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PUBLIC POLICY DIVISION

85TH TEXAS LEGISLATURE

WEEKLY UPDATE | April 28TH 2017

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GOVERNOR

Texas Charter School Association Rally – On Wednesday, Governor Greg Abbott attended and delivered remarks at a rally for the Texas Charter School Association (TCSA) at the Texas Capitol. During the rally, the governor expressed his support for the work the TCSA is doing, and discussed the importance of charter schools in providing every Texas child with the opportunity to attend the school of their choice. He said, “Every child in Texas must have the opportunity to attend the school that’s right for them regardless of their zip code. As Governor, I will work to provide our children with the best education possible by expanding and improving charter schools in Texas. Access to a quality education is not a political issue, and Texans must come together to make sure no child is deprived of a quality education”

SENATE

The Senate was in session Monday through Thursday of this week.

On **Monday**, the Senate passed 16 bills including bills abolishing the Office of Immigration and Refugee Affairs and the Governor’s Advisory Committee on Immigration and Refugees ([SB 260](#)); requiring a high speed rail system operated by a private entity to pay government law enforcement officers who may be hired to ensure the safety of the rail lines ([SB 975](#)); establishing the Texas State Music Museum and the Texas Music Foundation ([SB 1147](#)); and prohibiting a peace officer from issuing a citation for operating a motor vehicle without financial responsibility unless the officer attempts to verify financial responsibility through the verification program ([SB 1187](#)). Other bills are in the issue categories below.

On **Tuesday**, the Senate passed 21 bills including exempt refunding bonds and capital appreciation bonds issued for transportation projects from restrictions on other capital appreciation bonds relating to the use of unspent proceeds and the percentage of overall debt ([SB 295](#)); increasing the punishment for the offense of abuse of a corpse ([SB 524](#)); clarifying statutes relating to trusts ([SB 617](#)); authorizing the Texas Parks and Wildlife Commission to collect a fee for participation in the Managed Lands Deer Program ([SB 722](#)); allowing Texas Department of Motor Vehicles to accept forms in connection with transfer of a motor vehicle in an electronic format ([SB 1062](#)); putting the Harris County Department of Education under sunset review ([SB 1166](#)); allowing 9-1-1 emergency communication districts to obtain criminal history record information of employees, applicants and volunteers ([SB 1290](#)); eliminating state licensing for vehicle booting companies and operators ([SB 1501](#)); clarifying that the Texas Higher Education Coordinating Board oversight of career colleges ([SB 1781](#)); and urging Congress to consider the removal of trade, financial and travel restrictions relating to Cuba ([HCR 33](#)). See the issue categories below for additional bills that passed.

On **Wednesday**, the Senate passed 66 bills on the Local and Uncontested Calendar and 14 bills from the Intent Calendar including requiring three-point seat belts on all new school buses purchased by a school district ([SB 693](#)); giving code enforcement officers the authority to carry an instrument used for deterring the bite of an animal ([SB 772](#)); protecting minors who report sexual assault to health care providers, law enforcement personnel, or Title IX coordinators from being prosecuted for underage possession or consumption of alcohol ([SB 966](#)); authorizing counties to implement a jail-based restoration of competency program ([SB 1183](#)); and exempting vehicles without a dedicated license plate area on the front bumper from the two-license plate requirement ([SB 1560](#)). Bills from the Local and Uncontested Calendar and Intent Calendar that passed are in the issue categories below.

Thursday was former Lt. Governors and former Senators day with former members being honored. Also on Thursday, the Senate passed 25 bills including prohibiting governmental entities from entering into contracts for goods or services with companies that boycott Israel ([HB 89](#)); clarifying that frontage lanes do not satisfy the requirement that the number of non-tolled lanes is equal to or greater than the number in existence before the toll was constructed ([SB 399](#)); authorizing a community outreach campaign to provide information to and increase awareness of benefits and services available to veterans ([SB 591](#)); establishing a “Camo Alert” system for locating missing veterans and member of the military with a mental illness ([SB 1622](#)); requiring the Texas women veterans coordinator to work with the Governor’s Commission for Women and the U.S. Department of Veterans Affairs to

develop an outreach campaign to improve benefits and services to women veterans ([SB 1698](#)); and repealing boards, commissions and task forces within the Office of the Governor that are inactive ([SB 1731](#)). Other bills are discussed below.

➤ Total number of bills reported out of Senate Committees this week:	183
➤ Total number of bills passed by the Senate this week:	128
➤ Total passed on the Local and Uncontested calendar this week:	52

NEXT WEEK

The Senate will re-convene on Monday, **May 1st at 1:00 p.m.**

HOUSE

The House was in session on Monday through Friday this week.

On **Monday**, the House gave preliminary approval to 16 bills including allowing lottery winners of a prize of \$1 million or more to remain anonymous ([HB 59](#)); clarifying the duties and responsibilities of the Cancer Prevention and Research Institute of Texas ([HB 63](#)) and extending the CPRIT sunset date to August 31, 2022 ([HB 84](#)); providing an employment preference for spouses of totally disabled veterans ([HB 92](#)); requiring the Texas Department of Criminal Justice to establish a veterans service coordinator and a veterans reentry program for state-jail defendants who are veterans ([HB 865](#)); and establishing a commercial gulf shrimp unloading license ([HB 1260](#)). Other bills are in the issue categories below.

On **Tuesday**, the House passed the Third Reading bills and gave preliminary approval to 24 other bills including establishing an oyster license buyback program ([HB 51](#)); allowing compensatory education funds to be used for child care expenses for at-risk students who are parents ([HB 223](#)); prohibiting a governmental entity from terminating employment of a peace officer or firefighter based on an inability to perform duties due to injury before the person is certified as having reached maximum medical improvement ([HB 473](#)); allowing a retail public utility to require correctional facilities to comply with the utility's water conservation measures ([HB 965](#)); extending the out-of-network claim dispute resolution process to health benefit plans administered by the Teacher Retirement System of Texas ([HB 1428](#)); establishing the National Museum of the Pacific War fund ([HB 1492](#)); establishing requirements for applicants for a journeyman industrial electrician license ([HB 1698](#)); allowing brewpubs that self-distribute to sell wine on premises ([HB 2097](#)); and designating July 7 as Fallen Law Enforcement Officer Day ([HB 3042](#)).

On **Wednesday**, the House passed the Third Reading bills and gave preliminary approval to 4 bills. The House was in continuous session from 10:00 on Wednesday morning until almost 4:00 on Thursday morning most of that time was spent debating [SB 4](#), which would eliminate "[sanctuary cities](#)." The House debated 74 amendments (11 were adopted). **It passed to Third Reading by a vote of 93-54. On Thursday, it received final passage by a vote of 94-53.**

***House Republican Caucus** Chairman Tan Parker commented on House passage of SB 4 saying, "House Republicans have proven time and time again that we are committed to protecting the rule of law and keeping our communities safe. We will continue to work tirelessly to pass legislation that ensures the safety of Texans, such as Senate Bill 4." Representative Charlie Geren, the House sponsor of SB 4 added, "The purpose of this legislation is to protect Texans from criminals who are here illegally. We are trying to make sure those bad actors are detained until we can determine their status. This bill will not affect law-abiding citizens, only those in trouble with the police. This legislation comes after governmental entities in Texas have adopted 'sanctuary city' policies that purposefully hinder or prohibit local law enforcement cooperation with U.S. Immigration and Customs and prohibit officers from inquiring about a person's immigration status."*

Mexican American Legislative Caucus Chairman Rafael Anchia said, “It’s a shameful day in Texas. Legislators debated for over 14 hours to pass, with little hesitation from the majority, a bill that was broadly opposed by law enforcement and faith leaders, including the Texas Conference of Catholic Bishops. If it was the goal of Governor Abbott and GOP legislative leaders to terrorize the Latino community, they have succeeded. This final vote comes on the same day MALC is back in a San Antonio federal court to fight for fair representation in our elections after six different court rulings have found intentional discrimination by the State of Texas. Texas has a long history of marginalizing Latinos and African-Americans, and this vote is no different. Representative Ana Hernandez detailed intimate memories of her upbringing as an undocumented child. Representative Wu drew parallels between SB 4 and past anti-immigrant legislation targeting Asians. Representative Mary Gonzalez attempted to carve out protections for our local law enforcement officers. Our MALC members fought hard for amendments that attempted to protect our local communities and ensure safe havens for victims of domestic violence, immigrants who have served our country, and the Latino community. We will continue to fight. We resist with the thousands of immigrants and advocates from all over the state who mobilized to protest this bill. Although we may have lost the vote, we won in energizing thousands of people who believe in equity, justice, and human decency.”

On **Thursday**, the House passed 68 bills on the Local and Consent Calendar and the four Third Reading bills that were debated on Wednesday. And, the House gave preliminary approval to 50 bills on Second Reading because several bills from Wednesday’s calendar were carried over to Thursday. Some of the bills that passed include providing additional funding for school districts that annex academically unacceptable districts (**HB 3722**); continuing the Women’s Health Advisory Committee until 2019 (**HB 279**); clarifying licensing requirements of a journeyman lineman (**HB 1284**); providing funding to offset property tax exemptions for disabled veterans in cities and counties adjacent to military installations (**HB 2356**); standardizing definitions of energy savings performance contracts (**HB 1571**); establishing expedited response procedures for public information requests (**HB 2328**); providing temporary certification for educators whose spouses are active duty military (**HB 1934**); prohibiting local motor fuel taxes on compressed natural gas and liquefied natural gas (**SB 1120**); and the sunset bill for the Employees Retirement System of Texas (**SB 301**). Information on bills from the Local and Consent Calendar and significant bills that passed on the regular calendars are discussed in the issue categories below.

Friday was Speaker’s Reunion Day honoring former Speakers and House members. And, the House passed the 50 Third Reading bills before adjourning for the weekend.

➤ Total number of bills reported out of House Committees this week:	406
➤ Total number of bills passed by the House this week:	162
➤ Total passed on the Local and Consent calendar this week:	68

NEXT WEEK

The House will re-convene on Monday, May 1st at 2:00 p.m.

BUDGET

Appropriations Conference Committee – The conference committee on **SB 1**, the general appropriations bill held its first meeting on Monday.

Attorney General Opinion on Senate Budget Proposal – Attorney General Ken Paxton was asked whether the Senate budget proposal to delay by one day (into the next fiscal biennium) deposit of net sales tax revenue into the state highway fund as required under article VIII, subsection 7-c(a) of the Texas Constitution. The Attorney General’s response was, “Article VIII, subsection 7-c(a) of the Texas Constitution requires the Comptroller to deposit into the state highway fund up to \$2.5 billion of the net revenue derived from the imposition of the state sales and use tax under Chapter 151, Tax Code. If the Comptroller is unable to calculate the specific amount of the required deposit before the end of the fiscal year, a court would

likely conclude that doing so as soon as possible thereafter would result in acceptable, substantial compliance with the constitutional provision."

On Monday, the **Senate Finance Committee** took up:

- **SB 764** by Don Huffines (R-Dallas) would require the comptroller to prepare a report for the governor and legislature prior to each session that estimates the financial costs to the state from the presence of **persons who are not lawfully present** in the United States. Senator Huffines said, "When the federal government fails to protect the border, then the federal government should reimburse the state for its expenditures. With this cost accounting Texas, can better explain to the federal government the severity of the consequences of its failure of its responsibilities." *It was reported out favorably. It is on the Senate Intent Calendar for Monday, May 1, 2017.*
- **SB 1831** by Dawn Buckingham (R-Lakeway) would require the comptroller to annually **report** to the legislature information for each state agency regarding each **program or function the state agency is required by law** or authorized to implement for which no appropriation was made for the preceding state fiscal year; and the amount and source of money the state agency spent, if any, to implement the program or function. *It was reported out favorably as substituted. It is on the Senate Intent Calendar for Monday, May 1, 2017.*

On Friday, the **House Appropriations Committee** took up:

- **HB 456** by Will Metcalf (R-Conroe) would require a portion of money allocated for the Economic Stabilization Fund to go toward **state debt retirement**. *It was left pending.*
- **HB 636** by Donna Howard (D-Austin) would require the comptroller to collaborate with the Legislative Budget Board to produce a report on the range of potential fiscal impacts to the state that could result from a judgment entered against the state in any **suit against the state**, a state agency, or a state official that is pending. *It was left pending.*

NEXT WEEK

The **House Appropriations Committee** will meet on Thursday, May 4, 2017 at 8:00 a.m. in E1.030 of the capitol extension to take up:

- **HB 2745** by Greg Bonnen (R-Friendswood) would require state agencies to prepare a **government growth impact statement** on its proposed rules. **Note:** the companion, SB 289, passed the Senate on April 18, 2017 and has not yet been referred to committee in the House.
- **SB 80** by Jane Nelson (R-Flower Mound) would eliminate and **streamline state agency reports** that no longer serve their intended purpose or are redundant of other reporting requirements. **Note:** the companion, HB 1885, was referred directly to the House Appropriations Committee's Subcommittee on Budget Transparency and Reform on March 29, 2017.

ECONOMIC DEVELOPMENT

PASSED THE SENATE:

- **SB 400** by Lois Kolkhorst (R-Brenham) would require the comptroller to verify **information submitted in Chapter 313 reports** using data from the Texas Workforce Commission, the chief appraiser, or other sources the Comptroller considers reliable. *The committee substitute was adopted and it passed on Wednesday's Local and Uncontested Calendar.*

On Monday, the **House International Trade and Intergovernmental Affairs Committee** took up:

- **HCR 98** by Cesar Blanco (D-El Paso) urging the U.S. Congress and the president to reject the imposition of an import tax or **border adjustment tax** on trade with Mexico. *It was left pending.*

On Thursday, the **House Economic and Small Business Development Committee** took up:

- **HB 3361** by Angie Chen Button (R-Garland) would require the **Economic Incentive Oversight Board** to evaluate the **Type A and Type B development corporation programs**; to develop a performance matrix to facilitate evaluation of the programs; and to develop a schedule to regularly review the programs and make recommendations for improvement. *It was left pending.*
- **HB 3927** by Matt Schaefer (R-Tyler) would require **economic development corporations** to annually report to the comptroller information on any bonds issued by the corporation. *It was left pending.*
- **HB 4195** by Eric Johnson (D-Dallas) would establish the **Small Business Capital Access Pilot Program** to provide capital access loans to small businesses giving emphasis to disadvantaged individuals, minorities, persons who reside in rural areas, veterans, and women funded by up to 20 percent of the Capital Access Fund. *It was left pending.*

NEXT WEEK

The **Senate Natural Resources and Economic Development Committee** will meet on Tuesday, May 2, 2017 at 9:00 a.m. in E1.012 of the capitol extension to take up:

- **SB 1410** by Jose Menendez (D-San Antonio) would establish the **Small Business Capital Access Pilot Program** funded through up to 20 percent of the balance of the Capital Access Fund to expand access to capital for small businesses. *Note: the companion, HB 4195, was heard and left pending in the House Economic and Small Business Development Committee on April 27, 2017.*

ENERGY

PASSED THE SENATE:

- **SB 1976** by John Whitmire (D-Houston) would require the Department of Health and Human Services to assist in developing an automatic process to provide for identification of **low-income customers to retail electric providers** to enable them to offer customer service, discounts, bill payment assistance or other assistance to those customers. *The committee substitute was adopted and it passed unanimously.*
- **SB 2100** by Sylvia Garcia (D-Houston) would require the **Texas Railroad Commission** to conduct a study of the actual cost of programs associated with its **fee structure**. *It passed on Wednesday's Local and Uncontested Calendar.*

On Tuesday, the **Senate Business and Commerce Committee** took up:

- **SB 1920** by Lois Kolkhorst (R-Brenham) would prohibit a sharing of a corporate logo between a monopoly **electric utility** and its **competitive affiliates** in advertising and marketing. *It was left pending.*

NEXT WEEK

The **Senate Natural Resources and Economic Development Committee** will meet on Tuesday, May 2, 2017 at 9:00 a.m. in E1.012 of the capitol extension to take up:

- **HB 1818** by Larry Gonzales (R-Round Rock) is the **sunset** bill for the **Texas Railroad Commission**. It would add pipeline safety and regulatory fees to the list of revenues to be deposited to the oil and gas regulation and cleanup fund account; and would require the Railroad Commission to set permit and registration fees in an amount that are sufficient to support all pipeline safety and regulatory program costs.

