each civil case filed in the court to be used for certain purposes, including to pay the principal of, interest on, and costs of issuance of bonds, issued for the construction, renovation, or improvement of the facilities that house the Hidalgo County or Cameron County civil courts.

Authorizes Hidalgo County or Cameron County, if the county has adopted a resolution authorizing a certain fee that is abolished on or before October 1, 2030, to adopt or file certain resolutions. Provides that certain adopted resolutions continue from year to year for a certain period, allowing the county to collect fees until the resolution is rescinded by the commissioners court of the county.

Requires the clerk of a district court or a statutory county court in Hidalgo County and the clerk of a district court or a statutory county court in Cameron County to collect an additional filing fee of not more than $20 under Section 51.711 (Additional Filing Fee for Civil Cases in Hidalgo County and Cameron County), Government Code, in civil cases to fund the payment of the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

Requires the clerk of a statutory probate court in Hidalgo County to collect an additional filing fee of not more than $20 in civil cases to fund the payment of the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

### Concurrent Jurisdiction for Municipal Courts Prosecuting Certain Crimes—H.B. 1264

*by Representatives Burkett and Button—Senate Sponsor: Senator Huffines*

Reportedly, inadequate traffic enforcement in certain outlying or less accessible areas over which a municipality has jurisdiction can result in potentially unsafe conditions and reduced mobility. H.B. 1264 provides concurrent jurisdiction for municipal courts of certain neighboring municipalities. This bill:

Authorizes a certain municipality to enter into an agreement providing concurrent jurisdiction for the municipal courts of either jurisdiction for all criminal cases arising from offenses under state law that are committed on the boundary of those municipalities or in one or both of the following areas:

> within 200 yards of that boundary; or
>
> including within 2.25 miles of that boundary on a segment of highway in the state highway system that traverses a major water supply reservoir.

Authorizes an offense punishable by fine only that is committed on or near the boundary of certain municipalities to be prosecuted in either of those municipalities, as provided in the agreement.

### Hearing Notice and Trial Settings in Criminal Cases—H.B. 1266

*by Representative Geren—Senate Sponsor: Senator Nelson*

Reportedly, it is problematic when a trial court sets certain pretrial motions without providing notice to either the state or the defense, as this leaves little time for witnesses to be contacted and for attorneys to prepare before being called into a hearing. H.B. 1266 requires that notice be provided to the parties involved in the case to ensure that all parties are able to properly prepare. This bill:

Requires a trial court, with exceptions, to grant a continuance of a criminal action on oral or written motion of the state or the defendant, if the trial court sets a hearing or trial without providing to the attorney for the state and to the defendant, or the defendant's attorney, notice of the hearing or trial at least three business days before the date of the hearing or trial.

Provides that this Act does not apply during the period between the date the trial begins and the date the judgment is entered.

**Disputed Administrative Penalties—H.B. 1456**
*by Representative Smithee—Senate Sponsor: Senator Hughes*

Recent Texas court rulings have found a requirement in the Texas Labor Code to be in violation of the open-courts provision in the Texas Constitution. The requirement in violation requires a party to either pay a disputed administrative penalty or waive the right to judicial review, which may impose an unreasonable financial barrier to court access. This bill:

Repeals the requirement for a person charged with an administrative penalty to forward the amount of the penalty to the Texas Department of Insurance Division of Workers' Compensation or to post a bond for the amount pending judicial review.

**Reducing Frivolous Lawsuits Regarding Disabilities Accommodations—H.B. 1463**
*by Representative Smithee et al.—Senate Sponsor: Senator Seliger*

Interested parties contend that certain entities have become the target of frivolous lawsuits under state law prohibiting discrimination against persons with disabilities that represent an attempt to force the entity to settle claims for alleged minor violations to avoid expending time and resources to defend itself in court. H.B. 1463 reduces the negative impact of such lawsuits by requiring a claimant to give notice to such an entity of intent to file a claim under the act and by providing the entity an opportunity to correct the violation before judicial intervention. This bill:

Provides that this Act applies only to an action alleging a failure to comply with certain applicable standards required under Chapter 469 (Elimination of Architectural Barriers), Government Code, or other applicable state or federal laws that require compliance with certain specified standards to accommodate persons with disabilities.

Requires the claimant, not later than the 60th day before the date an action to which this section applies is filed, to give written notice of the claim to the respondent. Provides that the written notice is required to state certain information relating to the claimant and alleged violations and is prohibited from demanding a sum of damages, requesting settlement, or offering to settle the claim without a determination of whether a condition stated in the notice is excused by law or may be remedied.

Authorizes a respondent who has received a written notice to correct the alleged violation before the earliest date on which the claimant may file the action. Requires a respondent who has corrected an alleged violation to provide a notice of the correction to the claimant that describes each correction and the manner in which the correction addresses the alleged violation. Requires the respondent, if the respondent concludes that an alleged violation has not occurred and that a correction is unnecessary, to provide the claimant with an explanation of the respondent's conclusion.

Requires a claimant, if the claimant files an action, to establish by a preponderance of the evidence that the respondent has not corrected one or more of the alleged violations stated in the written notice. Authorizes the respondent, if an action is filed, to file a plea in abatement and request an evidentiary hearing on the plea. Requires the court to abate the action for a period not to exceed 60 days after the date of the hearing if the court finds by a preponderance of the evidence that the respondent initiated action to correct the alleged violation during the time allowed, could not

complete the corrections with that time, and the corrections will be completed by the end of the abatement period.

Provides that, if a respondent has provided the notice of correction or has completed corrections during a period of abatement, the claimant is authorized to file a motion to dismiss the action without prejudice; or the respondent is authorized to file a motion for summary judgment in accordance with the Texas Rules of Civil Procedure.

### Expanding Authority of Courts of Appeals—H.B. 1480

*by Representative Senfronia Thompson—Senate Sponsor: Senator Rodríguez*

While it is possible for an associate judge appointed under certain provisions of the Family Code to commit an abuse of discretion that would potentially be subject to a writ of mandamus if committed by a judge of a district or county court, the courts of appeals are not authorized to issue writs of mandamus against such associate judges. This bill:

Authorizes each court of appeals for a court of appeals district to issue all writs of mandamus, agreeable to the principles of law regulating those writs, against an associate judge of a district or county court appointed by a judge under Chapter 201 (Associate Judge), Family Code, in the court of appeals district for the judge who appointed the associate judge.

Makes application of this Act prospective.

### Restrictions on Temporary Orders in Suits Regarding a Child—H.B. 1495

*by Representative Senfronia Thompson—Senate Sponsor: Senator Rodríguez*

Interested parties note a need to clarify the law relating to the rendition of certain temporary orders during the pendency of a suit for modification of an order that provides for the conservatorship, support, or possession of or access to a child. H.B. 1495 seeks to provide this clarification. This bill:

Prohibits the court, while a suit for modification is pending, from rendering a temporary order that has the effect of creating a designation, or changing the designation, of the person who has the exclusive right to designate the primary residence of the child, or the effect of creating a geographic area or changing or eliminating the geographic area, within which a conservator is required to maintain the child's primary residence under the final order unless the temporary order is in the best interest of the child.

### Issuance of Certain Search Warrants—H.B. 1727

*by Representative Faircloth—Senate Sponsor: Senator Creighton*

Reportedly, problems regarding the issuance of certain search warrants can arise when the applicable municipal court of record for a county is actually located in a different county. H.B. 1727 remedies this situation by revising the circumstances under which such a warrant may be issued by any magistrate in the applicable county. This bill:

Authorizes any magistrate, in a county that has neither a municipal court of record with a courtroom located in the county nor a judge who is an attorney licensed by the state, among other persons, to issue a search warrant under Articles 18.02(a)(10) (relating to authorizing a search warrant to be issued to search for and seize certain property or items) or 18.02(a)(12) (relating to authorizing a search warrant to be issued to search for and seize certain contraband subject to forfeiture), Code of Criminal Procedure.

### Jurisdiction of the Supreme Court of Texas—H.B. 1761

*by Representative Smithee—Senate Sponsor: Senator Hughes*

Interested parties contend that the statutory jurisdiction of the Supreme Court of Texas (supreme court) to review interlocutory orders is too limited. H.B. 1761 expands such jurisdiction by granting the supreme court discretionary jurisdiction over any interlocutory appeal that presents an issue that is important to the jurisprudence of the state. This bill:

Provides that the supreme court has appellate jurisdiction, except in criminal law matters, of an appealable order or judgment of the trial courts, if the court determines that the appeal presents a question of law that is important to the jurisprudence of the state. Provides that the supreme court's jurisdiction does not include cases in which the jurisdiction of the court of appeals is made final by statute.

Authorizes a case over which a court has jurisdiction to be carried to the supreme court by petition for review, but authorizes the court of appeals to certify a question of law arising in any of those cases at any time it chooses, either before or after the decision of the case in that court. Authorizes an appeal, except as provided by this Act or other law, to be taken to the supreme court only if the appeal was first brought to the court of appeals.

Authorizes the supreme court to act on petitions for review when the supreme court deems it expedient. Provides that the granting of a petition for review admits the case into the supreme court, and requires the supreme court to proceed with the case as provided by law. Provides that the denial or dismissal of a petition for review has the same effect of denying the admission of the case into the supreme court, except that a motion for rehearing is authorized to be made in the manner that a motion for rehearing to the supreme court is made in a case in which the court granted the review. Prohibits the denial or dismissal of a petition for review from being regarded as a precedent or authority.

Repeals various sections of Chapter 22 (Appellate Courts), Government Code, limiting the jurisdiction of the supreme court.

### Powers and Compensation of Certain Magistrates in Tarrant County—H.B. 1904

*by Representative Capriglione—Senate Sponsor: Senator Burton*

Interested parties contend that some district judges are hesitant to refer various proceedings to a criminal law magistrate in Tarrant County or allow such a magistrate to exercise certain powers unless the authority to do so is specifically granted. H.B. 1904 lessens the docket volume for district

judges by revising the powers and compensation of criminal law magistrates in Tarrant County, allowing them to perform more duties delegated by a district judge. This bill:

Provides that a full-time magistrate is entitled to a salary determined by the Commissioners Court of Tarrant County. Prohibits the salary of a full-time magistrate from exceeding 90 percent of the sum of the salary paid to a district judge by the state and the maximum amount of county contributions and supplements allowed by law to be paid to a district judge.