The **House State Affairs Committee** will meet on Wednesday, May 3, 2017 at 10:30 a.m. in HJR 140 of the John H. Reagan State Office Building to take up:

- **HB 3399** by Mark Keough (R-The Woodlands) would authorize the **Geo-Technology Research Institute** to conduct a two-year study on existing and potential programs to improve **energy efficiency**.
- **HB 3534** by Stan Lambert (R-Abilene) would require **transmission and distribution utilities** that operate solely in ERCOT and provide service to fewer than 100,000 meters to provide service to nonprofit **places of worship** on a kilowatt hour basis. ***Note:** the companion, SB 1510, was reported favorably as substituted from the Senate Business and Commerce Committee and recommended for the Local and Uncontested Calendar.*

ENVIRONMENT

PASSED THE SENATE:

- **SB 1667** by Kel Seliger (R-Amarillo) would clarify that the **Texas Low Level Radioactive Waste Compact Commission** is an independent entity established by federal law and is not an agency of the State of Texas but allows funds to flow through the comptroller. *It passed on Wednesday's Local and Uncontested Calendar.*

PASSED THE HOUSE:

- **HB 31** by Lyle Larson (R-San Antonio) makes several changes to **groundwater regulation** statutes. *The committee substitute was adopted and it passed to Third Reading on a voice vote. It received unanimous final passage on Tuesday.*
- **HB 180** by Eddie Lucio, III (D-Brownsville) would authorize the state auditor to preform an audit review of **groundwater conservation districts**. *It passed to Third Reading on a voice vote. On Wednesday, it received final passage by a vote of 145-2.*
- **HB 1625** by Greg Bonnen (R-Friendswood) would allow the Land Commissioner to remove a vessel or structure without providing notice if it creates an imminent and significant threat to life or property or creates a significant **navigation hazard**. *It passed on Thursday's Local and Consent Calendar.*
- **HB 1648** by Four Price (R-Amarillo) would authorize a retail public water utility to designate an employee as the **water conservation coordinator** responsible for implementing the water conservation plan. *The committee substitute was adopted and it passed on Thursday's Local and Consent Calendar.*
- **HB 2215** by Four Price (R-Amarillo) would require regional water planning groups to submit to the Texas Water Development Board a **regional water plan** that is consistent with the desired future conditions most recently adopted for relevant aquifers located in the area that includes opportunities for large-scale desalination facilities for marine seawater or brackish groundwater. *The committee substitute was adopted and it passed on Thursday's Local and Consent Calendar.*
- **HB 2321** by Chris Turner (D-Arlington) would require at least 50 percent of the money a county receives from Texas Commission on Environmental Quality must be spent on the county's **LIRAP initiatives**; and would allow a county to implement a local initiative project to improve **air quality** if approved by the county commissioners court. *The committee substitute and one floor amendment were adopted and it passed to Third Reading by a vote of 116-17. It received final approval on Friday by a vote of 97-37.*
- **HB 2378** by Lyle Larson (R-San Antonio) would extend the term of a permit to transfer water out of a **groundwater conservation district** on or before its expiration to a term that is shorter than the term of an operating permit for the production of water to be transferred that is in effect at the time of the extension. *It passed to Third Reading on a voice vote. On Friday, it received unanimous final passage. **Note:***

the companion, SB 774, is set for a hearing on Monday, May 1, 2017 in the Senate Agriculture, Water, and Rural Affairs.

- **HB 2802** by Lyle Larson (R-San Antonio) would remove Sunset Advisory Commission review of **river authorities**. *One floor amendment was adopted and it passed to Third Reading on a voice vote. On Friday, it received final approval by a vote of 105-23.*
- **HB 2943** by Lyle Larson (R-San Antonio) would clarify that the Texas Water Development Board must use money in the **State Water Pollution Control Revolving Fund** to provide financial assistance to persons eligible under the federal Water Pollution Control act, including nonpoint source pollution control and abatement and water quality control projects. *The committee substitute was adopted and it passed to Third Reading on a voice vote. It was unanimously approved on final passage on Friday.*
- **HB 2948** by Lyle Larson (R- San Antonio) would require the Texas Water Development Board to appoint an **interregional planning council** to improve coordination between regional water planning groups; facilitate dialogue on water management strategies, and share best practices regarding the operation of the regional water planning proves. *It passed to Third Reading on a voice vote. On Wednesday, it received unanimous final adoption.*
- **HB 3090** by John Cyrier (R-Lockhart) would allow peace officers to enforce laws prohibiting **outdoor burning of waste** and combustible material. *It passed on the Local and Consent Calendar.*
- **HB 3618** by Tracy King (D-Batesville) would require **river authorities** to submit a written summary report on the **water quality assessment** of the authority's watershed to the Texas Commission on Environmental Quality, the Soil and Water Conservation Board and the Texas Parks and Wildlife Department. *The committee substitute was adopted and it passed on Wednesday's Local and Consent Calendar.*

On Monday, the **Senate Agriculture, Water and Rural Affairs Committee** took up:

- **SB 696** by Charles Perry (R-Lubbock) would require the Texas Commission on Environmental Quality to develop updated **water availability models** (WAMs) for the Brazos, Guadalupe, San Antonio and Trinity River basins by December 1, 2020. *It was reported favorably as substituted. It is on the Senate Intent Calendar for Monday, May 1, 2017 (first placement).*
- **SB 1587** by Sylvia Garcia (D-Houston) would require public water systems to **replace lead service lines** in public schools, private schools and child care facilities served by the public water system. *It was left pending.*
- **SB 2140** by Eddie Lucio, Jr. (D-Brownsville) would authorize the Economically Distressed Areas Account to be used to provide financial assistance to political subdivisions for **drainage services**. *It was reported favorably as substituted.*

On Monday, the **Senate State Affairs Committee** took up:

- **SB 1446** by Craig Estes (R-Wichita Falls) would require the notice of a **contested case hearing** to include a statement of factual matters asserted; and would allow the court to determine that the agency's failure to give property notice does not constitute prejudice if the license holder waived an opportunity to show compliance with all requirements of law for the retention of the license. *It was reported favorably as substituted and recommended for the Local and Uncontested Calendar. It is on the Senate Intent Calendar for Monday, May 1, 2017 (first placement).*

On Tuesday, the **House Environmental Regulation Committee** took up:

- **HB 2497** by Harold Dutton (D-Houston) would require a **permit applicant** to post a sign at the proposed facility within 30 days of the date the Texas Commission on Environmental Quality deems the application administratively complete; and would require the sign to state that the permit has been filed, the name and contact information of the applicant, the proposed site use, and contact information for the applicant. *It was left pending.*

- **HB 2753** by Ron Reynolds (D-Richmond) would require the Texas Commission on Environmental Quality to examine the rules and requirements governing **inspection and maintenance programs** and other sources of air emissions and make recommendations on options for improving air quality and safety. *It was reported out favorably.*
- **HB 3085** by Mark Keough (R-the Woodlands) would require the Geo-Technology Research Institute to conduct a study on the monitoring, prevention, and removal of **floating trash**. *It was left pending.*
- **HB 3200** by Andrew Murr (R-Junction) would clarify Texas Commission on Environmental Quality's authority to regulate **aggregate production operations**. *It was left pending.*
- **HB 3644** by DeWayne Burns (R-Cleburne) would require the **soil monitoring** samples for a land application unit at which sewage sludge or **domestic septage** is applied to be collected by a Texas Commission on Environmental Quality inspector. *It was left pending.*
- **HB 3744** by Amando Walle (D-Houston) would require a **used or scrap tire generator** that stores the tires outdoors to store them in a secure and locked manner during nonbusiness hours. It would require transporters of used tires to be registered and maintain financial assurance. *It was left pending. It was brought up again on Thursday and the vote to report it out FAILED. Note: the companion, SB 570, has passed the Senate and is set for a hearing in the House Environmental Regulation for Tuesday, May 2, 2017.*

Also on Tuesday, the **Senate Natural Resources and Economic Development Committee** took up:

- **SB 2034** by Borris Miles (D-Houston) would establish a task force to study the health effects of **concrete and rock crushing**. *It was left pending.*
- **SB 2098** by Bob Hall (R-Canton) would require **subcontractors who perform excavation operations** to comply with utility code provisions regarding the prevention of damage to underground utility facilities, regardless of whether the general contractor has already complied. *It was left pending.*

On Wednesday, the **House Natural Resources Committee** took up:

- **HB 2885** by Lyle Larson (R-San Antonio) would require the Texas Commission on Environmental Quality to grant a water right or an amendment to a permit, certified filing, or certificate of adjudication to an applicant who proposes to divert the applicant's existing return flows from **treated brackish groundwater** and transfer those flows to another river basin. *It was left pending.*
- **HB 4230** by Gene Wu (D-Houston) would allow the State Water Pollution Control Revolving fund to be used to provide financial assistance to political subdivisions for **flood control or mitigation projects**. *It was left pending.*
- **HCR 43** by Yvonne Davis (D-Dallas) would direct the Texas Water Development Board and the Texas Commission on Environmental Quality to assist in the creation of a large-scale **potable water recycling project**, and encourage the use of renewable energy sources in the development of the project. *It was left pending.*

NEXT WEEK

The **Senate Natural Resources and Economic Development Committee** will meet on Tuesday, May 2, 2017 at 9:00 a.m. in E1.012 of the capitol extension to take up:

- **HB 1619** by Hugh Shine (R-Temple) would revise penalties for **outdoor burning violations**. *Note: the companion, SB 1915, was heard in the Senate Natural Resources and Economic Development Committee on April 4, 2017 and left pending.*

The **Senate Agriculture, Water and Rural Affairs Committee** will meet on Monday, May 1, 2017 at 2:00 p.m. in E1.012 of the capitol extension to take up:

- **SB 774** by Charles Perry (R-Lubbock) would extend the term of a permit to transfer water out of a **groundwater conservation district** on or before its expiration to a term that is shorter than the term of an operating permit for the production of water to be transferred that is in effect at the time of the extension. **Note:** the companion, HB 2378, passed the House on April 28, 2017.
- **SB 1528** by Brandon Creighton (R-Conroe) would establish a **groundwater management area planning group** to conduct joint planning and to review the management plans, the accomplishments of the management area, and proposals to adopt new or amend existing desired future conditions. **Note:** the companion, HB 3043, was reported favorably as substituted from the House Natural Resources Committee on April 26, 2017.
- **SB 1777** by Sylvia Garcia (D-Houston) would make it an offense to violate a rule adopted under the **Flood Control and Insurance Act**. **Note:** the companion, HB 2334, is set on the House Calendar for Wednesday, May 3, 2017.
- **SB 2026** by Jose Rodriguez (D-El Paso) would require the Texas Commission on Environmental Quality to study the installation and use of **green stormwater infrastructure**; and would define green stormwater infrastructure as infrastructure that reduces and treats stormwater at the source using vegetation, soils and other natural processes. **Note:** the companion, HB 1536, was voted favorably as substituted from the House Natural Resources Committee on April 19, 2017.

The **House Environmental Regulation Committee** will meet on Tuesday, May 2, 2017 at 8:00 a.m. in E1.026 of the capitol extension to take up:

- **HB 838** by Alma Allen (D-Houston) would require the Texas Commission on Environmental Quality to consider the **cumulative effects** on the public's health and physical property or expected air contaminant emissions from the facility or proposed facility and from other facilities located within three miles of the facility or proposed facility when issuing a new or renewed air permit.
- **HB 1437** by Gene Wu (D-Houston) would allow money in the **local initiative projects** fund of the Texas Low-Income Repair and Replacement Assistance Program (LIRAP) to be used to **reduce litter**.
- **HB 2140** by Ryan Guillen (D-Rio Grande City) would establish the **Texas Litter and Illegal Dumping Advisory Panel** to study on existing best management practices and funding mechanisms for the prevention, mitigation, and abatement of windblown and waterborne litter and illegal dumping.
- **HB 3116** by Alma Allen (D-Houston) would require a permit for a **solid waste facility** to contain certification from the applicant that all residents within one mile of the site received notice outlining specific requirements related to the proposed operations and containing a questionnaire to receive community comments.
- **SB 570** by Jose Rodriguez (D-El Paso) would require a **used or scrap tire generator** that stores the tires outdoors to store them in a secure and locked manner during nonbusiness hours. It would require transporters of used tires to be registered and maintain financial assurance. **Note:** the companion, HB 3744, was taken up in the House Environmental Regulation Committee on April 27, 2017 and the motion to report it out FAILED.

The **House State Affairs Committee** will meet on Wednesday, May 3, 2017 at 10:30 a.m. in HJR 140 of the John H. Reagan State Office Building to take up:

- **HB 2204** by Kyle Kacal (R-College Station) would require political subdivisions that receive financial assistance from the Water Development Board to require all contracts for the construction of a project to use **iron and steel products that are produced in the United States unless** the iron and steel products that are not produced in the United States is incidental or de minimis and the cost of each individual iron or steel product used in the project that is not produced in the U.S. does not exceed one percent of the total cost of the materials incorporated into the project; and the cost of all iron and steel products used

in the project that are not produced in the United States does not exceed five percent of the total cost of the materials incorporated into the project. It takes out the preference for U.S. **manufactured products**.

GENERAL BUSINESS

PASSED THE SENATE:

- **SB 714** by Kel Seliger (R-Amarillo) would require a **financial institution to notify a customer of the type of account the customer has selected**; and would be able to satisfy that requirement by providing the customer with a copy of the account opening or modification documentation in paper or electronic format. It would also clarify if a type of multiple-party account is not available from the financial institution, the institution is not required to make a disclosure about that type of account. *One floor amendment was adopted and it passed by a vote of 30-1. **Note:** the companion, HB 1752, was heard in the House Investments and Financial Services Committee on April 25, 2017, and was left pending.*
- **SB 1401** by Donna Campbell (R-New Braunfels) would authorize the **banking commissioner to regulate** the services or activities of a **third-party service provider** that a state bank or state bank affiliate has contracted for or arranged to be performed on behalf of the bank or affiliate. Third-party service provider would include an entity that provides **Internet-related services**, including web services, processing electronic bill payments, developing and maintaining mobile applications, system and software development and maintenance and security monitoring. *The committee substitute was adopted and it passed on Wednesday's Local and Uncontested Calendar. **Note:** the companion, HB 2822, was reported favorably from the House Investments and Financial Services Committee as substituted and recommended for the Local and Consent Calendar. The Senate committee substitute clarifies the definition of "trust business."*
- **SB 1498** by Judith Zaffirini (D-Laredo) would remove the state licensing requirement for **temporary common worker employers**. *The committee substitute was adopted and it passed on Wednesday's Local and Uncontested Calendar. **Note:** the companion, HB 3309, is set for a hearing in the House Business and Industry Committee on Monday May 1, 2017.*
- **SB 2065** by Kelly Hancock (R-North Richland Hills) would implement the **Texas Department of Licensing and Regulation's** biennial strategic plan to deregulate or eliminate programs including licensing related to vehicle protection products, temporary common worker employers, for-profit legal service contract companies, barbering and cosmetology, and vehicle booting. *The committee substitute was adopted and it passed unanimously.*
- **SB 2127** by Larry Taylor (R-Friendswood) would prohibit a **consumer reporting agency** from furnishing a consumer report containing information related to a collection account with a **medical industry billing** code when the consumer had health insurance at the time of the event and the collection relates to billing for an outstanding balance, after copayments, deductibles, and coinsurance, owed to an emergency care provider or a facility-based provider for an out-of-network benefit claim. *The committee substitute was adopted and it passed by a vote of 20-6.*
- **SB 2205** by Kelly Hancock (R-North Richland Hills) would prescribe the circumstances under which **automated motor vehicles** can be tested in Texas. *The committee substitute and four floor amendments were adopted and it passed unanimously.*

PASSED THE HOUSE:

- **HB 1859** by Ron Simmons (R-Carrollton) would provide that if a merchant's merchandise is not displayed or offered to consumers primarily for lease under a **rental-purchase agreement**, the merchant would be required to disclose to the consumer before presenting a rental-purchase agreement:
 - The cash price of the merchandise;
 - The amount of the periodic payments under the proposed agreement; and

- The total number and amount of periodic payments necessary to acquire ownership of the merchandise.