Provides that the salary of a part-time magistrate is equal to the per-hour salary of a full-time magistrate and is determined by dividing the annual salary by a 2,080 work-hour year. Requires the judges of courts trying criminal cases in Tarrant County to approve the number of hours for which a part-time magistrate is to be paid. Provides that a magistrate's salary is paid from the county fund available for payment of officers' salaries.

Authorizes a judge to refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving: a negotiated plea of guilty or no contest and sentencing before the court; a bond forfeiture, remittitur, and related proceedings; a writ of habeas corpus; a petition for an order of expunction; a petition for an order of nondisclosure (OND) of criminal history record information or a certain other OND; a motion to modify or revoke community supervision or to proceed with an adjudication of guilt; setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds; specialty court proceedings; and a waiver of extradition, among other duties provided in statute.

Authorizes, except as limited by an order of referral, a magistrate to whom a case is referred, in any case referred as a negotiated plea of guilty or no contest and sentencing before the court, to accept a negotiated plea of guilty or no contest and either enter a finding of guilt and impose or suspend the sentence or defer adjudication of guilt.

Authorizes a magistrate to sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and authorizes the magistrate to consider unadjudicated cases at sentencing. Provides that a magistrate has all of the powers of a magistrate under the laws of this state, and authorizes a magistrate to administer an oath for any purpose.

Provides that a magistrate does not have authority under Article 18.01(c) (relating to prohibiting a search warrant from being issued unless under certain circumstances), Code of Criminal Procedure, to issue a subsequent search warrant under Article 18.02(10) (relating to authorizing a search warrant to be issued to search for and seize certain property or items constituting a certain offense), Code of Criminal Procedure.

### Updating Texas Uniform Trade Secrets Act—H.B. 1995

*by Representative Elkins—Senate Sponsor: Senators Hughes and Bettencourt*

H.B. 1995 updates the Texas Uniform Trade Secrets Act (Chapter 134A, Civil Practices and Remedies Code) to conform to recently enacted federal legislation and changes in state jurisprudence. This bill:

Defines "clear and convincing," "misappropriation," "owner," "proper means," "trade secret," and "willful and malicious misappropriation."

Authorizes actual or threatened misappropriation to be enjoined if an order does not prohibit a person from using general knowledge, skill, and experience that the person acquired during employment.

Provides that, in an action under the Texas Uniform Trade Secrets Act, a presumption exists that a party is allowed to participate and assist counsel in the presentation of the party's case. Authorizes the court, at any stage of the action, to exclude a party and the party's representative or limit a party's access to the alleged trade secret of another party if other countervailing interests overcome the presumption. Sets forth considerations that the court is required to make in determining whether such countervailing interests exist.

### Judicial Authority Regarding Cases of Child Support—H.B. 2048

*by Representative Dutton—Senate Sponsor: Senator Creighton*

Interested parties note that there is too much ambiguity regarding the authority of an associate judge to render certain orders in suits affecting the parent-child relationship, specifically Title IV-D cases regarding child support. The child support division of the Office of the Attorney General is the state "Title IV-D agency" designated under the Family Code to provide child support services. H.B. 2048 clarifies the law on that matter. This bill:

Authorizes an associate judge in certain circumstances to hear and render an order on any matter necessary to be decided in connection with a Title IV-D service, including a suit affecting the parent-child relationship and a suit for modification under Chapter 156 (Modification), Family Code.

Prohibits an issuance of a return of the process made in a suit from including the address served if certain criteria are met.

Provides that, on expiration of the third day after the filing of an agreed child support review order signed by all parties, the order is considered confirmed by the court by operation of law, regardless of whether the court has signed the order.

### Right to Supercede Judgement or Order on Appeal by Certain Appellants—H.B. 2776

*by Representative Smithee—Senate Sponsor: Senator Creighton*

Interested parties contend that although the state and certain state entities may supersede a judgment or order in a civil suit on appeal, some plaintiffs may be allowed to counter-supersede the judgment or order, which can result in substantial cost to the state even if it eventually prevails in the suit. H.B. 2776 seeks to address this issue through the adoption of certain rules by the Texas Supreme Court (Supreme Court). This bill:

Requires the supreme court to adopt rules to provide that the right of a certain appellant to supersede a judgment or order on appeal is not subject to being counter-superseded under Rule 24.2(a)(3), Texas Rules of Appellate Procedure, or any other rule.

Requires that counter-supersedeas remain available to parties in a lawsuit concerning a matter that was the basis of a contested case in administrative enforcement action.

**Additional Filing Fees for Civil Cases in Willacy and Starr Counties—H.B. 2875**
*by Representative Guillen—Senate Sponsor: Senator Lucio*

Interested parties contend that charging a fee for filing a civil court case, as do some courts in certain counties to fund court facility improvements, would provide a source of funds for the construction, renovation, or improvement of Willacy County and Starr County court facilities. H.B. 2875 achieves this goal by allowing the commissioners courts of Willacy County and Starr County to provide for the imposition of an additional fee capped at $20 per civil case filing to be used for certain improvements to court facilities. This bill:

Provides that this Act applies only to district courts, the constitutional county court, and justice courts in Willacy County and district courts, the county court at law, and justice courts in Starr County.

Requires the clerk of a court, except as otherwise provided and in addition to all other authorized or required fees, to collect a filing fee of not more than $20 in each civil case filed in the court, if the fee is authorized by the commissioners court of the county collecting the fees. Requires that the fee be used for the construction, renovation, or improvement of the facilities that house the Willacy County or Starr County civil courts and to pay the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of the facilities that house the Willacy County or Starr County civil courts.

Requires that court fees due under this section be collected in the same manner as other fees, fines, or costs are collected in the case. Requires the clerk to send the collected fees to the county treasurer of the county in which the court is located or to any other official who discharges the duties commonly assigned to the county treasurer at least as frequently as monthly. Requires the treasurer or other official to deposit the fees in a special account in the county treasury dedicated to the construction, renovation, or improvement of the facilities that house the Willacy County or Starr County civil courts and pay the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of the facilities that house the Willacy County or Starr County civil courts.

Provides that this Act applies only to fees for a 12-month period beginning October 1, if the commissioners court of the county collecting the fee adopts and files certain resolutions. Provides that an adopted resolution continues from year to year until October 1, 2045, allowing the county to collect fees until the resolution is rescinded. Authorizes the commissioners court of the county collecting the fee to resume an adopted resolution by adopting a resolution rescinding the resolution and submitting the recession resolution to the county treasurer by a certain date.

**Certain Powers of an Associate Judge under the Family Code—H.B. 2927**
*by Representative Schofield—Senate Sponsor: Senator Huffman*

Interested parties note that potentially thousands of Texans who have gone before an associate judge who signed a final order in their case may not actually have a final judgment if the referring court never signed the order, creating concern that those cases could be reopened at any time. H.B. 2927 remedies this situation by retroactively allowing an associate judge to render certain final orders. This bill:

Authorizes an associate judge, without prejudice to the right to a de novo hearing before the referring court, to render and sign certain orders. Authorizes an associate judge, except as limited by an order of referral, to render and sign a final order if the parties, in writing, waive the right to a de novo hearing before the referring court before the state of a hearing conducted by the associate judge.

Provides that a final order becomes final after the expiration of a certain period if a party does not request a de novo hearing. Provides that an order that is rendered and signed by an associate judge constitutes an order of the referring court.

Provides that if a request for a de novo hearing before the referring court is not timely filed, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court, only on the referring court's signing the proposed order or judgment.

Provides that the date on which an agreed order, a default order, or a final order is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the Supreme Court of Texas.

**Certain Pretrial Procedures in Criminal Cases—H.B. 3165**
*by Representative Moody—Senate Sponsor: Senator Rodríguez*

Interested parties contend that some reporting requirements of a personal bond pretrial release office regarding a defendant's criminal history or applicable post-trial events create an undue burden on these offices considering that relevant information is often inaccessible. H.B. 3165 addresses this issue by removing and revising certain reporting requirements of a personal bond pretrial release office with respect to information related to certain released defendants. This bill:

Authorizes certain records relating to procedures for arrested persons made when a person is arrested and before a magistrate consist of written forms, electronic recordings, or other documentation. Authorizes the defendant's counsel to obtain a copy of the record on payment of a reasonable amount to cover the costs of reproduction or, if the defendant is indigent, the court is required to provide a copy to the defendant without charging a cost for the copy.

Requires a magistrate in the county where the person was arrested, if the proper office of the county where the offense is alleged to have been committed does not demand and take charge of the arrested person before a certain date, to release the arrested person on personal bond without sureties or other security and forward the personal bond to certain persons and entities.

Requires a personal bond pretrial release office (office) to prepare a record containing information about any accused person identified by case number only who, after review by the office, is released by a court on personal bond before sentencing in a pending case.

Requires the office, in preparing its annual report, to include in the report the number of accused persons who, after review by the office, were released by a court on personal bond before sentencing in a pending case; the number released by a court on personal bond before sentencing in a pending case who failed to attend a scheduled court appearance; the number for whom a warrant was issued for their arrest for failure to appear in accordance with the terms of their release; or the number who, while released on personal bond, were arrested for any other offense in the same county in which the persons were released on bond.

Authorizes a court to accept the plea or waiver by videoconference to the court if the defendant and the attorney representing the state file with the court written consent to the use of videoconference and if the video conference provides for a simultaneous, compressed full motion video, and interactive communication of image and sound between the judge, the attorney representing the state, the defendant, and the defendant's attorney.

Requires that a record of the communication be made by a court reporter or by electronic recording and preserved by the court reporter or by electronic recording until all appellate proceedings have been disposed of. Authorizes the defendant to obtain a copy of the record.