*The committee substitute was adopted and it passed to Third Reading on a voice vote. On Friday, it received final passage by a vote of 120-12. **Note:** the companion, SB 938, was voted favorably as substituted from the Senate Business and Commerce Committee on April 25, 2017.*

- **HB 2726** by Justin Holland (R-Frisco) would require the banking commissioner to promptly notify an **applicant for a state bank** promptly when an application is informationally complete. It would prohibit a safe deposit company from terminating an agreement for the rental of a **safe deposit box** unless the lessee receives 90 days notice, or the payment is at least six months delinquent. *It passed on Thursday's Local and Consent Calendar. **Note:** the companion, SB 1400, passed the Senate on April 19, 2017 but has not yet been referred to committee in the House.*

On Monday, the **House Licensing and Administrative Procedures Committee** took up:

- **HB 1514** by Jason Isaac (R-Dripping Springs) would clarify that a **wine** is entitled to an appellation of origin indicating the wine's **origin is Texas** or a geographical subdivision of the state only if 100 percent of the wine's volume is derived from fermented juice of grapes or other fruit grown in Texas and the wine is fully produced and finished in Texas. *It was left pending.*

Also on Monday, the **House Business and Industry Committee** took up:

- **HB 3150** by DeWayne Burns (R-Cleburne) would allow a merchant to offer a **person who is suspected of stealing** or attempting to steal property from the merchant an opportunity to complete the **merchant's education program** instead of reporting the suspected offense to a law enforcement agency. *It was initially left pending, but on Thursday, it was voted favorably as substituted.*

On Tuesday, the **House Investments and Financial Services Committee** took up:

- **HB 741** by Diego Bernal (D-San Antonio) would prohibit a **credit services organization** from assisting a consumer with obtaining an extension of consumer credit unless the organization finds, using independently verifiable documentation of income and obligations, that the consumer can reasonably repay the loan and all associated fees and costs. *It was left pending.*
- **HB 975** by Helen Giddings (D-Dallas) would prohibit a **credit services organization** from filing or threatening to file a criminal complaint against a consumer without having extrinsic evidence sufficient to prove that the consumer has committed an offense under the Penal Code. *It was left pending.*
- **HB 1134** by Tom Craddick (R-Midland) would require **credit access businesses** to provide contracts and other documents in English or the language in which the contract is negotiated and read in that language to a consumer who cannot read. It makes other requirements on credit access businesses and credit services organizations but would specifically not pre-empt local ordinances regulating credit access businesses. *It was left pending.*
- **HB 1752** by Jessica Farrar (D-Houston) would require a **financial institution to notify a customer of the type of account the customer has selected**; and would be able to satisfy that requirement by providing the customer with a copy of the account opening or modification documentation in paper or electronic format. It would also clarify if a type of multiple-party account is not available from the financial institution, the institution is not required to make a disclosure about that type of account. *It was left pending. **Note:** the companion, SB 714, passed the Senate on April 26, 2017.*
- **HB 2008** by Scott Cospoer (R-Killeen) would require a lender who engages in a **deferred presentment transaction** with a member of the United States **military** to comply with federal and state regulations regarding the transaction. *It was initially left pending, but on Thursday, it was voted out favorably.*
- **HB 3508** by Victoria Neave (D-Dallas) would prohibit a governmental entity from entering into any contract or agreement with a **credit access business**; a business that operates in the same retail space as

a credit access business or other credit services organization; or a business that is owned by a business entity that owns a credit access business or other credit services organization. *It was left pending.*

Also on Tuesday, the **House Urban Affairs Committee** took up:

- **HB 3324** by Eddie Rodriguez (D-Austin) would establish the **Texas Grocery Access Investment Fund** to provide financing to construct, rehabilitate, or expand grocery stores, mobile markets, farm stands, and other eligible projects to increase food access in underserved, low-income, and moderate-income areas. *It was left pending.*

And on Tuesday, the **Senate Business and Commerce Committee** took up:

- **SB 1835** by Craig Estes (R-Wichita Falls) would adopt the “distinguishable in the records of the Secretary of State” standard in the filing and administration of **business entity name registration process**. *It was left pending. Note: the companion, HB 2856, was reported favorably as substituted from the House Business and Industry Committee and recommended for the Local and Consent Calendar.*
- **SB 2067** by Kelly Hancock (R-North Richland Hills) would require an employee of a financial institution to notify the institution if the employee suspects **financial exploitation of a vulnerable adult** who has an account with the institution. *It was left pending. Note: the companion, HB 3921, is set on the House Calendar for May 3, 2017.*

On Wednesday, the **Senate Health and Human Services Committee** took up:

- **SB 1683** by Eddie Lucio, Jr. (D-Brownsville) would require **food service establishments** to display a poster in an area of the establishment accessible primarily to employees with information regarding the **risk of an allergic reaction**, the major food allergens, and methods for preventing cross-contamination in food preparation. *It was left pending.*

On Thursday, the **House Economic and Small Business Development Committee** took up:

- **HB 2248** by Bobby Guerra (R-Edinburg) would require a **state agency** to prepare and publish an **economic impact statement** and a regulatory flexibility analysis if the agency is made aware that a proposed rule may have an adverse **economic effect on small businesses** or micro-businesses. Representative Guerra said, “Small businesses are the backbone of the Texas economy employing two-thirds of all newly created jobs. Duplicative and onerous regulations are the hidden small business tax. This is why it is imperative that the legislature create the best business climate possible to ensure we continue to grow and nurture our Texas economy to prosperity.” *It was left pending.*

NEXT WEEK

The **House Licensing and Administrative Procedures Committee** will meet on Monday, May 1, 2017 at 2:00 p.m. in E2.026 of the capitol extension to take up:

- **HB 2291** by Matt Rinaldi (R-Irving) would allow the holder of a brewer’s permit a wine and beer retailer’s permit, and a package store permit to **sell beer wine, ale, and malt liquor through an Internet website** and ship to the ultimate consumer including ultimate consumers located in a dry area.
- **HB 3315** by Tony Dale (R-Cedar Park) would allow holders of a brewer’s permit and the holder of a temporary wine and beer retailer’s permit to hold a **tasting competition** on the permit holder’s premises.

The **Senate Business and Commerce Committee** will meet on Tuesday, May 2, 2017 at 8:00 a.m. in E1.016 of the capitol extension to take up:

- **SB 2169** by Don Huffines (R-Dallas) would require the Alcoholic Beverage Commission to treat **ale and malt liquor** as “beer” for the purposes of licensing, permitting, manufacturing, transporting, storing, marketing, reporting, delivering, wholesaling, retailing, testing, labeling, and taxation.

- **HB 1612** by Ramon Romero (D-Fort Worth) would prohibit the **Texas Alcoholic Beverage Commission** from offering a civil penalty in lieu of **suspending a permit** or license if the basis for the suspension involves consumption of or the permitting of consumption of **controlled substances or drugs**.

HEALTH

PASSED THE SENATE:

- **SB 1148** by Dawn Buckingham (R-Lakeway) would prohibit a managed care plan issuer from differentiating among physicians based solely on their **maintenance of certification**, and would prohibit the Texas Board of Medical Examiners from requiring maintenance of certification by an applicant for them to be eligible for a license to practice medicine. *The committee substitute and one floor amendment were adopted and it passed unanimously.*
- **SB 1413** by Charles Schwertner (R-Georgetown) would clarify that a **health maintenance organization** is authorized to contract with an entity that provides a network of providers of health care services and that such a contract is not subject to delegation agreement requirements for proof of minimum solvency and reserve requirements. *The committee substitute was adopted and it passed unanimously. Note: the companion, HB 3218, is set on the House Calendar for Tuesday, May 2, 2017.*
- **SB 1633** by Charles Perry (R-Lubbock) would establish **telepharmacy remote dispensing site** license requirements for eligible locations in medically underserved areas, areas with a medically underserved population, and health professional shortage areas. *The committee substitute was adopted and it passed unanimously.*
- **SB 1743** by Judith Zaffirini (D-Laredo) would transfer the **Office for the Prevention of Developmental Disabilities** from the Department of Aging and Disability Services to the University of Texas at Austin. *The committee substitute was adopted and it passed by a vote of 25-5. Note: the companion, HB 3842, was voted favorably as substituted from the House Human Services Committee on April 25, 2017.*
- **SB 1929** by Lois Kolkhorst (R-Brenham) would extend the sunset review date for **Maternal Mortality and Morbidity Task Force** from 2019 to 2023, and update maternal mortality reporting requirements. *The committee substitute and one floor amendment were adopted and it passed unanimously.*
- **SB 2027** by Jose Rodriguez (D-El Paso) would require the Health and Human Services Commission in conjunction with the Texas Workforce Commission to conduct a regional study of **occupational training programs** available for individuals with an intellectual disability. *It passed unanimously.*
- **SB 2087** by Kelly Hancock (R-North Richland Hills) would create the **Temporary Texas Health Insurance Risk Pool** to provide a temporary mechanism for maximizing available federal funding to assist Texans in obtaining access to quality health care at minimum cost to the public. Senator Hancock said, "This legislation provides flexibility for the state to create a high-risk pool or a reinsurance program, depending on upcoming federal action and guidance. As the Affordable Care Act continues to fall apart, we can't let people with preexisting conditions fall through the cracks. SB 2087 would put a plan in place so Texas is prepared for whatever comes out of D.C. next. Our office is working closely with federal representatives to make sure Texas is ready for any additional repeal and replace efforts." *It passed on Wednesday's Local and Uncontested Calendar.*

PASSED THE HOUSE:

- **HB 490** by Rodney Anderson (R-Grand Prairie) would require a health benefit plan to cover 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. *The committee substitute and one floor amendment were adopted and it passed to Third Reading on a voice vote. On Tuesday, it received final passage by a vote of 121-21.*

- **HB 1978** by J.D. Sheffield (R-Gatesville) would exempt a **physician assistant** from supervision and delegation requirements while serving as a volunteer for a charitable organization or at a public or private event, including a religious event, sporting event, community event, or health fair. *It passed to Third Reading on a voice vote. On Wednesday, it received unanimous final approval.*
- **HB 2035** by Amando Walle (D-Houston) would provide for the continuation of the **Maternal Mortality and Morbidity Task Force** until 2023. *It passed to Third Reading on a voice vote. It received final approval on Friday by a vote of 114-19HB 1859.*
- **HB 2571** by Roland Gutierrez (D-San Antonio) would require the University of Texas Health Science Center at San Antonio to establish and maintain a **National Center for Warrior Resiliency**, devoted to research and clinical care for combat-related posttraumatic stress disorder and related conditions. *The committee substitute was adopted and it passed to Third Reading on a voice vote. On Thursday, it passed by a vote of 132-11.*
- **HB 2891** by John Smithee (R-Amarillo) would prescribe a form for medical authorization to release protected health information in a **health care liability claim**. *It passed on Thursday's Local and Consent Calendar.*

On Monday, the **House Business and Industry Committee** took up:

- **HB 4011** by Dustin Burrows (R-Lubbock) would prohibit a health care provider from providing a consumer reporting agency with information regarding an amount unpaid by a consumer for nonemergency medical care, without a **medical charges disclosure statement** signed by the patient. *It was initially left pending, but on Wednesday, it was reported favorably.*

Also on Monday, the **House Criminal Jurisprudence Committee** took up:

- **HB 2200** by Gina Hinojosa (D-Austin) would authorize the **medical use of marihuana**, and provide an affirmative defense to prosecution for the possession of marihuana for a medical use. *It was left pending.*

On Tuesday, the **House Insurance Committee** took up:

- **HB 307** by Dustin Burrows (R-Lubbock) would require a **health benefit plan** to establish and operate a toll-free telephone number and **Internet website** for an enrollee to obtain the average **amount paid to an in-network provider** for a particular health care service or supply in the preceding 12 months in the enrollee's geographic rating area. *It was left pending.*
- **HB 336** by Nicole Collier (D-Fort Worth) would extend the authority of the office of public insurance counsel to compare and evaluate the **adequacy of networks offered by managed care plans**, and would authorize the office to intervene on behalf of consumers, and to file objections and written complaints against a managed care plan with the Texas Department of Insurance. *It was left pending.*
- **HB 831** by Charles "Doc" Anderson (R-Waco) would require a health benefit plan that provides coverage for a minor for **reconstructive surgery for craniofacial abnormalities** to provide coverage for the treatment of the primary and secondary conditions related to or arising from craniofacial abnormalities. *It was left pending.*
- **HB 1161** by Sarah Davis (R-Houston) would require a health benefit plan that provides benefits for a **prescription contraceptive** drug to allow an enrollee to obtain up to a 12-month supply of the drug at one time. *It was left pending.*
- **HB 1539** by Senfronia Thompson (D-Houston) would prohibit a health benefit plan that provides coverage for **stage-four advanced, metastatic cancer** from requiring a patient to fail to successfully respond, or to prove a history of failure, of a different drug before the health benefit plan provides coverage for a prescription drug covered by the US Food and Drug Administration. *It was left pending.*
- **HB 2345** by Paul Workman (R-Austin) would require a physician who conducts **utilization review** on behalf of a utilization review agent, or on the payor's own behalf, to be licensed in Texas. *It was left pending.*

- **HB 2397** by Sergio Munoz, Jr. (D-Palmview) would allow an insurer to **terminate a contract with a preferred provider** if the provider is determined by a final, unappealable judgment to have **committed fraud**. *It was left pending.*
- **HB 2620** by Sergio Munoz, Jr. (D-Palmview) would allow a plaintiff who prevails in a **private action involving health benefits** to obtain the greater of actual damages plus court costs and reasonable attorneys fees or \$10,000 plus court costs and reasonable attorneys fees, whichever is greater. *It was left pending.*
- **HB 3755** by Rodney Anderson (R-Grand Prairie) would establish payment standards for preferred provider benefit plans to reduce **balance billing** of enrollees for out-of-network health care services. *It was left pending.*

Also on Tuesday, the **House Public Health Committee** took up:

- **HB 1225** by John Smithee (R-Amarillo) would authorize an **advanced practice registered nurse** to be included as a primary care or preferred provider by a managed care organization or a health benefit plan, even if the physician overseeing the nurse is not included in the network. *It was left pending.* **Note: the companion, SB 654, was heard and left pending in the Senate Business and Commerce Committee on April 25, 2017.**
- **HB 1415** by Stephanie Klick (R-Fort Worth) would allow the Texas Board of Nursing to authorize qualified **advanced practice registered nurses** to prescribe drugs, including controlled substances, dangerous drugs, and nonprescription drugs, as well as to order and prescribe durable medical equipment. *It was left pending.*
- **HB 1599** by Senfronia Thompson (D-Houston) would require the Texas Department of Insurance to conduct a study to determine and evaluate the extent to which enrollees are making claims under coverage for **serious emotional disturbance of a child** and the impact, if any, the coverage has on the cost of the coverage for group health insurance plans. *It was left pending.*
- **HB 1794** by Cecil Bell (R-Magnolia) would require the Health and Human Services Commission to establish the **Work Group on Mental Health Access for First Responders** to develop and make recommendations for improving access to mental health care services for first responders. *It was left pending.*
- **HB 1846** by Garnet Coleman (D-Houston) would require a pharmacist in a Class A pharmacy to dispense a Schedule II **controlled substance** prescribed by an advanced practice registered nurse or physician assistant to whom a physician has delegated prescribing and ordering authority. *It was left pending.*
- **HB 2141** by Tom Oliverson (R-Houston) would require the face-to-face meetings required in connection with a **prescriptive authority agreement** to take place at the practice site at times determined by the physician and the advanced practice registered nurse or physician assistant but would remove statutory requirements on frequency of the meetings. *It was left pending.*
- **HB 2143** by Philip Cortez (D-San Antonio) would prohibit termination or retaliation against a **physician assistant** who refuses to engage in an act or omission relating to patient care that would constitute grounds for reporting the physician assistant to the physician assistant board for a violation of rules or regulations. *It was left pending.*
- **HB 2520** by Mary Ann Perez (D-Houston) would require a nursing facility that provides **specialized care for persons with Alzheimer's** disease and related disorders to prepare a written notice disclosing whether the facility is certified by the Department of Aging and Disability Services to provide those services. *It was left pending.*
- **HB 2548** by John Zerwas (R-Fulshear) would authorize a physician to delegate the prescribing or ordering of a **Schedule II controlled substance** to a physician assistant at the practice site. *It was left pending.*

- **HB 2603** by Jessica Farrar (D-Houston) would include **post-traumatic stress disorder** in the definition of “serious mental illness” for the purposes of coverage under a group health benefit plan. *It was left pending.*
- **HB 2807** by Four Price (R-Amarillo) would authorize an **advanced practice nurse**, including an advanced practice nurse certified as a psychiatric/mental health advanced practice nurse, to be included as a primary care provider in a managed care organization's provider network, if the nurse practices in a county in which there are no practicing physicians, and that has been designated as a **medically underserved area**, or that contains a medically underserved population. *It was left pending.*
- **HB 2859** by Garnet Coleman (D-Houston) would clarify reporting requirements for the **prescription and dispensing of controlled substances**, and access to patient prescription information under the Texas Controlled Substances Act. *It was left pending.*
- **HB 3153** by J. D. Sheffield (R-Gatesville) would prohibit a public water supply system that furnishes **drinking water containing added fluoride** from reducing the amount of the fluoride in the water unless written notice is provided to the customers and Texas Commission on Environmental Quality at least 60 days prior to the reduction. *It was left pending.*
- **HB 3273** by Kevin Roberts (R-Houston) would clarify that **pharmacy technicians** are authorized to administer **immunizations** and vaccinations only, and would clarify pharmacy technician license and pharmacy license eligibility requirements. The Texas Pharmacy Board would be required to revoke a pharmacy license if the pharmacy has not begun operations within six months after the license is issued, and would be prohibited from renewing a pharmacy license if the pharmacy is not operating at the address on file. Provisions requiring the board to regulate the practice of pharmacy by Canadian pharmacies would be repealed. *It was left pending.*
- **HB 3395** by Four Price (R-Amarillo) would authorize an **advanced practice registered nurse** to practice as a licensed independent practitioner in a county where there are no primary care physicians, that has been designated as a **medically underserved area**, or that contains a medically underserved population. *It was left pending.*
- **HB 3406** by Tom Oliverson (R-Houston) would prohibit a physician from requesting or receiving remuneration for **delegating prescriptive authority** to an advanced practice registered nurse or physician assistant. *It was left pending.*
- **HB 3682** by Diana Arevalo (D-San Antonio) would require the statewide health coordinating council to form an advisory committee on **health literacy** to examine and report on the impact of low health literacy on consumers and the health care system. *It was left pending.*
- **HB 3710** by J.D. Sheffield (R-Gatesville) would require the Texas Medical Board and the Texas Optometry Board to establish a public registry relating to the co-management of **glaucoma by ophthalmologists and therapeutic optometrists**. *It was left pending.*
- **HB 3711** by J.D. Sheffield (R-Gatesville) would require each **long-term care facility** to develop a plan for preventing and responding to outbreaks of **communicable diseases**, including influenza. The Department of State Health Services would be required to establish regional advisory committees to monitor antimicrobial stewardship at long-term care facilities. *It was left pending.*
- **HB 3891** by Garnet Coleman (D-Houston) would require a health benefit plan to provide coverage for the diagnosis and treatment of an **eating disorder**. *It was left pending.*

On Wednesday, the **Senate Health and Human Services Committee** took up:

- **SB 1101** by Van Taylor (R-Plano) would authorize a physician to prescribe, and a pharmacist to dispense, an **epinephrine auto-injector** to a day-care facility. *It was left pending.*

- **SB 1625** by Carlos Uresti (D-San Antonio) would prohibit termination or retaliation against a **physician assistant** who refuses to engage in an act or omission relating to patient care that would constitute grounds for reporting the physician assistant to the physician assistant board for a violation of rules or regulations. *It was left pending.*

NEXT WEEK

The **House Human Services Committee** will meet on Monday, May 1, 2017 at 8:00 a.m. in E2.030 of the capitol extension to take up:

- **HB 3564** by Stephanie Klick (R-Fort Worth) would clarify provisions establishing the office of the state **long-term care ombudsman**.

The **House Insurance Committee** will meet on Tuesday, May 2, 2017 at 8:00 a.m. in E2.016 of the capitol extension to take up:

- **HB 717** by Gene Wu (D-Houston) would require a health care provider that takes a sample of a person's blood as part of a routine medical screening to submit the sample for an **HIV diagnostic test**, regardless of whether an HIV test is part of a primary diagnosis, unless the person opts out of the HIV test. Any standard health benefit plan would also be required to include coverage for such tests or procedures.
- **HB 2882** by Tom Oliverson (R-Houston) would authorize a health benefit plan to make **modifications affecting drug coverage** that are more favorable to enrollees at any time without notice to the commissioner of insurance. On renewal of a health benefit plan, an issuer would be prohibited from modifying an enrollee's contracted benefit level for any prescription drug that was approved or covered under the plan in the immediately preceding plan year and prescribed during that year for a medical condition or mental illness of the enrollee.
- **HB 3523** by Barbara Gervin-Hawkins (D-San Antonio) would require a health benefit plan to provide coverage for **hair prostheses**.
- **HB 3560** by Tom Oliverson (R-Houston) would require a group health benefit plan to provide coverage, based on medical necessity, for the diagnosis and **treatment of obesity**.
- **HB 3930** by Rick Miller (R-Sugar Land) would clarify requirements for a health benefit plan to provide coverage for **early childhood intervention services**.

The **House Public Health Committee** will meet on Tuesday, May 2, 2017 at 8:00 a.m. in E2.012 of the capitol extension to take up:

- **HB 752** by Morgan Meyer (R-Dallas) would make a nonprofit health care organization found in violation of the prohibition against **interference with a physician's professional judgment** subject to administrative penalties, including revocation of board certification, and would require any employee, including a physician or chief medical officer, working for a nonprofit health care organization known by the employee to have committed a violation to report that violation to the State Board of Medical Examiners. *Note: the companion, SB 833, was voted favorably as substituted from the Senate Health and Human Services Committee on April 26, 2017.*
- **HB 1201** by Senfronia Thompson (D-Houston) would authorize a dentist to delegate the administration of an **intraoral block** or infiltration anesthesia to a qualified dental hygienist. *Note: the companion, SB 430, was on the Senate Intent Calendar on April 25, 2017 but has not been re-posted.*
- **HB 1939** by Garnet Coleman (D-Houston) would prohibit over the counter sale of **dextromethorphan** to minors, and provide civil penalties for violations.
- **HB 2107** by Eddie Lucio, III (D-Brownsville) would authorize the possession, use, cultivation, distribution, transportation, and delivery of **medical cannabis** for use by qualifying patients with a diagnosed debilitating medical condition.

- **HB 2403** by Shawn Thierry (D-Houston) would require the **Maternal Mortality and Morbidity Task Force** within the Department of State Health Services to conduct a study evaluating the causes of maternal mortality and morbidity in the state's African American population.
- **HCR 57** by Gene Wu (D-Houston) would encourage Texans to donate bone marrow and blood and to register as **organ donors**, and would encourage all counties and cities be encouraged to adopt the same policy as the state with regard to time off for public employees not to exceed 5 working days in a fiscal year to serve as a bone marrow donor or 30 working days in a fiscal year to serve as an organ donor, and not to exceed four times in a fiscal year to donate blood.
- **HCR 64** by Chris Turner (D-Arlington) would recognize the importance of vaccinations in preventing **meningococcal disease** and encourage all Texans to learn more about this vital issue.
- **SB 27** by Donna Campbell (R-New Braunfels) would abolish provisions authorizing the Department of State Health Services to award grants to regional and local organizations for the delivery of **mental health programs or services for veterans**. The term "volunteer coordinator" would be replaced with "peer services coordinator."
- **SB 74** by Jane Nelson (R-Flower Mound) would streamline credential requirements for **behavioral health providers**.
- **SB 139** by Van Taylor (R-Plano) would include the following facilities under provisions relating to **adverse licensing, listing, or registration decisions** made by health and human services agencies:
 - an ambulatory surgical center,
 - a birthing center,
 - an abortion facility,
 - an end stage renal disease facility,
 - a freestanding emergency medical care facility, and
 - a narcotic drug treatment program.
- **SB 304** by Van Taylor (R-Plano) is the sunset bill for the **Texas Board of Chiropractic Examiners**.
- **SB 313** by Charles Schwertner (R-Georgetown) is the sunset bill for the **State Board of Dental Examiners**.

The **Senate Business and Commerce Committee** will meet on Tuesday, May 2, 2017 at 8:00 a.m. in E1.016 of the capitol extension to take up:

- **SB 2104** by Carlos Uresti (D-San Antonio) would require Department of State Health Services to conduct a feasibility study on using the statewide system of **health care data** collection to create a **public database** of charges billed by health care providers.

The **House State Affairs Committee** will meet on Wednesday, May 3, 2017 at 10:30 a.m. in HJR 140 of the John H. Reagan State Office Building to take up:

- **HB 1113** by John Smithee (R-Amarillo) would prohibit a qualified health plan offered through a health benefit exchange from providing **coverage for an abortion**, except due to a medical emergency. A health benefit plan would also only be authorized to provide coverage for an abortion if it is provided separately from other coverage on the plan, the enrollee pays separately for the abortion coverage, and provides a separate signature. Requirements for calculating premiums would be provided. **Note: the companion, SB 20, passed the Senate on March 27, 2017 but has not yet been referred to committee in the House.**

HIGHER EDUCATION

PASSED THE SENATE:

- **SB 810** by Lois Kolkhorst (R-Brenham) would require course schedules at institutions of higher education to include textbook information that indicates whether the textbook is an **open educational resource**. It would define open education resource to mean a teaching, learning, or research resource that is in the public domain or has been released under an intellectual property license that permits the free use and repurposing of the resource by any person. *The committee substitute and one floor amendment were adopted and is passed unanimously.*
- **SB 2048** by Paul Bettencourt (R-Houston) would eliminate the Texas Opportunity Plan Fund and replace it with the **student loan auxiliary fund**. *It passed on Wednesday's Local and Uncontested Calendar.*

PASSED THE HOUSE:

- **HB 655** by Travis Clardy (R-Nacogdoches) would require junior college students to file a **degree plan** by the end of the second semester or term in which the student earns a cumulative total of 30 semester credit hours. *It passed to Third Reading by a vote of 131-10. On Wednesday, it received final approval by a vote of 138-8.*
- **HB 832** by Travis Clardy (R-Nacogdoches) would require the Coordinating Board to authorize (rather than establish a pilot project) a **dental hygiene baccalaureate** degree program at a public junior college that offers a degree program in that field. *It passed to Third Reading on a voice vote. It received final passage on Friday by a vote of 133-1.*
- **HB 836** by Travis Clardy (R-Nacogdoches) would require institutions that participate in a **student loan program** to provide students that receive a loan an estimate of the total amount of education loans previously received by the student, an estimate of the total payoff amount, an estimate of the monthly repayment amount, and an estimate of the percentage of the education loan borrowing limit applicable to the student. *The committee substitute was adopted and it passed to Third Reading on a voice vote. It received final approval on Friday by a vote of 130-6. Note: the companion SB 887, has passed the Senate and been referred to the House Higher Education Committee.*

On Wednesday, the **Senate Higher Education Committee** took up:

- **SB 537** by Juan "Chuy" Hinojosa (D-McAllen) would require institutions of higher education to include for each course in its course catalog a description and the amount of any **special course fee** charged specifically for the course, including an online access fee or lab fee. *It was reported favorably and recommended for the Local and Uncontested Calendar.*
- **SB 1799** by Royce West (D-Dallas) would make changes to the student loan default prevention and **financial aid literacy pilot program**. *It was reported favorably and recommended for the Local and Uncontested Calendar.*
- **SB 2079** by Larry Taylor (R-Friendswood) would require a **student's postsecondary transcript** to include the average grade that was awarded to all students in the class immediately to the right of the student's individual grade. *It was left pending.*

On Thursday, the **House Higher Education Committee** took up:

- **HB 493** by Mary Ann Perez (D-El Paso) would require the Texas Workforce Commission to annually report to the governor and legislature information related to the **College Credit for Heroes** program including the number of academic or workforce education semester credit hours awarded under the program and applied toward a degree or certification program at an institution of higher education during the most recent academic year. *It was left pending.*

- **HB 654** by Travis Clardy (R-Nacogdoches) would require the Coordinating Board to include in **formula funding** the first 15 additional semester credit hours earned by a student who has **re-enrolled** at the institution **following a break** in enrollment covering the 24-month period preceding the first class day of the initial semester or other academic term of the student's enrollment; and successfully completed at least 50 semester credit hours of course work at the institution before that break in enrollment. It would also allow a student in those circumstances to drop one additional course. *It was left pending Note: the companion, SB 1782, is on the Senate Intent Calendar for Monday, May 1, 2017.*
- **HB 796** by Travis Clardy (R-Nacogdoches) would allow participants in 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. *It was left pending. Note: the companion, SB 2082, was reported favorably from the House Higher Education Committee and recommended for the Local and Uncontested Calendar.*
- **HB 973** by Kevin Roberts (R-Houston) would require the Coordinating Board to authorize a public junior college in Harris County to offer a **baccalaureate** degree program in the field of **applied technology**. *It was left pending.*
- **HB 1007** by Roberto Alonzo (D-Dallas) would require the Texas Veterans Commission to administer a **veterans resource center** in at least one institution of higher education in each of the following higher education regions:
 - High Plains Region,
 - Northwest Texas Region,
 - Metroplex Region,
 - Upper East Texas Region,
 - Southeast Texas Region,
 - Gulf Coast Region,
 - Central Texas Region,
 - South Texas Region,
 - West Texas Region, and
 - Upper Rio Grande Region.*It was left pending.*
- **HB 1192** by Cesar Blanco (D-El Paso) would expand the **College Credit for Heroes program** to include public junior colleges and technical institutes and would require the Texas Workforce Commission to include them in the program unless they opt out. *It was left pending.*
- **HB 1212** by Larry Phillips (R-Sherman) would require the Coordinating Board to each biennium identify between three and five **applied science** disciplines for which a baccalaureate degree program may be offered by a public junior college. *It was left pending.*
- **HB 1563** by Rick Miller (R-Sugar Land) would allow the **Texas State Technical College System** to create a technical-vocational course of study, certificate or degree program without approval by the Texas Higher Education Coordinating Board. *It was left pending. Note: the companion, SB 2032, was removed from the Senate Higher Education Committee agenda on April 29, 2017.*
- **HB 1828** by Donna Howard (D-Austin) would authorize the Coordinating Board to approve of **baccalaureate degree** programs at **Austin Community College** that offer a degree program in the fields of applied science, applied technology. *It was left pending.*
- **HB 2156** by Justin Rodriguez (D-San Antonio) would require the Texas Higher Education Coordinating Board to maintain a repository for student **transcripts from closed institutions** that were issued a certificate of authority for a private postsecondary educational institution. *It was left pending.*
- **HB 2478** by Sarah Davis (R-Houston) would establish an innovation grant program under which the Texas Higher Education Coordinating Board to award incentive payments to medical schools that administer

innovative residency training programs designed to increase the number of Texas physicians who specialize in pediatric or adult psychiatric care. *It was left pending.*