Provides that the loss or destruction of or failure to create a court record or an electronic recording of a plea entered under this Act is not alone sufficient grounds for a defendant to withdraw the defendant's plea or to request the court to set aside a conviction, sentence, or plea. Authorizes a defendant who is confined in a county other than the county in which charges against the defendant are pending to use the videoconference method to enter a plea or waive a right in the court with jurisdiction over the case.

### Collection Improvement Program for Court Costs, Fees, and Fines—H.B. 3167

*by Representative Paddie et al.—Senate Sponsor: Senator Hughes*

It has been noted that the collection improvement program, while designed to help cities and counties increase their collection rates for criminal fines, has served as an unfunded mandate by overriding certain existing county programs. H.B. 3167 amends current law relating to the program for improvement of collection of court costs, fees, and fines imposed in criminal cases by revising the population threshold for participating counties. This bill:

Provides that Article 103.0033, (Collection Improvement Program), Code of Criminal Procedure, applies only to a county or municipality with a population of 100,000 or greater.

**Jurisdiction of County Courts in Certain Counties—H.B. 3321**
*by Representative Frank—Senate Sponsor: Senator Perry*

Interested parties contend that the judicial process through which protective orders are handled in Baylor, Cottle, King, and Knox Counties is not conducive to the safety and well-being of those seeking such an order, as they sometimes face bureaucratic delay in obtaining the order. H.B. 3321 streamlines the process for obtaining a protective order in these counties by granting the county courts of these counties jurisdiction over cases and proceedings involving protective orders. This bill:

Provides that the County Courts of Baylor, Cottle, King, and Knox Counties have certain jurisdiction, including jurisdiction over cases and proceedings involving protective orders, but have no other civil jurisdiction.

**Specialty Court for Public Safety Employees—H.B. 3391**
*by Representative Geren—Senate Sponsor: Senator Birdwell*

Interested parties note that public safety personnel serve in a profession that is known for high levels of danger and stress, which can result in isolated cases of misconduct. The parties contend that such personnel often need treatment, not punishment. H.B. 3391 addresses this issue by authorizing the establishment of a public safety employees treatment court program. This bill:

Authorizes the commissioners court of a county to establish a program for the treatment of public safety employees arrested for or charged with any misdemeanor or felony offense. Provides that a defendant is eligible to participate in the program if the attorney representing the state consents to the defendant's participation in the program and if the court in which the criminal case is pending finds that the defendant is a certain current or former public safety employee.

Requires a court in which a criminal case is pending to allow an eligible defendant to choose whether to proceed through the program or otherwise through the criminal justice system.

Requires that a program ensure that a defendant eligible for participation in the program is provided legal counsel before volunteering to proceed through the program and, while participating in the program, allow a participant to withdraw from the program at any time before a trial on the merits has been initiated; provide a participant with a court-ordered individualized treatment plan indicating the services that will be provided; and ensure that the jurisdiction of the public safety employees treatment court continues for a certain period for the offense charged.

Authorizes a program to collect from a participant in the program a reasonable program fee, not to exceed $1,000, and a testing, counseling, and treatment fee in an amount necessary to cover the costs of any testing, counseling, or treatment performed or provided under the program.

Authorizes a program that accepts placement of a defendant to transfer, with the consent of both programs and the defendant, responsibility for supervising the defendant's participation in the program to another program that is located in the county where the defendant works or resides.

Requires that a civil penalty collected be deposited to the credit of the drug court account in the general revenue fund to help fund specialty court programs.

Requires a court in which a criminal case is pending, if a defendant successfully completes a program, after notice to the attorney representing the state and a hearing in the public safety employees treatment court at which that court determines that a dismissal is in the best interest of justice, to dismiss the case against the defendant.

**Terms of District Courts in Harris County—H.B. 3481**
*by Representative Thierry—Senate Sponsor: Senators Huffman and Garcia*

Interested parties contend that the district courts in Harris County need the ability to hold more than two terms in a year in order to help secure jurors willing to serve for the entirety of a term. H.B. 3481 addresses this need by providing for the district courts in Harris County to hold four terms each year. This bill:

Creates an exception to the beginning of terms of district and family district courts. Provides that in Harris County each district court holds terms that commence on the first Mondays in February, May, August, and November of each year.

Repeals multiple sections of the Government Code relating to the beginning terms of certain Harris County district courts.

**Political Contributions by Judicial Candidates and Officeholders—H.B. 3903**
*by Representative Burkett—Senate Sponsor: Senator Huffman et al.*

Interested parties note discrepancies with the restriction placed on a judicial candidate or officeholder using a political contribution to make certain political contributions as compared to other candidates or officeholders. H.B. 3903 brings judicial candidates and officeholders in line with other candidates and elected officials regarding political contributions. This bill:

Provides that restrictions on certain contributions by judicial candidates, officeholders, and committees does not apply to a political contribution made to the principal political committee of the state executive committee or a county executive committee of a political party that provides goods or services, including political advertising or a campaign communication, to or for the benefit of judicial candidates.

Provides that this exemption applies only to a political party required to nominate candidates by primary election and does not apply to a political contribution made, for the purpose of sponsoring or attending an event, to a political committee affiliated with an organization that has been designated as an auxiliary, coalition, or county chair association of a political party, as provided by political party rule or state executive committee bylaw, or a local chapter of this organization.

Repeals Section 253.1611(f) (relating to computing a candidate's or officeholder's pro rata share of a political committee's normal overhead and administrative or operating costs), Election Code.

**Annual Limitations on Reimbursements for District Court Reporters—H.B. 4032**
*by Representative Phillips—Senate Sponsor: Senator Hughes*

Interested parties contend that the annual maximum reimbursement amount for certain district court reporters engaged in official duties is outdated and there is a need for flexibility to account for the current expenses associated with fulfilling such a court reporter's duties. H.B. 4032 addresses this issue by authorizing certain district court reporters to be reimbursed for expenses in excess of that amount, on approval of the county commissioners court. This bill:

Provides that the expenses reimbursed for district court reporters are subject to annual limitations based on the size of the judicial district. Prohibits a district court reporter from receiving more than the maximum reimbursement amount set for the reporter's judicial district in any one year without certain authority. Sets forth the maximum reimbursement amount.

Authorizes a district court reporter, for expenses that exceed the annual maximum reimbursement amount set for the reporter's judicial district, to receive reimbursement from the county in which the expenses were incurred, on approval of the commissioners court of the county.

**Right to Appeal Judgment or Conviction in Municipal Court of Record—H.B. 4147**
*by Representative Kacal—Senate Sponsor: Senator Birdwell*

Interested parties contend that state law needs clarity to ensure that the county court in a county that does not have certain courts has jurisdiction of any appeal from a judgment or conviction in a municipal court of record located in that county, so that parties always have a forum in which to appeal such judgments and convictions. H.B. 4147 provides this clarification. This bill:

Provides that if a county does not have a county court at law under Chapter 25 (Statutory County Courts), Government Code, the county court has jurisdiction of any appeal.

Provides that the change in law made by this Act is intended only to clarify existing law with respect to a judgment or conviction that occurs in a municipal court of record and is appealed to a county court.

**Expanding Jurisdiction of 1st Multicounty Court at Law—H.B. 4281**
*by Representative Lambert et al.—Senate Sponsor: Senator Perry*

H.B. 4281 addresses the manner in which the 1st Multicounty Court at Law currently handles certain judicial administrative responsibilities. This bill:

Includes felony criminal cases in the types of cases in which the 1st Multicounty Court at Law has concurrent jurisdiction with the district court.

Requires a judge of a county court at law to appoint an official court reporter. Authorizes a judge to appoint a court administrator to aid the judge in the performance of the judge's duties. Provides that the official court reporter and the court administrator of a county court at law are entitled to receive the same salary and to be paid in the same manner as the official court reporter and court

administrator, respectively, of the district court in the administrative county for the court, rather than a salary set by the commissioners courts in the counties the reporter serves.

Provides that a judge of a county court at law is entitled to travel expenses and necessary office expenses, as authorized by the commissioners court of the administrative county.

**Jurisdiction of Statutory Courts in Family Law Matters—H.B. 4284**
*by Representative Price—Senate Sponsor: Senator Seliger*

Interested parties contend that giving all statutory county courts in Potter County concurrent jurisdiction with the district court in family law cases and proceedings would more equitably distribute family court caseloads between courts. H.B. 4284 provides such concurrent jurisdiction. This bill:

Provides that a county court at law in Potter County has concurrent jurisdiction with the district court in family law cases and proceedings.

**Judge Julie Kocurek Judicial and Courthouse Security Act—S.B. 42**
*by Senators Zaffirini and Hinojosa—House Sponsor: Representative Smithee*

Interested parties are concerned about recent findings regarding deficiencies in the state's court security policies and the security of judicial officers. S.B. 42 remedies these deficiencies through a variety of means, including establishing local court security committees (CSCs), requiring specialized training for court security officers, and facilitating the removal of the personal information of judicial officials from certain public documents. This bill:

Authorizes this Act to be cited as the Judge Julie Kocurek Judicial and Courthouse Security Act of 2017.

Requires the sheriff, constable, or other law enforcement agency or entity that provides security for a court to provide to the Office of Court Administration of the Texas Judicial System (OCA) a written report regarding any security incident involving court security that occurs in or around certain judicial buildings by a certain date after the incident occurred. Provides that the report is confidential and exempt from public disclosure.

Requires certain presiding judges to, among certain other duties, establish a CSC to adopt security policies and procedures for the courts served by the presiding judge. Sets forth the required composition of the CSC. Authorizes a CSC to recommend to the municipality the uses of resources and expenditures of money for courthouse security, but prohibits the CSC from directing the assignment of those resources or the expenditure of those funds.

Requires the Texas Court of Criminal Appeals (CCA) to grant legal funds to statewide professional associations and other entities that provide training to individuals responsible for court security. Requires the legislature to appropriate funds from the judicial and court personnel training fund to CCA to provide for, among certain programs, court security training programs for individuals responsible for providing court security.