- **HB 2996** by Trent Ashby (R-Lufkin) would require the Texas Higher Education Coordinating Board to establish a competitive grant program to encourage new or expanded **physician residency programs** at teaching hospitals and other appropriate health care entities to create new graduate medical education positions in rural and nonmetropolitan areas, with particular emphasis on the creation of rural training tracks. *It was left pending.*
- **HB 3179** by J.M. Lozano (R-Kingsville) would establish the **Texas Working Off-Campus Reinforcing Knowledge and Skills (WORKS) Internship Program** administered by the Texas Higher Education Coordinating Board to help fund paid internships for college students with eligible employers using money from the federal work-study program. *It was left pending. Note: the companion, SB 1467, is on the Senate Intent Calendar for Monday, May 1, 2017.*
- **HB 3766** by J.M. Lozano (R-Kingsville) would limit the eligibility for the **Hazelwood exemption** for honorably discharged veterans by requiring a minimum of 4 years of service instead of 180 days past training; would limit the benefit to 15 years from the date the veteran was honorably discharged; and would transfer administration of the program from the Texas Veterans Commission to the Texas Higher Education Coordinating Board. *It was left pending.*
- **HB 4092** by Sarah Davis (R-Houston) would allow the Texas Higher Education Coordinating Board to authorize **junior colleges to offer baccalaureate degree** programs in nursing and applied science and technology with some provisions bracketed to the **Lone Star College District**. *It was left pending. Note: the companion, SB 2118, was reported favorably as substituted from the Senate Higher Education Committee on April 24, 2017.*

NEXT WEEK

The **House Higher Education Committee** will meet on Wednesday, May 3, 2017 at 10:30 a.m. in E2.030 of the capitol extension to take up:

- **HB 817** by Lina Ortega (D-El Paso) would commission a study on increasing the number of **medical residency programs**, medical residents, and physicians practicing medical specialties in this state.
- **HB 2290** by J.M. Lozano (R-Kingsville) would establish the **Texas Returning Adult Student Grant Program** to provide financial assistance to eligible returning adult students enrolling in baccalaureate degree programs at eligible institutions of higher education.
- **HB 3119** by Alma Allen (D-Houston) would authorize the use of licensing fees to fund the **speech-language pathologist and audiologist educational loan** repayment program. *Note: the companion, SB 247, was voted favorably as substituted from the Senate Higher Education Committee on April 27, 2017.*
- **HB 3904** by Leighton Schubert (R-Caldwell) would provide **automatic admission** to an applicant to an institution of higher education if the applicant graduated as the **valedictorian** of the student's high school.
- **SB 968** by Kirk Watson (D-Austin) would require postsecondary educational institutions to provide an option for a student or employee of the institution to electronically report an **allegation of sexual assault**, sexual harassment, dating violence or stalking committed against or witnessed by the student or employee, and must enable a student or employee to report the alleged offense anonymously.
- **SB 969** by Kirk Watson (D-Austin) would provide amnesty to students who commit a **student conduct code violation** ancillary to a sexual assault incident if they are a victim of that sexual assault or a reporting witness.

The **Senate Veteran Affairs and Border Security Committee** will meet on Wednesday, May 3, 2017 at 1:30 p.m. in the Betty King Committee Room in the capitol building to take up:

- **HB 846** by John Raney (R-Bryan) would prohibit institutions of higher education from imposing additional obligations or burdens regarding payment or registration on **Hazelwood students**.

HUMAN RESOURCES/EMPLOYMENT

PASSED THE HOUSE:

- **HB 91** by James White (R-Hillister) would require **occupational licensing** authorities to review each license issued by the authority that has an eligibility requirement related to an applicant's **criminal history** and make a recommendation regarding whether the requirement should be retained, modified or repealed. *It passed on Thursday's Local and Consent Calendar.*

On Monday, the **House Business and Industry Committee** took up:

- **HB 718** by Gene Wu (D-Houston) would entitle an employee with continuous employment of at least six months to eight weeks of **family medical leave**. *It was left pending.*
- **HB 2510** by Oscar Longoria (D-Mission) would **prohibit** an employer from **retaliating** against an employee who in good faith seeks to recover wages owed to the **employee by filing a wage claim**. *It was left pending.*
- **HB 3483** by Nicole Collier (D-Fort Worth) would outline circumstances under which an employee of a private employer is entitled to **paid leave**. *It was left pending.*
- **HB 3890** by Victoria Neave (D-Dallas) would require the Texas Workforce Commission to establish and administer a **self-employment assistance program** to provide financial assistance to an eligible individual seeking to start a business. *It was left pending.*

On Thursday, the **House Economic and Small Business Development Committee** took up:

- **HB 1987** by Tan Parker (R-Flower Mound) would require parental consent for a **minor to join a union**. *It was left pending. Note: the companion, SB 75, passed the Senate on April 11, 2017 but has not yet been referred to committee in the House.*

NEXT WEEK

The **House Business and Industry Committee** will meet on Monday, May 1, 2017 at 10:00 a.m. in E2.016 of the capitol extension to take up:

- **HB 225** by Eric Johnson (D-Dallas) would prohibit employment discrimination based on **sexual orientation** or gender identity or expression.
- **HB 290** by Eric Johnson (D-Dallas) would prohibit an employer from asking an applicant about the **applicant's wage history** information or obtain an applicant's wage history information from a previous employer; and would make it an unlawful employment practice to **discriminate** among employees **on the basis of gender**.
- **HB 656** by Ina Minjarez (D-San Antonio) would entitle an employee with continuous employment of at least one year to 30 days of **family medical leave**.
- **HB 2443** by Mary Gonzalez (D-El Paso) would allow **wage claims** to be filed electronically.
- **HB 2787** by James White (R-Hillister) would **prohibit employment discrimination** on the basis of an **individual's political beliefs** that are expressed outside the workplace and outside the course and scope of the individual's employment.

INSURANCE

PASSED THE SENATE:

- **SB 1070** by Kelly Hancock (R-North Richland Hills) would add life, health and accident insurance companies to the list of insurers that can provide reinsurance on any line of insurance in which the insurer is authorized to engage. And, it makes other requirements on **reinsurance contracts**. *The committee substitute and one floor amendment were adopted and it passed unanimously. **Note:** the companion, HB 2491, was reported favorably as substituted from the House Insurance Committee on April 24, 2017.*
- **SB 1073** by Kelly Hancock (R-North Richland Hills) would clarify that reports related to information involving a **solvency examination** of an insurance carrier is confidential and exempt from disclosure. *The committee substitute was adopted and it passed by a vote of 29-1. **Note:** the companion, HB 3202, was reported favorably from the House Insurance Committee and recommended for the Local and Consent Calendar on April 26, 2017.*
- **SB 1490** by Judith Zaffirini (D-Laredo) would require the **premium surcharge** assessed against an **insured convicted of driving under the influence** to be stated in the insurer's rating plan instead of prescribed by the Department of Insurance. *It passed unanimously. **Note:** the companion, HB 2372, was reported favorably from the House Insurance Committee and recommended for the Local and Consent Calendar on April 20, 2017.*
- **SB 1491** by Judith Zaffirini (D-Laredo) would allow property and casualty insurance companies with adequate capital and surplus to apply to the Texas Department of Insurance for designation as a **domestic surplus lines insurer**. *It passed by a vote of 30-1. **Note:** the companion, HB 2492, was reported favorably as substituted from the House Insurance Committee on April 24, 2017.*
- **SB 1500** by Judith Zaffirini (D-Laredo) would prohibit **vehicle protection or warranty products** from representing that the product is an insurance or surety product; and would prohibit a retailer from conditioning a motor vehicle sale on the purchase of a vehicle protection product. *It passed unanimously.*
- **SB 1537** by Larry Taylor (R-Friendswood) would provide that if a judge, mediator, arbitrator, appraiser or panel member who has an insurance policy issued by the **Fair Access to Insurance Requirements (FAIR)** Plan, and is assigned to **preside over a dispute** involving the Plan, the/she is required to disclose that fact and if any party to the dispute requests it, the Commissioner of Insurance would be required to appoint a different presiding officer. *It passed by a vote of 26-5. **Note:** the companion, HB 3430, was heard and left pending in the House Insurance Committee on April 25, 2017.*

PASSED THE HOUSE:

- **HB 1187** by Giovanni Capriglione (R-Keller) would allow a **captive insurance company** to provide credit life and credit disability insurance offered as a part of the operational risks of an affiliate. *It passed to Third Reading on a voice vote. On Wednesday, it received unanimous final passage.*
- **HB 2437** by Larry Phillips (R-Sherman) would clarify that reports related to information involving a **solvency examination** of an insurance carrier is confidential and exempt from disclosure. *It passed to Third Reading on a voice vote. On Tuesday, it passed by a vote of 121-21. **Note:** the companion, SB 1072, was on the Senate Intent Calendar on April 20, 2017 and has not been re-posted since then.*
- **HB 3018** by Dade Phelan (R-Port Neches) would provide that a **nonresident agent** may not sell a Texas **windstorm and hail insurance** policy unless the nonresident agent's state of residence has reciprocity for Texas agents. *It passed to Third Reading on a voice vote. On Friday, it received final approval by a vote of 128-4.*
- **HB 3220** by Larry Phillips (R-Sherman) would authorize the Commissioner of Insurance to act as the **group-wide supervisor of an internationally active insurance group** if the commissioner determines that another regulatory official is the appropriate group-wide supervisor. *It passed to Third Reading on a voice vote. It received unanimous final approval on Friday.*

On Tuesday, the **House Insurance Committee** took up:

- **HB 2147** by Yvonne Davis (D-Dallas) would prohibit an insurer from considering **loss and expense experience** from any business in setting a premium rate used by the insurer or in a rate filing. *It was left pending.*
- **HB 2150** by Yvonne Davis (D-Dallas) would require insurers to submit a **quarterly report** to Texas Department of Insurance that includes the number of claims filed, the claims denied, and the **reason that each claim was denied**. *It was left pending.*
- **HB 3430** by Greg Bonnen (R-Friendswood) would provide that if a judge, mediator, arbitrator, appraiser or panel member who has an insurance policy issued by the **Fair Access to Insurance Requirements (FAIR)** Plan, and is assigned to **preside over a dispute** involving the Plan, the/she is required to disclose that fact and if any party to the dispute requests it, the Commissioner of Insurance would be required to appoint a different presiding officer. *It was left pending. **Note:** the companion, SB 1537, passed the Senate on April 25, 2017 but has not yet been referred to committee in the House.*
- **HB 3465** by Yvonne Davis (D-Dallas) would entitle **personal automobile or residential property insurance policyholders** to a refund of premiums paid if the insurer's profits exceed the previous year's profits by 10 percent or more. *It was left pending.*
- **HB 3703** by Lance Gooden (R-Terrell) would waive **continuing education** requirements for resident or nonresident **adjusters** who hold a certification from a nationally recognized insurance claims association. *It was voted out favorably as substituted.*
- **HB 4105** by Sergio Munoz, Jr. (D-Palmview) would require insurers to disclose to the Texas Department of Insurance any fee, payment, or other compensation paid to an individual or entity in connection with an **employee benefit plan** offered or sold to provide benefits to employees of an employer. *It was left pending.*
- **HB 4239** by Sergio Munoz, Jr. (D-Palmview) would require the Commissioner of Insurance to set flexible rate bands within which a **title insurance** company or agent may charge a rate for title insurance. *It was left pending.*

Also on Tuesday, the **Senate Business and Commerce Committee** took up:

- **SB 915** by Bryan Hughes (R-Mineola) would make several changes to **captive insurance companies** including allowing them to insure employee benefits that are life insurance subject to the Employee Retirement Income Security Act of 1974. It would allow captive insurance companies to cede risks to a reinsurer. And, it would authorize a captive insurance company to operate as a captive exchange if the principal office of the attorney in fact is in Texas. *It was left pending. **Note:** the companion, HB 1944, is on the House Calendar for Thursday, May 4, 2017.*
- **SB 1285** by Brandon Creighton (R-Conroe) would make it illegal for an entity in the business of insurance to act as a **life settlement broker** for a policy owner. *It was left pending. **Note:** the companion, HB 3008, was voted favorably as substituted from the House Insurance Committee on April 26, 2017.*
- **SB 2203** by Kelly Hancock (R-North Richland Hills) would require statistical reporting by **title insurance agents and underwriters** to conform to Generally Accepted Accounting Principles; and would require Texas Department of Insurance to promulgate a transparency form to be used in residential real estate transactions to disclose information on title insurance premiums, fees, charges, and payments to third parties. *It was left pending.*
- **SB 2210** by Kelly Hancock (R-North Richland Hills) would clarify requirements for updating information provided by **health benefit plans** through the **Internet**. *It was left pending.*

NEXT WEEK

The **Senate Business and Commerce Committee** will meet on Tuesday, May 2, 2017 at 8:00 a.m. in E1.016 of the capitol extension to take up:

- **SB 2179** by Larry Taylor (R-Friendswood) would exempt **farm mutual insurance companies** from the insurance premium tax unless the company is acting as a fronting insurer.

PRIVACY

PASSED THE HOUSE:

- **HB 8** by Giovanni Capriglione (R-Keller) would make several changes regarding **cybersecurity for state information resources**. *The committee substitute and four floor amendments were adopted and it passed to third reading on a voice vote. One Third Reading amendment was adopted and it passed unanimously.*
- **HB 106** by Armando “Mando” Martinez (D-Weslaco) would prohibit **drones** from **capturing images** of real property or persons on real property within 25 miles of the U.S. border. *The committee substitute and three floor amendments were adopted and it passed to Third Reading on a voice vote. On Friday, it received final passage by a vote of 129-5. Note: the companion, SB 840, passed the Senate on April 18, 2017 but has not yet been referred to committee in the House.*
- **HB 1424** by Jim Murphy (R-Houston) would prohibit the operation of an **unmanned aircraft** over a correctional facility and over a **sports venue** if the unmanned aircraft is lower than 400 feet above ground level, unless it is operated by a governmental entity, law enforcement agency, or the owner or operator of the sports venue, or person under contract with the owner or operator of the sports venue. *Two floor amendments were adopted and it passed to Third Reading by a vote of 120-2. On Friday, it received final passage by a vote of 135-1.*
- **HB 1861** by Gary Elkins (R-Houston) would make information collected, assembled, or maintained by or for a governmental body to prevent, detect, or investigate a **computer security incident**, including a breach of system security confidential and exempt from disclosure. *The committee substitute and one floor amendment were adopted and it passed to Third Reading on a voice vote. On Thursday, it received unanimous final passage.* The House committee substitute clarifies that information directly arising from a governmental body’s routine efforts to prevent, detect, or investigate a computer security incident, including information contained in or derived from an information security log is confidential information related to a breach of system security is not confidential. And it adds a provision requiring state agencies to redact from a contract that is posted on the agency’s Internet website, information that is made confidential by law or excepted from disclosure.
- **HB 2413** by Cindy Burkett (R-Sunnyvale) would include in the definition of **“student information”** for career school and college students identifying information regarding a student that is in the possession of the Texas Workforce Commission, a career school or college or other school, educational institution, or business entity from which the commission receives or regarding which the commission reviews information through its administration or enforcement duties. *It passed to Third Reading by a vote of 121-6. It received final passage on Friday by a vote of 127-7.*

On Monday, the **House Business and Industry Committee** took up:

- **HB 2333** by Gary Elkins (R-Houston) would require businesses that accept a credit or debit card for payment and retain any data related to the card other than a confirmation number for the transaction to secure the retained information from a **system security breach**; would establish the Data Security Breach Victim Compensation Fund to pay claims to consumers who have suffered financial loss in relation to a security breach and reimburse a financial institution for costs association with a security breach; and would be funded by a \$50 civil penalty assessed against a business that suffers a security breach for each credit and debit card from which information was compromised. *It was left pending.*

Also on Monday, the **House Government Transparency and Operation Committee** took up:

- **HB 3581** by Giovanni Capriglione (R-Keller) would allow **public information that exists in an electronic format** be requested in a specific file format, including the file format used by the governmental body to maintain the information, along with the record layout of and instructions for accessing the file provided. *It was left pending.*

PROCUREMENT

On Monday, the **House Government Transparency and Operation Committee** took up:

- **HB 792** by Giovanni Capriglione (R-Keller) would overturn the Texas Supreme Court case of *Boeing v Paxton* by providing that information withheld from disclosure under the **public information law** because a governmental body demonstrates that release of the information would **provide an advantage to a competitor** or bidder in a competitive situation would no longer be exempted from disclosure after the governmental body executes or awards the contract to which the bid or proposal relates. *It was left pending. **Note:** the companion, SB 407, has passed the Senate and was referred to the House Government Transparency and Operation Committee on April 18, 2017.*
- **HB 793** by Giovanni Capriglione (R-Keller) would overturn the Texas Supreme Court case of *Greater Houston Partnership v Paxton* by expanding the definition of “governmental body” for purposes of **public information laws** to include an entity that receives funds to perform **services traditionally provided by a governmental body**. *It was left pending. **Note:** the companion, SB 407, has passed the Senate and was referred to the House Government Transparency and Operation Committee on April 18, 2017.*

PROPERTY

PASSED THE SENATE:

- **SB 715** by Donna Campbell (R-New Braunfels) would allow a **municipality to annex an area** only if each owner of land in the area requests the annexation and the municipality enters into a written agreement for the provision of services in the area with the land owners. Senator Campbell said, “Today’s vote is a victory for the property rights of all Texans. It is simply wrong to force citizens who live outside the jurisdiction of a city to be absorbed solely to increase a city’s tax base. The Texas Annexation Reform Act takes an important step toward protecting property owners from forced annexation and gives residents a greater say in what should be a more collaborative process.” *It passed by a vote of 20-10.*
- **SB 2212** by Kelly Hancock (R-North Richland Hills) would clarify what constitutes misleading **real estate advertisements**; and would require disclosures in **wholesaling transactions**. *It passed unanimously. **Note:** the companion, HB 2534, was voted favorably as substituted from the House Licensing and Administrative Procedures Committee on April 27, 2017.*

On Monday, the **House Business and Industry Committee** took up:

- **HB 2343** by Paul Workman (R-Austin) would provide that prior to asserting a **construction defect claim**, the claimant must obtain an inspection from an independent third-party licensed professional engineer, and the report must identify the specific construction defect on which the claim is based, describe the present physical condition of the affected improvement, and describe any modification, maintenance, or repairs to the improvement made by the claimant or others. And, the claimant would be required to allow each party subject to the claim at least ten days to correct the defect. *It was initially left pending, but was voted favorably as substituted on Thursday.*

- **HB 2668** by John Wray (R-Waxahachie) would characterize **retainage** as a loan to the **construction project** by the construction team and provide that if the lender forecloses on a construction project, the properly perfected liens would be attached to the retainage. *It was left pending.*
- **HB 3528** by Hubert Vo (D-Houston) would authorize a **property owners' association** to impose a **late fee on past due assessments** of up to 10 percent of the past due assessment and any interest and administrative costs of up to one-half of one percent of all unpaid past due assessments charged monthly. *It was left pending.*
- **HB 3868** by John Smithee (R-Amarillo) would authorize a **property owners' association** to adopt and enforce a requirement for an applicant for a long-term or short-term tenancy of a property to consent to a background and criminal history check. *It was initially left pending, but it was reported favorably on Thursday.*
- **HB 3879** by Craig Goldman (R-Fort Worth) would clarify that a party involved in an **eviction suit** for nonpayment of rent can be represented by an owner or the owner's authorized agent who does not have to be an attorney. *It was initially left pending, but on Tuesday, it was reported favorably and recommended for the Local and Consent Calendar.*

On Tuesday, the **House Judiciary and Civil Jurisprudence Committee** took up:

- **HB 1844** by Paul Workman (R-Austin) would allow architects, engineers, suppliers, and equipment rental **companies that contract with entities from other states** to void a clause requiring disputes be decided under the law of another state if the project is located in Texas. *It was left pending. Note: the companion, SB 807, was on the Senate Intent Calendar for April 26, 2017 but has not been re-posted.*

NEXT WEEK

The **House Business and Industry Committee** will meet on Monday, May 1, 2017 at 10:00 a.m. in E2.016 of the capitol extension to take up:

- **HB 1572** by Paul Workman (R-Austin) would prohibit a municipality, county or other political subdivision from enacting or enforcing an ordinance that restricts the ability of a property owner to **remove a tree or vegetation** on the owner's property that the owner believes poses a risk of fire to a structure on the property or on an adjacent property.

The **Senate Business and Commerce Committee** will meet on Tuesday, May 2, 2017 at 8:00 a.m. in E1.016 of the capitol extension to take up:

- **SB 1994** by Judith Zaffirini (D-Laredo) would provide that a **wrap loan** is void and unenforceable unless it is made with the prior, **written consent of all existing lienholders** and is closed at a title company's office; and would create a fiduciary obligation and constructive trust for all payments a new owner makes to a wrap lender, ensuring these payments are used for their intended purpose.
- **HB 890** by Charlie Geren (R-Fort Worth) would require the seller of **property located near a military installation** to provide notice to a purchaser that the property may be located near a military installation and may be affected by high noise or air installation compatible use zones or other operations. *Note: the companion, SB 775, passed the Senate on April 19, 2017 and has not yet been referred to committee in the House.*

The **House Defense and Veterans' Affairs Committee** will meet on Wednesday, May 3, 2017 at 10:30 a.m. in E1.026 of the capitol extension to take up:

- **HB 3701** by Craig Goldman (R-Fort Worth) would remove the population bracket on the requirement for **defense communities** that adopt an ordinance applicable in an area within eight miles of a **military base** to notify the base or facility authorities concerning the compatibility of the proposed ordinance.

PUBLIC EDUCATION

PASSED THE SENATE:

- **SB 457** by Donna Campbell (R-New Braunfels) would provide **charter school funding** per student to be calculated based on the guaranteed level of state and local funds per students per cent of tax effort multiplied by the state average interest and sinking fund tax rate imposed by school districts for the current year. *The committee substitute and three floor amendments were adopted and it passed by a vote of 20-10. Note: the companion was heard and left pending in the House Public Education Committee on March 28, 2017.*
- **SB 1152** by Jose Menendez (D-San Antonio) would require school districts to excuse a student to pursue **enlistment in** a branch of the U.S. **armed services** or the Texas National Guard. *It passed on Wednesday's Local and Uncontested Calendar.*
- **SB 1658** by Larry Taylor (R-Friendswood) would establish a **procedure to close an open-enrollment charter school** whose charter has been revoked, non-renewed, expired, surrendered, abandoned, or otherwise ceased operation. *The committee substitute and one floor amendment were adopted and it passed unanimously.*
- **SB 1784** by Larry Taylor (R-Friendswood) would allow state-developed **open education resources** to include content not owned by the state for which preexisting rights may exist if the content is in the public domain; may be used under a limitation or exception to copyright law; or is licensed to the state for use in an open education resource. It would change all statutory references regarding "open-source instructional material" to "open education resources." *The committee substitute was adopted and it passed on Wednesday's Local and Uncontested Calendar.*
- **SB 2080** by Larry Taylor (R-Friendswood) would require school districts to report the number of **children with disabilities** residing in a residential facility who receive educational services from the district in the district's Public Education Information Management System (PEIMS). *The committee substitute was adopted and it passed unanimously. Note: the companion, HB 69, was voted favorably from the House Public Education Committee on April 25, 2017.*
- **SB 2131** by Royce West (D-Dallas) would change requirements for providing **postsecondary education counseling** for high school students. *One floor amendment was adopted and it passed by a vote of 30-1.*

PASSED THE HOUSE:

- **HB 481** by Ken King (R-Canadian) would prohibit Texas Education Agency from recovering an **over-allocation of state funds** if the over-allocation occurred more than seven years of discovery and it occurred as a result of a statutory change. *One floor amendment was adopted and it passed to Third Reading on a voice vote. On Tuesday, it received final passage by a vote of 135-10.*
- **HB 657** by Diego Bernal (D-San Antonio) would allow a **special education student** to be promoted to the next grade level if the student made sufficient progress in the measurable academic goals identified in the student's individualized education program. *The committee substitute was adopted and it passed to Third Reading on a voice vote. On Thursday, it received final passage by a vote of 130-14.*
- **HB 1469** by Ernie Bailes (R-Sheppard) would allow a **teacher** at an open-enrollment **charter school** to be exempt from the baccalaureate degree requirement if the person is employed as a teacher for a **noncore academic career and technical education course** if the person has demonstrated subject matter expertise related to the subject taught and has received at least 20 hours of classroom management training. *The committee substitute was adopted and it passed to Third Reading on a voice vote. On Friday, it received unanimous final passage.*
- **HB 3075** by Dan Huberty (R-Houston) would exclude students who are detained at a county pre-adjudication or post-adjudication **juvenile detention** facility from the computation of **dropout and completion rates** for public school accountability ratings. *It passed to Third Reading on a voice vote. On*

*Tuesday, it was unanimously approved on final passage. **Note:** the companion, SB 727, was heard and left pending in the Senate Education Committee on April 27, 2017.*

On Tuesday, the **House Public Education Committee** took up:

- **HB 880** by Ken King (R-Canadian) would allow a school district to assign a teacher certified in English as a second language as a **bilingual education teacher** if the Commissioner of Education has determined that there is a shortage of certified bilingual education teachers for the school year and a teacher certified for bilingual education is not reasonably available for the district. *It was left pending.*
- **HB 1042** by Cesar Blanco (D-El Paso) would require school districts to provide **instructional materials** to a student in **printed book format** if the student does not have reliable access to technology at the student's home. *It was left pending.*
- **HB 1180** by Craig Goldman (R-Fort Worth) would prohibit a school district from providing **instruction after** the Friday before **Memorial Day**, unless the district operates a year-round system. *It was left pending.*
- **HB 1333** by Jason Isaac (R-Dripping Springs) would prohibit **teacher performance** standards to consider student performance that is based in any part on student performance on assessment instruments. And, it would prohibit the Texas Education Agency from adopting end-of-course **assessments** for secondary-level courses in reading, mathematics, and science that are not **required by federal law**. *It was left pending.*
- **HB 1651** by Rene Oliveira (D-Brownsville) would require school districts to reimburse each classroom teacher up to \$200 per school year for the cost of **classroom supplies** purchased by the teacher. *It was left pending.*
- **HB 1857** by Ken King (R-Canadian) would require each **instructional material** on the instructional material list be suitable for the subject and grade level for which the instructional material was submitted. And, it would require supplemental instructional material to be suitable for the subject and grade level. *It was left pending. **Note:** the companion, SB 801, was voted out favorably from the Senate Education Committee on April 25, 2017.*
- **HB 1865** by Matt Krause (R-Fort Worth) would set the **school start date** as the Tuesday after Labor Day and the end date as the Friday preceding Memorial Day. *It was left pending.*
- **HB 2047** by Gary VanDeaver (R-New Boston) would create a new Section 13.0515 in the Education Code called **Detachment and Annexation of Territory by Agreement** and it would allow school districts to enter a boundary change agreement or transfer or exchange territory through detachment and annexation. *It was left pending.*
- **HB 2247** by Dawinna Dukes (D-Austin) would authorize a **caregiver** who is a relative to **enroll a child in school**. *It was left pending.*
- **HB 2255** by Ken King (R-Canadian) would require school districts to offer a **pre-kindergarten program** to any child who is at least three years of age and would allow the prekindergarten classes to be operated on a half-day or full-day basis. If a school district contracts with a private entity to provide the district's prekindergarten program, the private entity must be accredited by an accreditation system approved by the Commissioner of Education. And, it would authorize to governor to transfer money from the **Texas Enterprise Fund** to the Texas Education Agency to be used to finance the high quality pre-kindergarten programs. *It was left pending.*
- **HB 2282** by Eric Johnson (D-Dallas) would require the Commissioner of Education to establish a **gold standard pre-kindergarten program**; and would allow school districts to operate a gold standard prekindergarten program on a full-day or half-day basis and would provide funding under the Foundation School Program for the program. *It was left pending.*
- **HB 2782** by Terry Wilson (R-Marble Falls) would provide that the school district **performance rating method** used is not implemented in a manner that provides for a specific designated distribution of ratings

to districts and campuses under which a percentage of districts or campuses receive an “a” rating or an “F” rating. *It was initially left pending, but on Thursday, it was voted out favorably.*

- **HB 2790** by James White (R-Hillister) would authorize independent apprenticeship committees to sponsor **apprenticeship training programs** administered by the Texas Workforce Commission. *It was initially left pending, but on Thursday, it was voted out favorably.*
- **HB 2806** by Trent Ashby (R-Lufkin) would require school districts to report the number and percentage of students enrolled at a campus in a **voluntary after-school program and a voluntary summer program**. *It was left pending. Note: the companion, SB 1404, is on the Senate Intent Calendar on Monday, May 1, 2017.*
- **HB 2997** by Justin Holland (R-Rockwall) would eliminate the fourth domain for **evaluating elementary and middle school campuses**. *It was left pending.*
- **HB 3347** by Dan Huberty (R-Humble) would allow school districts to establish **before-school or after-school programs** for students in elementary or middle school; and would allow districts to contract with a licensed child-care facility to provide the programs. *It was left pending.*
- **HB 3384** by Mike Schofield (R-Katy) would allow a **school board member** to bring suit against a school district if the district fails to provide the board member with requested information within ten days after a **request for information**. *It was left pending.*
- **HB 3487** by Dan Huberty (R-Humble) would require the Commissioner of Education to develop a **web portal** to assist school districts in selecting **instructional materials** including general information such as price, computer system requirements, and other relevant specifications. The portal would also be required to include a repository of open educational resources and other electronic instructional materials that school districts may access at no cost, including state-developed **open-source instructional materials**. *It was removed from the agenda and not heard. Note: the companion, SB 1484, was voted favorably as substituted from the Senate Education Committee on April 27, 2017.*
- **HB 3526** by Donna Howard (D-Austin) would rename the instructional materials allotment as the technology and **instructional materials allotment**. *It was initially left pending, but on Thursday, it was voted out favorably as substituted.*
- **HB 3635** by Matt Krause (R-Fort Worth) would require the Commissioner of Education to establish objective eligibility and performance standards including academic and financial accountability standards for **districts of innovation**. *It was left pending.*
- **HB 3759** by Kyle Biedermann (R-Fredericksburg) would exempt school districts from new unfunded **state mandates** for the two school years in the upcoming biennium. *It was left pending.*
- **HB 4085** by Dustin Burrows (R-Lubbock) would allow school districts to offer a course needed to obtain an **industry-recognized credential or certificate** without State Board of Education approval if the district partners with a public or private institution of higher education and a local business or with a local economic development corporation and local business to develop the coursework. *It was left pending.*
- **SB 22** by Larry Taylor (R-Friendswood) would establish the **Pathways in Technology Early College High School (P-TECH)** program. *It was left pending. Note: the companion, HB 1237, was also on the agenda at this hearing, but removed in lieu of consideration of SB 22.*

Also on Tuesday, the **Senate Education Committee** took up:

- **SB 748** by Judith Zaffirini (D-Laredo) would require the transition plan of a **special education** student’s individualized education program to include community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living. *It was initially left pending, but on Thursday, it was voted out favorably. Note: the companion, HB 4027, was heard on the House Public Education Committee on April 27, 2017 and left pending.*

- **SB 1061** by Van Taylor (R-Plano) would authorize the Commissioner of Education to grant more than one charter for an **open-enrollment charter school** to a charter holder if the additional charter is for an open-enrollment charter school that has a **distinct purpose or student population**. It requires the commissioner to identify various types of charters to be used but the list must include:
 - A charter school that serves a student population through a distinctly different model;
 - An alternative education open-enrollment charter school that serves students who have dropped out of or are at risk of dropping out of school;
 - A virtual open-enrollment charter school; and
 - Any other charter school that serves a distinct student population.