Requires OCA to establish a judicial security division (division) to provide guidance to state court personnel on improving security for each court. Requires OCA to appoint a director of security and emergency preparedness to oversee the division. Requires the division to serve as a central resource for information on local and national best practices for court security and the safety of court personnel, to provide an expert opinion on the technical aspects of court security, and to keep abreast of and provide training on recent court security improvements.

Prohibits a person from serving as a court security officer for an appellate, district, statutory county, county, municipal, or justice court in this state unless the person holds a court security certification (certification) issued by a training program approved by the Texas Commission on Law Enforcement (TCOLE). Authorizes any commissioned peace officer in this state, including a commissioned officer of the Texas Department of Public Safety, to provide personal security to a state judge at any location in this state, regardless of the location of the law enforcement agency or department that employs or commissions the peace officer.

Includes certain current or former judges and their spouses, as well as certain current or former public attorneys and their spouses, as persons whose information is excepted from the certain public disclosure requirements if it is information relating to certain personal residential information.

Requires TCOLE, in consultation with OCA, to develop a model court security curriculum for court security officers and provide the curriculum to any training program TCOLE approves to provide training to court security officers. Requires TCOLE to issue a certificate to each court security officer who completes the training program.

**Revision of JBCC—S.B. 43**

*by Senator Zaffirini—House Sponsor: Representative Murr*

Interested parties contend that legislation consolidating the regulatory bodies for certain court professions into the Judicial Branch Certification Commission (JBCC) created certain inefficiencies. S.B. 43 revises provisions relating to JBCC's regulation of these professions to enhance JBCC's operational efficiency and streamline regulations for those who work in the applicable professions. This bill:

Provides that a person is not eligible for appointment as a member of JBCC, or as a member of an advisory board or committee that serves JBCC, under certain circumstances.

Authorizes JBCC to adopt a policy allowing Office of Court Administration of the Texas Judicial System (OCA) employees to dismiss certain complaints. Authorizes a person who files a complaint that is dismissed to request in writing that JBCC reconsider the complaint by a certain date.

Provides that a passing score on an applicable examination is valid for purposes of certification, registration, or licensing for a period of two years after the date of the examination.

Requires a person, firm, or business entity to pay JBCC an initial fee and any other required fee to receive a certification, registration, or license from JBCC. Authorizes a person to, without examination, renew a certification, registration, or license that has been expired for one year or longer under certain conditions.

Authorizes JBCC, on JBCC's own motion, or on the recommendation of its staff, to conduct a hearing to inquire into a suspension. Authorizes JBCC, if JBCC determines that a person has not corrected the deficiencies that were the grounds of the suspension or has not complied with conditions imposed by JBCC, to revoke or take other disciplinary action against the person's certification, registration, or license.

Requires JBCC to appoint a committee of advisory board members (committee) to review a complaint, make the initial written determination on whether a violation occurred, and impose certain measures. Requires the committee to state the committee's written determination as separately stated proposed findings of fact and conclusions of law.

Authorizes a person to accept the determination of the committee and the imposition of the penalty or sanction as an agreed order to be presented to JBCC, or request a hearing before JBCC. Requires JBCC to adopt, revise, or reject the committee's findings of fact and conclusions of law.

Authorizes the special committee of the Texas Supreme Court to uphold or reduce any other sanction and order the imposition of the sanction.

Authorizes JBCC to reissue a certificate, registration, or license that has been revoked or that the commissioner has refused to renew as a disciplinary sanction if the individual subject to the revocation or nonrenewal applies in writing to JBCC and establishes good cause to justify reissuance of the certificate, registration, or license.

Requires the director to issue a court interpreter license to an applicant who can interpret for an individual who can hear but has no or limited English proficiency and passes the appropriate examination. Requires that an issued license issued include at least a basic designation that permits the interpreter to interpret court proceedings in certain courts, but provides that the designation does not permit the interpreter to interpret a proceeding before the court in which the judge is acting as a magistrate.

Requires JBCC, after providing the opportunity for a hearing, to suspend, revoke, or refuse to renew a court interpreter license on certain findings. Authorizes JBCC to reissue a license to an individual whose license has been revoked or refused renewal if the individual applies in writing to the Texas Department of Licensing and Regulation and shows good cause to justify reissuance of the license.

## Jury Anonymity in Polling—S.B. 46

*by Senator Zaffirini—House Sponsor: Representative Yvonne Davis*

Interested parties contend certain situations could pose a safety risk to jurors when their names are called by the judge during jury polling. S.B. 46 mitigates this risk by authorizing a judge to assign an identification number to each juror to use in place of the juror's name when polling the jury. This bill:

Authorizes a judge to assign an identification number to each juror, in place of the juror's name, and to call out the identification number when polling the jury to ask for the juror's verdict.

**Electronic Jury Summons Questionnaires—S.B. 259**
*by Senator Huffines—House Sponsor: Representative Neave*

Interested parties contend that a county would be able to save money if it were not required to mail a paper version of a requisite jury summons questionnaire along with a jury summons to potential jurors. S.B. 259 facilitates such savings by giving counties the option of including on a jury summons a website address from which that questionnaire may be easily printed and by allowing a potential juror to complete and submit the questionnaire on the applicable court's website if there is an adopted plan for electronic jury selection in the county. This bill:

Provides that a jury summons must include a copy of a jury summons questionnaire or the electronic address of the court's Internet website from which the questionnaire can be printed.

Provides that if district and criminal district court judges adopt an electronic jury-selection method provided by current statute, the county may allow a person to complete and submit a jury summons questionnaire on the court's Internet website as authorized by current statute.

**Issuance of a Writ of Attachment for Certain Witnesses—S.B. 291**
*by Senator Whitmire—House Sponsor: Representative Alvarado*

Interested parties express concern that the issuance of a writ of attachment for a witness to a crime may lead to the witness being placed in the custody of the county jail without legal representation or due process. S.B. 291 prevents this event from occurring. This bill:

Requires the clerk of the court to report to the Texas Judicial Council (TJC) the date the attachment was issued; whether the attachment was issued in connection with a grand jury investigation, criminal trial, or other criminal proceeding; the names of the person requesting and the judge issuing the attachment; and the statutory authority under which the attachment was issued.

Requires that, if the defendant or the attorney representing the state requests the issuance of an attachment, the request include the applicable affidavit.

Provides that a writ of attachment to which this article (Hearing Required Before Issuance of Certain Writs of Attachment) applies may only be issued by the judge of the court in which the witness is to testify if the judge determines, after a hearing, that the issuance of the attachment is in the best interest of justice. Requires the judge and court to follow certain procedures.

Authorizes the attorney representing the state or the defendant to request that the court issue an attachment for the witness when a witness who resides in the county of the prosecution has been duly served with a subpoena and fails to appear.

Authorizes the defendant or the attorney representing the state, if a witness who resides in the county of the prosecution may be about to move out of the county, regardless of whether the witness has disobeyed a subpoena, to request that the court issue an attachment for the witness. Requires the officer executing the attachment, if an attachment is issued in a misdemeanor case, to take the witness's personal bond when the witness makes oath that the witness cannot give surety.

Requires that the witness, if a witness summoned from outside the county refuses to obey a subpoena, be fined certain amount by the court or magistrate. Provides that the fine and judgment are required to be final, unless set aside after due notice to show cause why it should not be final, requiring the defaulting witness to appear at once or at the next term of the court to answer for the default.

Requires the sheriff, as soon as practicable after the sheriff takes custody of a witness pursuant to an issued attachment, to submit an affidavit to the issuing court stating that the sheriff has taken custody of the witness. Authorizes a witness who has been confined for at least 24 hours pursuant to an issued attachment to request a hearing in the issuing court regarding whether the witness's continued confinement is necessary. Requires the court to grant the request and hold the hearing as soon as practicable.

**Defendant's Payment of Costs Associated with Court-Appointed Counsel—S.B. 527**
*by Senator Birdwell—House Sponsor: Representative Cook*

Interested parties call for the recovery of indigent attorney's fees from inmates and persons on probation who are capable of repaying the fees. S.B. 527 lightens the burden of the taxpayer by revising provisions relating to compensation of certain appointed counsel. This bill:

Provides that this Act applies only to a defendant who at the time of sentencing to confinement or placement on community supervision, including deferred adjudication community supervision, did not have the financial resources to pay the certain maximum amount, as applicable, for legal services provided to the defendant.

Authorizes a judge, at any time during a defendant's sentence of confinement or period of community supervision, and after providing written notice to the defendant and an opportunity for the defendant to present information relevant to the defendant's ability to pay, to order a defendant to pay any unpaid portion of the described amount, as applicable, if the judge determines that the defendant has the financial resources to pay the additional portion. Authorizes the judge to amend the order upon making a certain determination.

Prohibits the judge, notwithstanding any other law, from revoking or extending the defendant's period of community supervision solely to collect the amount the defendant has been ordered to pay.

**Specifying Expiration of Certain Judicial Terms—S.B. 528**
*by Senator Birdwell—House Sponsor: Representative Meyer*

Interested parties express confusion over the expiration date of the two-year term served by the chief administrative law judge of the State Office of Administrative Hearings (SOAH). S.B. 528 brings predictability and stability to the position by specifying the expiration date of that term. This bill:

Provides that SOAH is under the direction of a chief administrative law judge appointed by the governor for a two-year term that expires on May 15 of each even-numbered year. Provides that the chief administrative law judge is eligible for reappointment.

**Venue for Disposition of Stolen Property—S.B. 631**
*by Senators Buckingham and Bettencourt—House Sponsor: Representative Wilson*

Interested parties express concern that a person whose property has been stolen might have to travel across the state to attend a hearing to recover the person's property. S.B. 631 allows such a hearing to be held in a more appropriate location. This bill:

Authorizes certain judges, if a criminal action relating to allegedly stolen property is not pending, to hold a hearing to determine the right to possession of the property, upon the petition of an interested person, county, city, or the state. Authorizes the court, upon the motion of any interested party, to transfer venue of the hearing to a court in another county.

Provides that the person who has the superior right to possession of the property as determined in a hearing is responsible for any transportation necessary to deliver the property to the person as ordered.

Provides that the owner of the property is responsible for any transportation necessary to restore the property to the owner as ordered.

**Uniform Foreign-Country Money Judgments Recognition Act—S.B. 944**
*by Senator Hughes—House Sponsor: Representative Clardy*

According to interested parties, the increase in judgments being enforced from country to country as a result of international trade litigation has created a need for uniformity between states with respect to the law governing "foreign-country judgments." S.B. 944 addresses this issue by setting out uniform standards for recognition of a foreign-country judgment. This bill:

Provides that this Act, except as otherwise provided, applies to a foreign-country judgment to the extent that the judgment grants or denies recovery of a sum of money and, under the law of the foreign country in which the judgment is rendered, is final, conclusive, and enforceable. Provides that this Act does not apply to a foreign-country judgment that grants or denies recovery of a sum of money for taxes; a fine or other penalty; or a judgment for divorce, support, maintenance, or other domestic relations. Provides that a party seeking recognition of a foreign-country judgment has the burden of establishing the applicability of this Act.

Requires a court of this state, except as otherwise provided, to recognize a foreign-country judgment to which this Act applies. Prohibits such a court from recognizing a foreign-country judgment if the judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law or the foreign court did not have personal jurisdiction over the defendant or over the subject matter. Exempts a court of this state from being required to recognize a foreign-country judgment under certain circumstances. Provides that a party resisting recognition of a foreign-country judgment has the burden of establishing that a ground for nonrecognition exists.

Prohibits a foreign-country judgment from being refused recognition for lack of personal jurisdiction under certain circumstances. Provides that the list of bases for personal jurisdiction is not exclusive.

Authorizes the issue of recognition, if recognition of a foreign-country judgment is sought as an original matter, to be raised by filing an action. Authorizes the issue of recognition, if recognition of a foreign-country judgment is sought in a pending action, to be raised by counterclaim, cross-claim, or affirmative defense. Provides that if a court finds that a foreign-country judgment is entitled to recognition, then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment is conclusive between the parties in the manner in which judgments rendered in other states are enforceable in this state.

Authorizes a court, if a party establishes that an appeal from a foreign-country judgment is pending or will be taken, to stay any proceedings with regard to the foreign-country judgment until the appeal is concluded, the time for appeal expires, or the appellant has had sufficient time to prosecute the appeal and has failed to do so.

## Appointment of Court Investigators by Certain Courts—S.B. 1016

*by Senator Creighton—House Sponsor: Representative Bell*

Interested parties assert that state law pertaining to the appointment and duties of court investigators for certain courts in guardianship proceedings should be revised to permit courts other than statutory probate courts to employ a court investigator to fulfill certain duties under the Estates Code. S.B. 1016 authorizes the judge of a county court exercising its probate jurisdiction or a court created by statute and authorized to exercise original probate jurisdiction, other than a statutory probate court, to appoint a court investigator if the appointment is authorized by the commissioners court. This bill:

Requires a court investigator, among other duties required by statute, to supervise a court visitor program established under Subchapter C (Court Visitors), Chapter 1054 (Court Offices and Court-Appointed Persons), Estates Code, if the court for which the investigator is appointed operates that type of program and, in that capacity, to serve as the chief court visitor.

Authorizes the judge of a county court exercising its probate jurisdiction or a court created by statute and authorized to exercise original probate jurisdiction, other than a statutory probate court, to appoint a court investigator if the appointment is authorized by the commissioners court. Authorizes the commissioners court to authorize additional court investigators for a county if necessary and requires the commissioners court to set the salary of a court investigator. Provides that the appointment of a court investigator by the judge of a statutory probate court is governed by Section 25.0025 (Court Investigators), Government Code.

## Registration and Training Requirements for Guardians—S.B. 1096

*by Senator Zaffirini—House Sponsor: Representative Smithee*

Interested parties, in raising a range of concerns regarding guardianships, assert that persons interested in serving as guardians should comply with certain background check requirements and training requirements and that there should be a way to quickly identify a ward's guardian. S.B. 1096 addresses these concerns by providing for background checks of guardians, guardian training requirements before court appointment, mandatory guardianship registration, and a guardianship database. This bill:

Requires the Texas Supreme Court (supreme court), after consulting with the Texas Office of Court Administration (OCA) and the Judicial Branch Certification Commission (JBCC) to establish by rule a mandatory registration program for guardianships under which all guardianships in this state are required to register with JBCC. Requires the supreme court to ensure courts with jurisdiction over a guardianship immediately notify JBCC of the removal of a guardian.

Requires OCA, in cooperation with JBCC and courts with jurisdiction over guardianship proceedings and by using the information obtained by JBCC, to establish and maintain a central database of all guardianships subject to the state's jurisdiction. Requires OCA to ensure the database is accessible to the Texas Department of Public Safety (DPS) for law enforcement purposes. Authorizes only certain information to be disclosed from the database to a law enforcement official inquiring into a guardianship. Requires OCA to limit access to the database to properly trained staff.

Provides that information that is contained in the database, including personally identifying information of a guardian or a ward, is confidential and not subject to public disclosure. Provides that a law enforcement agency or officer that receives the information is required to maintain the confidentiality of the information and is prohibited from using the information for a purpose that does not directly relate to the purpose for which it was obtained.

Requires the supreme court, after consulting with JBCC, by rule, to establish a process by which JBCC performs training and criminal history background checks for individuals seeking appointment as guardian.

Requires the supreme court to ensure that, before a person is appointed guardian, the person completes a certain training course and requires the supreme court to identify the circumstances under which a court is authorized to waive the required training. Provides that the required training does not apply to the initial appointment of a temporary guardian and applies only if there is a motion to extend the term of a temporary guardian.

Requires JBCC, in accordance with the rules adopted by the supreme court, to obtain criminal history record information that is maintained by DPS or the Federal Bureau of Investigation identification division relating to an individual seeking appointment as a guardian or temporary guardian.

Provides that obtained criminal history record information is privileged and confidential and is for the exclusive use of JBCC and the court with jurisdiction over the guardianship. Prohibits the criminal history record information from being released or otherwise disclosed to any person or agency except on court order or consent of the individual being investigated.

Authorizes JBCC to charge a fee to obtain criminal history record information, in an amount approved by the supreme court. Authorizes the supreme court to adopt rules excluding individuals who are indigent from having to pay the fee. Provides that a guardian is entitled to reimbursement from the guardianship estate for the fee.

Requires a peace officer, as soon as practicable, but not later than the first working day after the date a peace officer takes a person who is a ward into custody, to notify the court having jurisdiction over the ward's guardianship of the ward's detention or transportation to a facility.

**Texas Revised Uniform Fiduciary Access to Digital Assets Act—S.B. 1193**
*by Senator Van Taylor—House Sponsor: Representative Parker*

Interested parties contend that in addition to the legal duties imposed on a fiduciary charged with managing tangible property, such fiduciaries need clarity regarding their duties in managing digital assets. S.B. 1193 addresses this issue by adopting the Texas Revised Uniform Fiduciary Access to Digital Assets Act. This bill:

Authorizes a user to use an electronic service (online tool) to provide directions for disclosure of digital access to direct the person that carries, maintains, processes, receives, or stores a digital asset of a user (custodian), to disclose or not to disclose to a designated recipient some or all of the user's digital assets, including the content of an electronic communication. Provides that if the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record.

Authorizes the user, if a user has not used an online tool to give direction or if the custodian has not provided an online tool, to allow or prohibit disclosure to a fiduciary of some or all of the user's digital assets, including the content of an electronic communication sent or received by the user, in a will, trust, power of attorney, or other record.

Authorizes a fiduciary's or designated recipient's access to digital assets to be modified or eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not provided direction.

Authorizes the custodian to, when disclosing digital assets of a user, at the custodian's sole discretion, grant a fiduciary or designated recipient a certain amount of access or provide a fiduciary or designated recipient a copy of a certain record. Authorizes the custodian or fiduciary, if the custodian believes the disclosure direction or request imposes an undue burden, to seek an order from the court to disclose certain digital assets.

Requires a custodian to, unless otherwise directed by the user, the court, or principal, or provided by power of attorney or a trust, disclose certain digital information regarding electronic communication of the user to certain parties upon receipt of certain documentation.

Authorizes the court to, after an opportunity for a guardianship hearing, grant the guardian of a ward access to the digital assets of the ward. Requires a custodian to, unless otherwise ordered by the court or directed by the user, disclose to the guardian of a ward certain digital information regarding electronic communication of the ward upon receipt of certain documentation.

Authorizes the guardian of a ward to request a custodian of the digital assets of the ward to suspend or terminate an account of the ward for good cause. Requires that a request be accompanied by a certified copy of the court order giving the guardian authority over the ward's digital assets.

Provides that the legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including the duty of care, the duty of loyalty, and the duty of confidentiality. Provides that a fiduciary with authority over the property of a decedent, ward, principal, or settlor has the right to access any digital asset in which the decedent, ward, principal, or settlor has or had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.

**Issuance of Certain Court Orders to Online Service Providers—S.B. 1203**
*by Senators Perry and Garcia—House Sponsor: Representative Senfronia Thompson*

Interested parties contend that requirements regarding an Internet service provider's response to a subpoena, search warrant, or other court order in connection with an investigation or prosecution of certain crimes are too narrow in scope, as the requirements do not apply to other similar entities that may have access to relevant information. S.B. 1203 addresses this issue by expanding the entities subject to these requirements. This bill:

Provides that this Act applies only to a subpoena, search warrant, or other court order that relates to the investigation or prosecution of a criminal offense under certain statutes, including those regarding the continuous sexual abuse of young child or children, indecency with a child, sexual assault, aggravated sexual assault, trafficking of persons, and public indecency; and is served on or issued with respect to an online service provider that provides service in this state.

Requires the online service provider to, not later than a certain date on which an online service provider is served with or otherwise receives certain court orders, take certain actions.