*It voted out favorably as substituted on Thursday. **Note:** the companion, HB 1023, was considered and left pending in the House Public Education Committee on March 28, 2017.*
- **SB 1484** by Larry Taylor (R-Friendswood) would require the Commissioner of Education to develop a **web portal** to assist school districts in selecting **instructional materials** including general information such as price, computer system requirements, and other relevant specifications. The portal would also be required to include a repository of open educational resources and other electronic instructional materials that school districts may access at no cost, including state-developed **open-source instructional materials**. *It was voted out favorably as substituted on Thursday.*
- **SB 1785** by Carlos Uresti (D-San Antonio) would prohibit the use of a student evaluation as a criterion to **appraise the performance of a teacher**. *It was voted out favorably on Thursday.*

On Thursday, the **Senate Education Committee** took up:

- **SB 384** by Konni Burton (R-Colleyville) would require the State Board of Education to make a reasonable effort to schedule **end-of-course assessments** at a time that does not conflict with the administration of a nationally recognized assessment used by institutions of higher education to award course credit by examination or advanced placement. *It was left pending.*
- **SB 727** by Sylvia Garcia (D-Houston) would exclude students who are detained at a county pre-adjudication or post-adjudication **juvenile detention** facility from the computation of **dropout and completion rates** for public school accountability ratings. *It was left pending.*
- **SB 1173** by Charles Perry (R-Lubbock) would eliminate the fourth domain for **evaluating elementary and middle school campuses**. *It was left pending.*
- **SB 1561** by Van Taylor (R-Plano) would require the State Board of Education to study the **length of the school day and academic year** for grades K-12 that would be necessary to allow for the completion of the required curriculum. *It was left pending.*
- **SB 1688** by Eddie Lucio, Jr. (D-Brownsville) would require the Commissioner of Education to establish the **student mental health division** within the Texas Education Agency to develop and administer a plan to identify, leverage, and align existing agency resources to promote the academic success of students with mental illness or students who are at risk of having mental illness, including students who are in special education programs. *It was left pending.*
- **SB 1794** by Jose Menendez (D-San Antonio) would **repeal** the requirement that **school districts** develop and implement a **plan to increase enrollment** of the district's students at **institutions of higher education**. *It was left pending.*
- **SB 2051** by Larry Taylor (R-Friendswood) would make several changes to **public school performance ratings** including allowing a student in a district issued an unacceptable performance rating to receive a public education grant to attend another school in the district; and evaluation of campuses based on three instead of five domains of indicators of achievement. *It was left pending.*
- **SB 2084** by Larry Taylor (R-Friendswood) would require the Commissioner of Education to adopt rules to calculate 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. *It was left pending.*

Also on Thursday, the **House Public Education Committee** took up:

- **HB 1261** by Gina Hinojosa (D-Austin) would prohibit an open-enrollment **charter school** to discriminate in admission policy on the basis of an applicant or **student's discipline history**. *It was left pending.*
- **HB 1323** by James Frank (R-Wichita Falls) would allow **home-schooled** students to participate in **University Interscholastic League** (UIL) sponsored activities. *It was left pending. **Note:** the companion, SB 640, passed the Senate on April 19, 2017 but has not yet been referred to committee in the House.*
- **HB 1335** by Ron Simmons (R-Carrollton) would establish an **education savings account** program for special needs and educationally disadvantaged students. *It was left pending.*
- **HB 1687** by Dwayne Bohac (R-Houston) would require school districts to develop a written agreement form for each grade level that states the **responsibilities of students, parents, and teachers** in that grade level; and would require the form to be signed by parents and teachers of each student. *It was left pending.*
- **HB 2730** by Eddie Lucio, III (D-Brownsville) would allow the Commissioner of Education to create career and technical **credentials or certificates** that may be earned by a public high school student through a **career and technology education** program; and would require the Texas Education Agency to conduct a study to identify unmet needs in career and technology education programs particularly in the information technology career cluster. *It was left pending.*
- **HB 4193** by Ron Simmons (R-Carrollton) would require the Commissioner of Education to establish and administer a **credit account program** to provide funding for **students with disabilities** that have an individualized education program to obtain educational support services and other resources that supplement the student's public education. *It was left pending.*

On Friday, the **House Appropriations Committee** took up:

- **HB 2256** by Ken King (R-Canadian) would authorize the governor to transfer money from the **Texas Enterprise Fund** to the Texas Education Agency to be used to finance the high quality pre-kindergarten programs. *It was left pending.*

NEXT WEEK

The **House Public Education Committee** will meet on Tuesday, May 2, 2017 at 8:00 a.m. in E2.036 of the capitol extension to take up:

- **HB 588** by Dwayne Bohac (R-Houston) would establish a **computer science certification grant program** to encourage teachers to become certified as computer science teachers and to continue professional development in computer science education. Grants would be made available to entities including institutions of higher education, regional education service centers, independent school districts, a partnership of independent school districts or a nonprofit entity that offers training for computer science certification for teachers and professional development for currently certified computer science teachers to ensure certified teachers maintain working knowledge of current industry standard tools and resources.
- **HB 615** by Jeff Leach (R-Plano) would remove the requirement that a student must pass the fifth or eighth grade **math or reading assessments** in order to advance to the next grade.
- **HB 1485** by Valoree Swanson (R-Spring) would provide that the State Board of Education or a school district, administrator, or principal may not prohibit a teacher from helping students understand, analyze, critique, and review in an objective manner the scientific strengths and weaknesses of existing **scientific**

theories included in a course taught in accordance with the curriculum framework developed by the State Board of Education.

- **HB 1553** by J.M. Lozano (R-Kingsville) would authorize a school district that has failed to satisfy **performance standards** to enter into a memorandum of understanding with an institution of higher education to improve district performance.
- **HB 1826** by Craig Goldman (R-Fort Worth) would authorize a student to enroll full-time in the **virtual school network** if the student has been placed in substitute care or has been prescribed by a licensed psychologist or other licensed health care professional to attend school through an alternative setting that provides instruction solely through electronic courses because of the student's medical or psychological condition.
- **HB 1847** by Garnet Coleman (D-Houston) would require public and charter schools to provide **notice** the parents if the school does **not have a full-time nurse** assigned to the campus for more than 30 consecutive instructional days during the same school year.
- **HB 2010** by Greg Bonnen (R-Friendswood) would require Texas Education Agency (TEA) to collect and make available to a school district on request information regarding **workplace safety training** that may be included as part of the district's curriculum; and would allow a school district to develop a workplace safety program that provides educators access to the information provided by TEA and encourages them to include the workplace safety training information in the curriculum of appropriate courses provided to students enrolled in grades 7 through 12.
- **HB 2519** by Lynn Stucky (R-Sanger) would require Texas Education Agency to **study** to identify the best practices for **reducing** the number of **students who drop out** of school before entering the ninth grade and directing students who drop out toward an appropriate educational program. (the companion is SB 1852)
- **HB 2537** by Bobby Guerra (D-McAllen) would add to the information that must be provided to students in each year of high school to include information on the availability of **education and training vouchers** and tuition and fee waivers to attend an institution of higher education for students who is or was previously in the conservatorship of the Department of Family and Protective Services.
- **HB 3231** by Dwayne Bohac (R-Houston) would provide that **charter schools** operated by a public senior college or university would not be assigned a **financial accountability rating**. *Note: the companion, SB 1837, passed the Senate on April 26, 2017.*
- **HB 3427** by Matt Shaheen (R-Plano) would remove the provision in the Education Code that allows a school district to deny a request to enroll a student in an **electronic course** if the district offers a substantially similar course; and would require Texas Education Agency to conduct a study regarding the effectiveness of **digital learning** and make recommendations on improving digital learning.
- **HB 3730** by Jarvis Johnson (D-Houston) would require the Texas Education Agency to develop and implement a statewide **online education and career advising tool** to assist children in making informed, meaningful, and attainable postsecondary and career plans. (the companion is SB 1271)
- **HB 3767** by Alma Allen (D-Houston) would require school boards to annually certify that they have established the required district- and campus-level **planning and decision-making committees**.
- **HB 3813** by Armando "Mando" Martinez (D-Weslaco) would require the Commissioner of Education to create and administer a pilot program to enable at least 14 high schools in border counties to build **infrastructure to connect existing high-speed fiber-optic networks**. (the companion is SB 2123)
- **HB 3853** by Garnet Coleman (D-Houston) would allow the Commissioner of Education to provide additional state aid to school districts to assist the district in employing or contracting for the services of **behavioral health professionals**.

- **HB 4111** by Alma Allen (D-Houston) would provide that if a performance rating for an open-enrollment **charter school** is lower than satisfactory due to a **data reporting error** in the Public Education Information Management System (PEIMS), the Commissioner of Education would be required to change the rating accordingly.
- **HB 4140** by Dwayne Bohac (R-Houston) would change the instructional materials allotment to the **instructional materials and technology allotment**. And, it would prohibit school districts from using money in their instructional materials and technology account until the district has submitted and obtained peer review certification of the **district's technology plan**. It would require the State Board of Education to limit adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum. ***Note:** the companion, SB 1481, was reported favorably as substituted from the Senate Education Committee on April 18, 2017 and recommended for the Local and Uncontested Calendar.*
- **HB 4170** by Scott Cospers (R-Killeen) would expand access to the **virtual school network** for students in kindergarten, first and second grades (current law applies the virtual school network to grades 3-12). ***Note:** the companion, SB 610, is on the Senate Intent Calendar for Monday, May 1, 2017.*
- **SB 826** by Larry Taylor (R-Friendswood) would eliminate the **sequencing** requirements for **advanced English and math** courses.

The **Senate Education Committee** will meet on Tuesday, May 2, 2017 at 9:00 a.m. in E1.028 of the capitol extension to take up:

- **SB 1838** by Bryan Hughes (R-Mineola) would clarify that a **municipality** must consider an open-enrollment **charter school** a school district for purposes of zoning, permitting, code compliance and development.
- **SB 2049** by Larry Taylor (R-Friendswood) would require school districts to administer the **Texas Success Initiative** (TSI) assessment to students in the 11th grade; but would allow the Commissioner of Education to authorize a school district to administer the Scholastic Assessment Test (SAT) or the American College Test (ACT) instead. It would require the Commissioner of Education to consult with the Commissioner of Higher Education and the Texas Workforce Commission to determine the level of student performance that is considered satisfactory for the TSI assessment (or alternative assessment). It would establish a **computer adaptive testing pilot program** and conduct a study to evaluate the program for consideration by the legislature in 2021.

TAX

PASSED THE SENATE:

- **SB 518** by Borris Miles (D-Houston) would provide a franchise tax credit of \$1,000 per intern for **businesses completing an internship program**. Senator Miles said, "SB 518 will offer a franchise tax credit to companies that hire paid interns. Leaders from manufacturing and the oil and gas industries have stated that they are in need of qualified workers to meet growing demand. Many of these jobs do not require a college education but only additional training after high school. This of legislation will assist students in obtaining good-paying jobs after high school." *On Wednesday, the committee substitute and four floor amendments were adopted and it passed to Third Reading by a vote of 19-12. On Thursday, it received final passage by a vote of 21-10. **Note:** the companion, HB 595, was voted favorably as substituted from the House Ways and Means Committee on April 27, 2017.*
- **SB 1516** by Kelly Hancock (R-North Richland Hills) would institute state registration and regulation of federally regulated **appraisal management companies**. *It passed on Wednesday's Local and Uncontested Calendar. **Note:** the companion, HB 3261, was voted favorably as substituted from the House Licensing and Administrative Procedures on April 27, 2017.*

PASSED THE HOUSE:

- **HB 28** by Dennis Bonnen (R-Angleton) would **phase out the franchise tax** incrementally based on the surplus in general revenue at the end of each biennium. *The committee substitute was adopted and it passed to third reading by a vote of 98-45. On Friday, it received final passage by a vote of 96-39.*
- **HB 513** by Sarah Davis (R-Houston) would require (instead of allow) a chief appraiser to reappraise a damaged **property located in a disaster area** designated by the governor. *The committee substitute was adopted and it passed to Third Reading on a voice vote. On Wednesday, it received unanimous final approval. Note: the companion, SB 717, has passed the Senate and was referred to the House Ways and Means Committee on April 13, 2017.*
- **HB 3557** by Jim Murphy (R-Houston) would require the parties to an **appraisal review board protest** to provide a copy of their materials in accordance with a form prescribed by the comptroller. It would require the comptroller to remove an arbitrator who has been determined to have repeated bias or misconduct. *It passed on Thursday's Local and Consent Calendar.*

On Monday, the **Senate Finance Committee** took up:

- **SB 1030/SJR 42** by Larry Taylor (R-Friendswood) would grant a property tax exemption for real property that a person owns and leases to an **open-enrollment charter school**, if the property is used exclusively by the school for educational functions. *They were reported favorably. They are on the Senate Intent Calendar for Monday, May 1, 2017. Note: the companions, HB 382/HJR 34 were reported out favorably as substituted from the House Ways and Means Committee on April 25, 2017.*
- **SB 1047** by Brandon Creighton (R-Conroe) would provide that the homeowners that qualify to pay **property taxes in installment payments** if they are over 65 years of age or disabled could pay in four equal installment payments if the first installment is paid before the delinquency date. *It was reported favorably and recommended for the Local and Uncontested Calendar.*
- **SB 1095** by Larry Taylor (R-Friendswood) would change from 30 days to 90 days the deadline to file a petition for **redetermination of a tax deficiency** determination made by the comptroller. *It was reported favorably as substituted and recommended for the Local and Uncontested Calendar.*
- **SB 1209** by Carlos Uresti (D-San Antonio) would clarify the definition of **wildlife management** to include predator control for purposes of qualified open-space land. *It was left pending.*
- **SB 1426** by Kelly Hancock (R-North Richland Hills) would require a taxing unit to calculate an **adjusted effective tax rate** and an adjusted rollback tax rate that includes new property valuations in the calculation and would require those adjusted rates to be included in the public notice of the taxing unit's proposed tax rates. *It was reported favorably and recommended for the Local and Uncontested Calendar. It is on the Senate Intent Calendar for Monday, May 1, 2017.*
- **SB 1848** by Paul Bettencourt (R-Houston) would increase the **cap on attorney's fees** that may be awarded to a prevailing property owner from \$15,000 to \$27,000 or 20 percent of the amount by which the property owner's liability is reduced on appeal, whichever is greater; and would increase the maximum fee level to \$253,000 or the amount produced by applying an annual increase or decrease in the CPI to the cap amount. *It was reported favorably and is on the Senate Intent Calendar for Monday, May 1, 2017.*
- **SB 1906** by Paul Bettencourt (R-Houston) prohibits a taxing unit from **challenging** the level of **appraisal of property by category**. *It was reported favorably and recommended for the Local and Uncontested Calendar. It was on the Senate Intent Calendar on April 27, 2017, but has not been re-posted.*
- **SB 1979** by Charles Schwertner (R-Georgetown) would require the condemning entity in an **eminent domain** proceeding pay the **change in use penalty** if the taking of the property results in a change in use from open-spaced land. *It was reported favorably and recommended for the Local and Uncontested Calendar. It is on the Senate Intent Calendar for Monday, May 1, 2017 (first placement).*