Authorizes an online service provider that disobeys certain court orders and was not excused from complying with those orders to be punished in any manner provided by the law.

Requires an online service provider to take all steps necessary to preserve all records or other potential evidence in a criminal trial that is in the possession of the online service provider, on written request of certain law enforcement agencies and pending the issuance of certain court orders.

**Writ of Mandamus by Court of Appeals Against Judges—S.B. 1233**
*by Senator Rodríguez—House Sponsor: Representative Senfronia Thompson*

While it is possible for an associate judge appointed under certain provisions of the Family Code to commit an abuse of discretion that would potentially be subject to a writ of mandamus if committed by a judge of a district or county court, the courts of appeals are not authorized to issue writs of mandamus against such associate judges, as well as amongst other types of judges. S.B. 1233 remedies this inconsistency. This bill:

Authorizes each court of appeals for a court of appeals district to issue all writs of mandamus, agreeable to the principles of law regulating those writs, against a judge of a district court; a statutory county court; a statutory probate court; or a county in the court of appeals district or an associate judge of a district or county court appointed by a judge under Chapter 201 (Associate Judge), Family Code, in the court of appeals district for the judge who appointed the associate judge, among other statutory provisions.

**Legal Procedures for Certain Family Suits—S.B. 1237**
*by Senator Rodríguez—House Sponsor: Representative Lucio III*

Interested parties are concerned that there is a need for greater consistency in the application of family law, especially when it comes to temporary orders pending an appeal that impact numerous

day-to-day issues for a family. S.B. 1237 updates and clarifies procedures in a suit for dissolution of a marriage or a suit affecting the parent-child relationship. This bill:

Authorizes the trial court, in a suit for dissolution of a marriage, on the motion of a party or on the court's own motion, after notice and hearing, to render a temporary order directed toward one or both parties requiring certain actions from either spouse as considered equitable and necessary for the preservation for the property and for the protection of the parties during an appeal.

Authorizes a trial court, on the motion of a party or on the court's own motion, after notice and hearing, to modify a previous temporary order rendered if the circumstances of a party have materially and substantially changed since the rendition of the previous order and modification is equitable and necessary for the preservation of the property or for the protection of the parties during the appeal.

Authorizes a party to seek review of the trial court's temporary order by motion filed in the court of appeals with jurisdiction or potential jurisdiction over the appeal from the judgment in the case, proper assignment in the party's brief, or petition for writ of mandamus.

Requires the court, in a suit for dissolution of a marriage in which the court has rendered a judgment dividing the estate of the parties, on request by a party, to state in writing its findings of fact and conclusions of law, including the characterization and value of all assets, liabilities, claims, and offsets on which disputed evidence has been presented.

Authorizes the court, in a suit affecting the parent-child relationship, on the motion of any party or on the court's own motion and after notice and hearing, to make any order necessary to preserve and protect the safety and welfare of the child during the pendency of an appeal as the court may deem necessary and equitable.

Provides that a temporary order enjoining a party from molesting or disturbing the peace of the child or another party may be rendered without the issuance of a bond between the spouses or an affidavit or a verified pleading stating specific facts showing that immediate and irreparable injury, loss, or damage will result, and is not required to define the injury or state why the injury is irreparable or include an order setting the suit for trial on the merits with respect to the ultimate relief sought.

Authorizes the trial court, on the motion of a party or on the court's own motion, after notice and hearing, to modify a previous temporary order if the circumstances of a party have materially and substantially changed since the rendition of the previous order and modification is equitable and necessary for the safety and welfare of the child.

Requires that an appeal in a suit in which termination of the parent-child relationship is ordered be given precedence over other civil cases by the appellate courts, be accelerated, and follow the procedures for an accelerated appeal under the Texas Rule of Appellate Procedure.

Requires the court, in all cases in which possession of a child by a parent is contested and the possession of the child varies from the standard possession order, including a possession order for a child under three years of age, on request by a party, to state in writing the specific reasons for the variance from the standard order.

**Revising Compensation for Bailiffs in El Paso County—S.B. 1246**
*by Senator Rodríguez—House Sponsor: Representative Ortega*

Interested parties note that any increase in the salaries of bailiffs in certain counties must be uniform and contend that this requirement precludes any adjustment based on length of service and other factors. S.B. 1246 addresses this problem by revising and updating statutory provisions governing the compensation of bailiffs in El Paso County. This bill:

Requires that each bailiff appointed by judges of district and county courts in El Paso County be paid an annual salary out of the general fund of El Paso County, unless another source of funding is approved by the commissioners court. Requires that the council of judges set the salary in writing, consistent with pay scales adopted by the commissioners court that are comparable to other positions within El Paso County.

Provides that bailiffs who held office as bailiffs on June 30, 2017, are entitled to receive at least the same annual salary or compensation as they received on that date.

Provides that a person appointed to succeed a bailiff who held office as a bailiff is not entitled to the same annual salary that was paid to the bailiff the person succeeds but is entitled to receive an annual salary as provided by this bill.

**Adverse Possession of Real Property by Cotenant Heir—S.B. 1249**
*by Senator West—House Sponsor: Representative Schofield*

Interested parties assert the need for a statutory framework governing adverse possession when multiple individuals have an ownership interest in an adversely possessed property. S.B. 1249 establishes this framework. This bill:

Authorizes one or more cotenant heirs of real property to acquire the interests of other cotenant heirs in the property by adverse possession if, for a continuous, uninterrupted 10-year period immediately preceding the filing of certain required affidavits, the possessing cotenant heir or heirs hold the property in peaceable and exclusive possession; cultivate, use, or enjoy the property; and pay all property taxes on the property, and no other cotenant heir has contributed to the property's taxes or maintenance; challenged a possessing cotenant heir's exclusive possession; asserted any other claim in connection with the property; acted to preserve the cotenant heir's interest in the property; or entered into a written non-forfeiture agreement regarding that heir's ownership interest.

Requires a cotenant heir to file a controverting affidavit or bring suit to recover the cotenant heir's interest in real property adversely possessed by another cotenant heir under this Act by a certain date.

**Admissibility of Certain Evidence in Family Violence Offenses—S.B. 1250**
*by Senators West and Garcia—House Sponsor: Representative Moody*

Some interested parties believe that, due to the vulnerability of children, elderly individuals, and disabled individuals and the underreported nature of crimes against those individuals, the

introduction of all relevant evidence that would assist a trier of fact in determining whether a defendant committed an offense against such an individual should be permitted. S.B. 1250 allows such evidence to be offered under certain conditions. This bill:

Amends Article 38.371(a) (relating to evidence in prosecutions of certain offenses involving family violence), Code of Criminal Procedure, to include injury to a child, elderly individual, or disabled individual, as described in Section 22.04, Penal Code, among those offenses of certain family violence for which each party may offer testimony or other evidence of all relevant facts and circumstances that would assist the tier of fact in determining whether the actor committed the particular offense, including testimony or evidence regarding the nature of the relationship between the actor and the alleged victim.

**Psychological Counseling for Grand Jurors—S.B. 1264**
*by Senator Huffman—House Sponsor: Representative Alvarado*

Interested parties contend that while trial jurors who experience secondary trauma as a result of testimony and evidence presented during trial may receive counseling services provided through a commissioners court-approved program, no such recourse is explicitly available to a grand juror experiencing similar trauma. S.B. 1264 addresses this issue by making grand jurors eligible to receive psychological counseling through such a program. This bill:

Provides that a commissioners court may approve a program in which the crime victim liaison or victim assistance coordinator may offer, not to exceed a certain duration, post-investigation or post-trial psychological counseling upon request for a person who serves as a grand juror, alternate grand juror, juror, or alternate juror in a grand jury investigation or criminal trial involving graphic evidence or testimony.

**Selection and Summons of Prospective Grand Jurors—S.B. 1298**
*by Senators Huffman and Nichols—House Sponsor: Representative Ed Thompson*

Interested parties report that judges in some smaller counties have expressed the need to have a larger pool of potential grand jurors. S.B. 1298 accomplishes this goal by increasing the maximum number of prospective grand jurors who may be selected and summoned. This bill:

Requires the district judge to direct that the number of prospective grand jurors the judge considers necessary to ensure an adequate number of jurors be selected and summoned, with return on summons, in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts.

Authorizes a person to be selected or serve as a grand juror only if the person is:

at least 18 years of age;

is a United States citizen;

is a resident of this state, and of the county in which the person is to serve;

is qualified under the Constitution and laws to vote in the county in which the grand jury is sitting, regardless of whether the person is registered to vote;

is of sound mind and good moral character;

is able to read and write;

has not been convicted of misdemeanor theft or a felony;

is not under indictment or other legal accusation for misdemeanor theft or a felony;

is not a certain relation of any person selected to serve or serving on the same grand jury;

has not served as grand juror in the year before the date on which the term of court for which the person has been selected as grand juror begins; and

and is not a complainant in any matter to be heard by the grand jury during the term of court for which the person has been selected.

**Competency Restoration Services for Defendants with Mental Disabilities—S.B. 1326**
*by Senators Zaffirini and Perry—House Sponsor: Representative Price et al.*

Reportedly, there is a waiting list for a defendant who may have a mental illness or an intellectual disability to be admitted to a state hospital for competency restoration services, which can result in the defendant spending the often lengthy waiting period in jail. S.B. 1326 provides a jail-based competency restoration program and makes certain other changes to competency restoration procedures. This bill:

Requires a magistrate, if the magistrate is provided written or electronic notice of credible information that may establish reasonable cause to believe that a defendant brought before the magistrate has a mental illness or an intellectual disability, to conduct the proceedings in a manner by which the defendant may be released on personal bond, as appropriate.

Requires a sheriff or municipal jailer with custody of a defendant, not later than 12 hours after the sheriff or municipal jailer receives credible information that may establish reasonable cause to believe that the defendant has a mental illness or an intellectual disability, to provide written or electronic notice to the magistrate.

Requires a magistrate, on a determination that there is reasonable cause to believe that a defendant has a mental illness or an intellectual disability, to order a qualified mental health or intellectual disability expert to collect certain information regarding whether the defendant has a mental illness or an intellectual disability and to provide to the magistrate a certain written assessment of the information collected.

Requires a magistrate to release a defendant who has a mental illness or an intellectual disability on personal bond unless good cause is shown otherwise if, upon examination by certain mental health professionals, it is concluded that the defendant is competent to stand trial and the magistrate finds

that release on personal bond would reasonably ensure the defendant's required appearance in court, as well as ensure the safety of the community and of the victim of the alleged offense.

Requires a magistrate, unless good cause is shown for not requiring treatment, to require as a condition of release on personal bond that a defendant submit to outpatient or inpatient mental health treatment or intellectual disability services, as recommended by a qualified mental health or intellectual disability expert, if the defendant meets certain conditions.

Requires a court, subject to conditions reasonably relating to ensuring public safety and the effectiveness of the defendant's treatment, if the court determines that a defendant charged with a certain offense and found incompetent to stand trial is not a danger to others and may be safely treated on an outpatient basis with the specific objective of attaining competency to stand trial, to release the defendant on bail or continue the defendant's release on bail. Requires a court to order a defendant released on bail to participate in an outpatient competency restoration program for a certain period.

Requires a court, for purposes of further examination and competency restoration services with the specific objective of a defendant attaining competency to stand trial, to commit the defendant to a mental health facility, residential care facility, or jail-based competency restoration program for a certain applicable period.

Requires a court, following a defendant's return to the court, to make a determination of the defendant's competency to stand trial.

Provides that, if at any time during a defendant's commitment to a jail-based competency restoration program the psychiatrist or psychologist for the provider of the program determines the ability or inability of the defendant to stand trial, the psychiatrist or psychologist is required to promptly issue and send to the court a report demonstrating that fact.

## Operation and Administration of Certain State Courts—S.B. 1329

*by Senator Huffman—House Sponsor: Representative Smithee*

Interested parties note that, as the state's population grows in some areas while declining in others, the judicial needs of the various regions change. S.B. 1329 addresses this issue by revising the jurisdiction of certain courts and judges and by creating new courts in growing parts of the state. This bill:

Authorizes an associate judge, except as limited by an order of referral, among certain other actions, to render and sign certain orders without prejudice to the right to a de novo hearing before the referring court and render and sign a final order if the parties waive the right to a de novo hearing before the referring court in writing before the start of a hearing conducted by the associate judge.

Authorizes an associate judge to hear and render an order in a suit for the adoption of a child for whom the Texas Department of Family and Protective Services has been named managing conservator.

Provides that the 453rd Judicial District is composed of Hays County and is created on September 1, 2018.

Provides that the 458th Judicial District is composed of Fort Bend County and is created on September 1, 2017.

Provides that the 459th Judicial District is composed of Travis County and is created on October 1, 2017. Requires the 459th District Court to give preference to civil matters.

Provides that the 460th Judicial District is composed of Travis County and is created on October 1, 2019. Requires the 460th District Court to give preference to criminal matters.

Provides that the 462nd Judicial District is composed of Denton County and is created on January 1, 2019.

Provides that the 464th Judicial District is composed of Hidalgo County and is created on January 1, 2019.

Includes County Court at Law No. 6 of Fort Bend County in the list of statutory county courts in Fort Bend County and provides that the court is created on January 1, 2018.

Provides that Grimes County has one statutory county court, the County Court at Law of Grimes County, and makes certain provisions for its jurisdiction, personnel, and judicial procedures. Provides that the County Court at Law of Grimes County is created on October 1, 2017.

Includes the County Court at Law No. 3 of Hays County in the list of statutory county courts in Hays County and provides that the court is created on October 1, 2018.

Makes certain provisions for the district clerk, court reporter, and appellant procedures, and judges for a county court at law in Walker County.

Requires that the oath made and signed statement executed by certain judicial officers and appointees be filed with the Texas secretary of state.

Increases from $10 to $25 the amount of a fee that the clerk of the Texas Supreme Court is required to collect for the issuance of an attorney's license or certificate affixed with a seal.

Requires the judges of certain districts to appoint a bailiff. Imposes certain requirements on bailiffs in certain district courts.

### De Novo Hearings in Child Protection Cases—S.B. 1444 [VETOED]

*by Senator West—House Sponsors: Representatives Sara Davis and Wu*

Interested parties contend that the current process for requests for de novo hearings on orders rendered by associate judges appointed in child protection cases does not adequately ensure that these cases are resolved efficiently and that this inefficiency can delay a child's ability to find permanency. S.B. 1444 makes certain changes to and promote efficiency in this process. This bill:

Requires a party requesting a de novo hearing to file notice with the referring court, the clerk of the referring court, and the associate judge. Prohibits a party from requesting a de novo hearing on a default judgment or an agreed order. Requires that proceedings be given promptly.

Provides that after notice to the parties, the referring court is required to hold a de novo hearing on an associate judges' proposed final order or judgment following a trial on the merits under Subchapter E, (Final Order for Child Under Department Care), Chapter 263 (Review of Placement of Children under Care of Department of Family and Protective Services (DFPS)), Family Code, by a certain date after the initial request is filed.

Provides that if the referring court has not held a de novo hearing on an associate judge's proposed order or judgment on or before by a certain date, a party may file a petition for a writ of mandamus to compel the referring court to hold the hearing.

Repeals Sections 201.014(b) (relating to the finality of a proposed order or judgment rendered by an associate judge in a suit filed by the DFPS) and 201.2041(b) (relating to a proposed order or judgment rendered by a an associate judge in a certain suit), Family Code.

### Exempting Guardianship Fees for First Responders—S.B. 1559

*by Senators Larry Taylor and Perry—House Sponsor: Representative Greg Bonnen*

Interested parties contend that the regular fee schedule for a guardianship proceeding should not apply if a proceeding pertains to certain military service members, law enforcement officers, firefighters, or others. S.B. 1559 waives certain fees in such a proceeding. This bill:

Provides that a county court clerk may not charge or collect from the estate of a ward, or a proposed ward, fees for filing guardianship proceedings or fees for any service rendered by the court regarding the administration of the guardianship, if the court finds that the proposed ward or ward became incapacitated as a result of a personal injury sustained while in active service as a member of the United States armed forces in a combat zone.

Provides that the clerk of a court may not charge or collect from the estate of an eligible proposed ward, or an eligible ward, fees for filing guardianship proceedings or fees for any service rendered by the court regarding the administration of the guardianship, if the court finds that the proposed ward or ward became incapacitated as a result of a personal injury sustained in the line of duty while serving as a first responder, as described by Section 615.003 (Applicability), Government Code.

### Certain Notice Requirements for Guardianships—S.B. 1709

*by Senator Zaffirini—House Sponsor: Representative Moody*

Interested parties contend that certain notice requirements inherent in guardianship law have resulted in the expenditure of significant time and resources by guardianship programs to locate family members who may not have shown interest in a proposed ward for years. S.B. 1709 changes such notice requirements so that relevant funds are better spent by such programs to provide better care for the proposed ward. This bill:

Provides that a citation for application for guardianship served to a proposed ward's parents or spouse must contain a statement notifying the relative that, if a guardianship is created for the proposed ward, the relative must elect in writing to receive notice about the ward. Provides that the notice of an individual's application for the guardianship of a ward that is sent to each adult child or each adult sibling of the proposed ward contain a statement notifying the relative that, if a guardianship is created for the proposed ward, the relative must elect in writing to receive notice about the ward.

Provides that a guardian's duty to inform certain relatives about a ward's health and residence applies only for a proposed ward who is an adult and if the applicant for guardianship knows the names and addresses of certain living relatives; a proposed word against whom a protective order has not been issued to protect the ward, nor found by a court or other state agency to have abused, neglected, or exploited the ward; and a proposed ward who has elected in writing to receive notice about the ward.

Provides that, if a guardian files a motion with the court showing good cause and after certain relatives are provided an opportunity to present evidence to the court in response to the motion, the court may relieve the guardian of the duty to provide notice about a ward to a relative if the court finds that the motion includes a written request from a relative electing to not receive notice; if the guardian was unable to locate or discover the relative after making reasonable efforts; if the guardian was able to locate the relative, but was unable to establish communication after reasonable efforts; or if notifying the relative is not in the best interests of the ward.

Requires a guardian, as soon as possible but not later than September 1, 2019, to provide notice to certain relatives of a ward whose whereabouts are known or can reasonably be ascertained, that the relative must elect in writing to receive notice about the ward.

**Administrative Judicial Regions in the State—S.B. 1893**

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

Interested parties contend that an increased workload has necessitated the creation of additional administrative judicial regions (AJRs) in Texas. S.B. 1893 creates the Tenth and Eleventh AJRs. This bill:

Requires the Texas Judicial Council (TJC) to collect judicial statistics and other pertinent information from the presiding judges of each AJR in this state regarding the amount and character of any business transacted by the presiding judges. Requires the presiding judges, as a duty of office, to report monthly any information required by TJC.

Provides that the state is divided into 11 AJRs. Sets forth the amended composition of the First, Second, and Third AJRs. Provides that the Tenth AJR is composed of the counties of Anderson, Bowie, Camp, Cass, Cherokee, Delta, Franklin, Freestone, Gregg, Harrison, Henderson, Hopkins, Houston, Hunt, Lamar, Leon, Limestone, Marion, Morris, Nacogdoches, Panola, Rains, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood. Provides that the Eleventh AJR is composed of the counties of Brazoria, Fort Bend, Galveston, Harris, Matagorda, and Wharton.

Provides that the judicial committee for additional resources is composed of the chief justice of the Texas Supreme Court and the presiding judges of the AJRs.

Requires the governor, with the advice and consent of the senate, to appoint judges to serve as presiding judges in the Tenth and Eleventh AJRs and any AJR in which a vacancy in office occurs. Requires the county in which an appointed presiding judge resides to provide adequate quarters for the operation of the applicable AJR.

Provides that the regional presiding judges of the First through Ninth AJRs are required to develop and adopt by majority vote budgets for the Tenth and Eleventh AJRs that include an assessment for each county included in the area that will comprise the new AJRs, and are authorized by majority vote to transfer money, as necessary, from the existing AJRs to the Tenth and Eleventh AJRs.

## Promulgation of Certain Self-Help Legal Resources—S.B. 1911

*by Senators Zaffirini and Garcia—House Sponsor: Representative Farrar*

There is concern that many Texans fall into a "justice gap" in which they are neither poor enough to qualify for free legal services nor affluent enough to afford legal services on their own, thus putting these pro se litigants at a disadvantage during the legal process. S.B. 1911 addresses this gap by requiring the courts of Texas to make information relating to legal self-help resources publicly available on each court's website, if the court has a website, and in the office of the court clerk. This bill:

Requires the clerk of each court in this state to post on the court's Internet website, if any, a link to the self-help resources website, designated by the Texas Office of Court Administration (OCA) in consultation with the Texas Access to Justice Commission, that includes information on certain local legal resources and services, as well as a link to the Texas State Law Library's Internet website. Requires that the clerk conspicuously display a sign in the clerk's office with this information and that OCA prescribe the format for this information.

Authorizes the commissioners court of a county, by order, to establish and maintain a county law library at the county seat or another location determined by the commissioners court. Authorizes the commissioners court of a county, in cooperation with other counties, to establish, maintain, and operate in a certain manner a joint, free county law library for the benefit of the cooperating counties.

Authorizes the county law library fund, as established by Section 323.023 (Law Library Fund), Local Government Code, to be used for establishing and maintaining a self-help center to provide resources to county residents representing themselves in legal matters, among other statutory purposes.

### Expunction of Notice of Lis Pendens—S.B. 1955

*by Senator Hughes—House Sponsor: Representative Wray*

Interested parties raise an issue in which the expunction of a notice of lis pendens is rendered unreliable due to the means by which it is communicated. S.B. 1955 addresses this issue by clarifying the effect of a notice of lis pendens and the expunction of such a notice. This bill:

Provides that after a certified copy of an order expunging a notice of lis pendens has been recorded, the notice of lis pendens and any information derived or that could be derived from the notice does not, in addition to other statutory provisions, constitute constructive or actual notice of any matter contained in the notice or of any matter relating to the action in connection with which the notice was filed.

Authorizes an interest in the real property to be transferred or encumbered free of all matters asserted or disclosed in the notice and all claims or other matters asserted or disclosed in the action in connection with which the notice was filed, after a certified copy of an order expunging a notice of lis pendens has been recorded.

### Distribution of Consolidated Court Costs—S.B. 2053

*by Senator West—House Sponsor: Representative Murr*

Interested parties are concerned about the widespread effect of a recent court ruling on county and district court procedures relating to the collection and documentation of court costs. S.B. 2053 responds to the ruling by making certain changes to the allocation of funding from consolidated court costs. This bill:

Deletes the abused children's counseling and the comprehensive rehabilitation accounts from the list of accounts and funds that receive certain percentages of consolidated court costs allocated by the Texas comptroller of public accounts. Increases the allocated amount of consolidated court costs received by the fair defense account from 8.0143 percent to 17.8448 percent.

### Revocable Deeds That Transfer Real Property—S.B. 2150

*by Senator Huffman—House Sponsor: Representative Farrar*

Interested parties note that a revocable deed that transfers real property at the transferor's death has a different effect based on the number of designated beneficiaries to receive interest in the property, and whether certain beneficiaries predecease the transferor. Interested parties suggest that additional consistency on this issue would be beneficial. S.B. 2150 addresses this need by providing for the share of any designated beneficiary who predeceases the transferor under a transfer on death deed to be passed as if the deed were a devise made in a will, regardless of the number of designated beneficiaries. This bill:

Provides that, except as otherwise provided in the transfer on death deed or any other statute or the state's common law governing a decedent's estate, on the death of the transferor, certain rules apply to an interest in real property that is subject to a transfer on death deed and owned by the transferor

at death, the share of any designated beneficiary that fails to survive the transferor by 120 hours lapses and is subject to and passes as if the transfer on death deed were a devise made in a will.

Authorizes and sets forth a certain form to be used to create a transfer on death deed, including provisions for at least one primary beneficiary's survival and if no primary or alternate beneficiaries survive.

**Appointment of Bailiffs to Certain Courts in Bowie County—S.B. 2174**
*by Senator Hughes—House Sponsor: Representative VanDeaver*

Interested parties suggest that judges of certain courts in certain counties are in need of aid in the proper management of their courts. S.B. 2174 addresses this issue by providing for the appointment of a bailiff by district courts and county courts at law in Bowie County. This bill:

Requires the judges of the 5th, 102nd, and 202nd district courts and the judges of the county courts at law of Bowie County to appoint one or more bailiffs to serve the courts in Bowie County.

Provides that Subsection (a) of Section 53.007 (Bailiff Deputized), Government Code, applies to the 5th, 102nd, and 202nd district courts and the county courts at law of Bowie County.

Provides that unless the appointing judge provides otherwise in the order of appointment, a bailiff appointed by judges of the 5th, 102nd, and 202nd district courts and the judges of the county courts at law of Bowie County, among other courts provided by statute, is defined as a "peace officer."

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S.B. 904 .......... 498
S.B. 905 .......... 498
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S.B. 919 .......... 279
S.B. 920 .......... 97
S.B. 922 .......... 306
S.B. 924 .......... 317
S.B. 928 .......... 742
S.B. 929 .......... 693
S.B. 942 .......... 705
S.B. 944 .......... 397
S.B. 945 .......... 693
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S.B. 966 .......... 115
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S.B. 969 .......... 143
S.B. 975 .......... 736
S.B. 976 .......... 474
S.B. 977 .......... 737
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S.B. 1001 .......... 722
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S.B. 1003 .......... 745
S.B. 1004 .......... 745
S.B. 1005 .......... 208
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S.B. 1014 .......... 431
S.B. 1015 .......... 431
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S.B. 1045 .......... 512
S.B. 1047 .......... 694
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S.B. 1051 .......... 722
S.B. 1052 .......... 45
S.B. 1062 .......... 723
S.B. 1063 .......... 261
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S.B. 1107 .......... 306
S.B. 1109 .......... 588
S.B. 1118 .......... 497
S.B. 1119 .......... 145
S.B. 1120 .......... 695
S.B. 1123 .......... 146
S.B. 1124 .......... 98
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S.B. 1131 .......... 475
S.B. 1133 .......... 476
S.B. 1136 .......... 705
S.B. 1138 .......... 99
S.B. 1145 .......... 745
S.B. 1148 .......... 280
S.B. 1152 .......... 767
S.B. 1153 .......... 209
S.B. 1158 .......... 432

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S.B. 1172 ........ 509
S.B. 1176 ........ 45
S.B. 1177 ........ 210
S.B. 1179 ........ 723
S.B. 1187 ........ 724
S.B. 1193 ........ 400
S.B. 1196 ........ 99
S.B. 1198 ........ 476
S.B. 1199 ........ 45
S.B. 1203 ........ 401
S.B. 1205 ........ 548
S.B. 1214 ........ 100
S.B. 1215 [VETOED] ........ 628
S.B. 1220 ........ 211
S.B. 1221 ........ 705
S.B. 1229 ........ 433
S.B. 1232 ........ 100
S.B. 1233 ........ 401
S.B. 1237 ........ 401
S.B. 1238 ........ 355
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S.B. 1248 ........ 355
S.B. 1249 ........ 403
S.B. 1250 ........ 403
S.B. 1253 ........ 102
S.B. 1260 ........ 477
S.B. 1261 ........ 499
S.B. 1264 ........ 404
S.B. 1286 ........ 695
S.B. 1289 ........ 46
S.B. 1290 ........ 102
S.B. 1291 ........ 724
S.B. 1298 ........ 404
S.B. 1300 ........ 320
S.B. 1304 ........ 116
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S.B. 1318 ........ 212
S.B. 1326 ........ 405
S.B. 1329 ........ 406
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S.B. 1345 ........ 696
S.B. 1349 ........ 725
S.B. 1353 ........ 213
S.B. 1361 ........ 478
S.B. 1365 ........ 706
S.B. 1367 ........ 146
S.B. 1371 ........ 733
S.B. 1381 ........ 46
S.B. 1383 ........ 725
S.B. 1384 ........ 725
S.B. 1390 ........ 697
S.B. 1395 ........ 734
S.B. 1398 ........ 215
S.B. 1400 ........ 46
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S.B. 1404 ........ 217
S.B. 1406 ........ 374
S.B. 1422 ........ 572
S.B. 1430 ........ 534
S.B. 1440 ........ 549
S.B. 1444 [VETOED] ........ 407
S.B. 1446 ........ 649
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S.B. 1462 ........ 308
S.B. 1465 ........ 479
S.B. 1476 ........ 746
S.B. 1479 ........ 480
S.B. 1480 ........ 218
S.B. 1488 ........ 628
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S.B. 1490 ........ 375
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S.B. 1501 ........ 650
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S.B. 1526 .......... 499
S.B. 1533 .......... 328
S.B. 1538 .......... 537
S.B. 1541 .......... 524
S.B. 1548 .......... 118
S.B. 1553 .......... 125
S.B. 1557 .......... 697
S.B. 1559 .......... 408
S.B. 1565 .......... 320
S.B. 1566 .......... 219
S.B. 1571 .......... 118
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S.B. 1680 .......... 310
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S.B. 1710 .......... 340
S.B. 1727 .......... 698
S.B. 1731 .......... 573
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S.B. 1735 .......... 632
S.B. 1743 [VETOED] .......... 262
S.B. 1748 .......... 49
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S.B. 1911 .......... 410
S.B. 1912 [VETOED] .......... 329
S.B. 1913 .......... 106
S.B. 1932 .......... 653
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S.B. 1955 .......... 411
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S.B. 1965 .......... 264
S.B. 1968 .......... 632
S.B. 1969 .......... 633
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