- **SB 2239** by Paul Bettencourt (R-Houston) would make several changes to **property tax administration**. *It was left pending.*

Also on Monday, the **House Licensing and Administrative Procedures Committee** took up:

- **HB 3261** by Charlie Geren (R-Fort Worth) would institute state registration and regulation of federally regulated **appraisal management companies**. *It was initially left pending, but on Thursday, it was voted out favorably as substituted. Note: the companion, SB 1516, passed the Senate on April 16, 2017.*

On Wednesday, the **House Ways and Means Committee** took up:

- **HB 150/HJR 21** by Cecil Bell, Jr. (R-Magnolia) would allow the legislature to include a home donated by a charitable organization in the homestead exemption of a partially **disabled veteran**. *They were voted out favorably.*
- **HB 301/HJR 30** by Lyle Larson (R-San Antonio) would prohibit an appraisal district from raising a property's appraisal in the year after a **successful appeal of the property value**. *They were left pending.*
- **HB 570** by Angie Chen Button (R-Richardson) would exempt the homestead of the **surviving spouse of a first responder** killed or fatally injured in the line of duty. *It was left pending. Note: the companion, SB 15, has passed the Senate and was referred to the House Ways and Means Committee on April 18, 2017.*
- **HB 1614** by Tan Parker (R-Flower Mound) would provide a franchise tax credit for capital investments in an **enterprise project**. The credit would be 7.5 percent of the qualified capital investment up to 50 percent of the businesses franchise tax liability with a five-year carry-forward. *It was left pending.*
- **HB 1721** by Greg Bonnen (R-Friendswood) would provide that the tax on the sale of a **boat or motor** may not exceed \$15,625. *It was left pending.*
- **HB 2182** by Ron Reynolds (D-Richmond) would exclude from consideration of the 2 percent local sales tax rate cap related to **county assistance districts** rights-of-way, and any area in which a county facility is located but does not contain a business with a sales tax permit. *It was initially left pending, but on Thursday, it was voted out favorably.*
- **HB 2524/HJR 88** by Pat Fallon (R-Frisco) would exempt the homestead of the **surviving spouse of a first responder** killed or fatally injured in the line of duty. *They were left pending. Note: the companions, SB 15 has passed the Senate and was referred to the House Ways and Means Committee on April 18, 2017. SJR 1 has passed the Senate but has not yet been referred to committee in the House.*
- **HB 2591** by Abel Herrero (D-Robstown) would define property owned by a **navigation district** as public property and exempt the district and the district's property from state and local taxes and assessments. *It was initially left pending, but was voted out favorably on Thursday. Note: the companion, SB 1133, passed the Senate on April 26, 2017.*
- **HB 3002** by Rick Miller (R-Sugar Land) would provide a homestead exemption for a **disabled veteran** based on the homeowner's disability rating. *It was initially left pending, but was voted out favorably on Thursday.*
- **HB 3045** by Tony Dale (R-Cedar Park) would allow the city to call an election or 10 percent of the voters could petition for an election to change the tax rate of a **Type B development corporation**. *It was initially left pending, but was voted out favorably on Thursday.*
- **HB 3046** by Tony Dale (R-Cedar Park) would allow a city to call an election to change the sales tax rate. *It was initially left pending, but was voted out favorably on Thursday.*
- **HB 3168** by Charlie Geren (R-Fort Worth) would establish the **Office of Local Property Tax Ombudsman** in the comptroller's office to resolve complaints involving alleged violations of procedural requirements, comptroller rule or rules of procedure by an appraisal review board, appraisal district, chief appraiser or appraisal review board member related to hearing procedures, notices, scheduling of a hearing, evidence

presented, issuance of a subpoena, conflicts of interest, ex parte communication or other procedural matter. *It was left pending.*

- **HB 3201** by Drew Darby (R-San Angelo) would strike obsolete **oil production tax** exemption language. *It was left pending.*
- **HB 3446** by Yvonne Davis (D-Dallas) would prohibit a chief appraiser from requiring identification beyond what current law requires when filing a **homestead exemption application** unless the appraiser has reasonable evidence that the address listed on the identification is not the applicant's homestead. *It was left pending.*
- **HB 3471** by Yvonne Davis (D-Dallas) would allow an **oil or gas production** taxpayer to receive reimbursement for **overpaid sales taxes** by taking a credit on its sales tax return. *It was left pending.*
- **HB 3843** by Rodney Anderson (R-Grand Prairie) would provide a franchise tax or insurance premium tax credit for development of **low-income housing**. *It was left pending.*
- **HJR 86** by Angie Chen Button (R-Richardson) would exempt the homestead of the **surviving spouse of a first responder** killed or fatally injured in the line of duty. *It was left pending.*

On Thursday, the **House Ways and Means Committee** took up:

- **HB 1682** by Dwayne Bohac (R-Houston) would apply the sales tax exemption for **repair, remodeling and maintenance services** and the machinery, tools, supplies and equipment used to perform them to all **aircraft**, instead of aircraft used as a certificated carrier, for flight instruction, or for agricultural purposes. *It was left pending.* **Note:** the companion, SB 2055, is set for a hearing in the Senate Finance Committee on May 1, 2017.
- **HB 2236** by Jim Murphy (R-Houston) would change the 8 percent annual **interest rate on deferred taxes** to the five-year Constant Maturity Treasury Rate on the year in which the deferral was obtained. *It was voted out favorably.*
- **HB 2314** by Jim Murphy (R-Houston) would remove interest from the penalty calculation for property converted from **agriculture use valuation** to developed property. *It was left pending.* **Note:** the Companion, SB 629, passed the Senate on March 27, 2017 but has not yet been referred to committee in the House.

NEXT WEEK

The **Senate Finance Committee** will meet on Monday, May 1, 2017 at 10:00 a.m. in E1.036 of the capitol extension to take up:

- **SB 1031** by Larry Taylor (R-Friendswood) would allow a franchise tax deduction for **costs associated with federal contracts** under Federal Acquisition Regulations by defense companies.
- **SB 1032** by Larry Taylor (R-Friendswood) would provide that the tax on the sale of a **boat or motor** may not exceed \$15,625.
- **SB 1514/SJR 51** by Craig Estes (R-Wichita Falls) would propose a constitutional amendment providing that eligibility for appraisal as **open-space land** does not end because the land is being used for oil and gas production, if it continues to qualify otherwise.
- **SB 1745/SJR 55** by Juan "Chuy" Hinojosa (D-McAllen) would provide that if the chief appraiser adds property or value to the tax roll that in the previous year was **erroneously exempted**, a tax lien could not be enforced for that year as a result of the addition of the property if at any time after January 1, the property was sold in an arm's length transaction to a person who was not a close relative to the seller.
- **SB 2055** by Royce West (D-Dallas) would apply the sales tax exemption for **repair, remodeling and maintenance services** and the machinery, tools, supplies and equipment used to perform them to all

aircraft, instead of aircraft used as a certificated carrier, for flight instruction, or for agricultural purposes. *Note: the companion, HB 1682, was heard and left pending in the House Ways and Means Committee on April 27, 2017.*

- **HB 455** by Will Metcalf (R-Conroe) would allow a property owner to appear by telephone at an **appraisal review board hearing** if evidence is submitted by affidavit prior to the hearing.
- **HB 777** by Trent Ashby (R-Lufkin) would allow **open-space land** to continue its designation if the owner is a **deployed member of the armed services** and intends to use the land for agricultural purposes upon returning to the state.
- **HB 1346** by Angie Chen Button (R-Richardson) changes from the 10th of the month to the 20th of the month the due date for the deposit with the tax collector for items of **heavy equipment** sold, leased or rented from the **dealer's inventory** in the preceding month. *Note: the companion, SB 711, was heard in the Senate Finance Committee on March 27, 2017 and left pending.*

The **House Ways and Means Committee** will meet on Wednesday, May 3, 2017 at 8:00 a.m. in E2.012 of the capitol extension to take up:

- **HB 660** by Jason Villalba (R-Dallas) exempts the sale of **Texas state flags** from the sales tax.
- **HB 976** by Helen Giddings (D-Dallas) would include **art supplies** in the August back-to-school sales tax holiday.
- **HB 1164** by Ryan Guillen (D-Rio Grande City) would add to the definition of sale for resale the lease or rental of reusable tangible personal property to a **caterer** if the caterer uses the property in a sale of a taxable item.
- **HB 2106** by John Smithee (R-Amarillo) would add current or former **employees of a state judge** to the list of people whose residence address in property tax records must be held confidentially and not subject to disclosure. *Note: the companion, SB 510, passed the Senate on April 3, 2017 and has been referred to the House Ways and Means Committee.*
- **HB 2133** by Rodney Anderson (R-Grand Prairie) would eliminate the requirement that a tract of **land that is contiguous to a regular place of religious worship** may not be exempted for more than six years under the provision that deals with expansion of the church facility.
- **HB 2621** by Drew Darby (R-San Angelo) would create a new Chapter 93 in the Natural Resources Code to provide tax benefits for **enhanced oil recovery reinvestment zones**.
- **HB 2868** by Cole Hefner (R-Mount Pleasant) would require each taxing unit whose governing body is entitled to appoint board members on an appraisal district to vote to approve or disapprove of the **appraisal district's proposed budget**.
- **HB 3138** by Roland Gutierrez (D-San Antonio) would add to the definition on **intangible personal property** the value of a brand name, a business service, or a business and income derived from the operation of a business other than income from use of the property.
- **HB 3148** by Tomas Uresti (D-San Antonio) would allow monthly installment payments of ad valorem taxes on the residence homesteads of **disabled veterans** and their surviving spouses.
- **HB 3389** by Mike Schofield (R-Katy) would require the district clerk to collect the **fees taxed as costs of suit** and award the fees to the master in each delinquent tax suit for which a master is appointed.
- **HB 3709** by J.D. Sheffield (R-Gatesville) would allow counties to impose a separate sales tax of 15 cents per ton of taxable solid **excavated material**.

- **HB 3975** by Trent Ashby (R-Lufkin) would expand the definition of land for purposes of **open-space appraisal of timber land** to include roads, rights-of-way, buffer areas, fire breaks, property taken through eminent domain, and other real property associated with the production of timber or forest products.
- **HB 3999** by Jason Isaac (R-Dripping Springs) would establish a procedure for appraisal of property previously owned by a charitable organization and sold as **low-income housing**.

TECHNOLOGY

PASSED THE HOUSE:

- **HB 1995** by Gary Elkins (R-Houston) would amend the **Texas Uniform Trade Secrets Act** including updating the definition of trade secret to include all forms and types of information, including business, scientific, technical, economic or engineering information and any formula, design, prototype, pattern, plan, compilation, program device, program, code, device, method, technique, process, procedure, financial data, or list of actual or potential customers or suppliers, whether tangible or intangible and whether or how stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if the owner of the trade secret has taken reasonable measures to keep the information secret. *One floor amendment was adopted and it passed on Thursday's Local and Consent Calendar. **Note:** the companion, SB 1945, was reported favorably as substituted from the Senate State Affairs Committee on April 26, 2017 and recommended for the Local and Uncontested Calendar.*

On Monday, the **House Criminal Jurisprudence Committee** took up:

- **HB 2622** by Senfronia Thompson (D-Houston) changes "Internet" to "online" and adds a definition of "**online service provider**" to statutes relating to **subpoenas** or court orders in investigations or **prosecution of criminal offenses**. Online service provider would be defined as an Internet service provider, search engine, web hosting company, web browsing company, manufacturer of devices providing online application platforms, or company providing online social media platforms. *It was left pending. **Note:** the companion, SB 1203, passed the Senate on April 19, 2017, but has not been referred to committee in the House.*

On Wednesday, the **Senate Transportation Committee** took up:

- **SB 2138** by Eddie Lucio, Jr. (D-Brownsville) would require the Texas Department of Transportation to establish a pilot program for the issuance of **digital driver's licenses** in Cameron County. *It was left pending.*

On Thursday, the **Senate State Affairs Committee** took up:

- **HB 2158** by Tan Parker (R-Flower Mound) would be the **Texas Revised Uniform Fiduciary Access to Digital Assets Act**. *It was initially left pending, but on Thursday, it was voted out favorably. **Note:** the companion, SB 1193, passed the Senate on April 19, 2017 but has not yet been referred to committee in the House.*

NEXT WEEK

The **House Government Transparency and Operation Committee** will meet on Monday, May 1, 2017 at 2:00 p.m. in E2.028 of the capitol extension to take up:

- **HB 3780** by Giovanni Capriglione (R-Keller) would require the Texas Higher Education Coordinating Board to select an appropriate department or entity of higher education to develop and build a **secondary Internet website domain name server**; and would make the governor responsible for managing the operations of the secondary Internet website domain name server and would allow the governor to contract with a third party to maintain and manage the operations of the domain name server.

- **HB 4261** by Gary Elkins (R-Houston) would require any **online advertising platform**, which is used to advertise goods or services in Texas and which restricts access to sell goods or services on that platform to provide a prominent online disclosure of the restrictions. A violation would be a deceptive trade practice.

TELECOMMUNICATIONS

On Monday, the **House Criminal Jurisprudence Committee** took up:

- **HB 2450** by Linda Koop (R-Dallas) would allow a warrant authorizing the **search of a cellular telephone** or other wireless communication device to be issued by a justice or other magistrate otherwise authorized to issue a search warrant; and would allow a law enforcement officer to request a search warrant if the officer reasonably believes that the device has been stolen and information on the device could only be used to identify the owner of the device. *It was left pending. Note: the companion, SB 1823, passed the Senate on April 19, 2017 but has not yet been referred to committee in the House.*

TORT

PASSED THE SENATE:

- **SB 949** by Lois Kolkhorst (R-Brenham) would cap **attorney's fees** at \$250,000 for cases assigned to a special three-judge district court. *It passed by a vote of 20-10. Note: the companion, HB 2221, was voted favorably from the House Judiciary and Civil Jurisprudence Committee on April 27, 2017.*

On Monday, the **Senate State Affairs Committee** took up:

- **SB 1893** by Brian Birdwell (R-Granbury) would increase the number **administrative judicial regions** from nine to 13. *It was voted out favorably as substituted.*

On Tuesday, the **House Judiciary and Civil Jurisprudence Committee** took up:

- **HB 2221** by Mike Schofield (R-Katy) would cap **attorney's fees** at \$250,000 for cases assigned to a special three-judge district court. *It was voted out favorably. Note: the companion, SB 949, passed the Senate Intent Calendar for April 24, 2017 but has not yet been referred to committee in the House.*
- **HB 3240** by Drew Springer (R-Muenster) would provide that a gas utility that inspects, constructs, or repairs a **gas pipeline owned or operated by a governmental unit** or an institution of higher education is not liable to a claimant for personal injury, property damage, or death arising from the performance of the inspection, construction, or repair if the utility was providing services or materials at the request of the entity in response to an emergency and the personal injury, property damage, or death was not caused by willful misconduct. *It was initially left pending, but on Thursday, it was voted out favorably.*

TRANSPORTATION

On Tuesday, the **House Transportation Committee** took up:

- **SB 312** by Robert Nichols (R-Jacksonville) is the sunset bill for **Texas Department of Transportation**. *It was left pending.*

WORKERS' COMPENSATION

PASSED THE SENATE:

- **SB 877** by Kelly Hancock (R-North Richland Hills) would require **political subdivisions that self-insure** workers' compensation coverage either individually or collectively to pay attorney's fees in **subrogation cases** as provided by Section 417.033 of the Labor Code. *It passed on Wednesday's Local and Uncontested Calendar. **Note:** the companion, HB 2057, was withdrawn from the April 27, 2017 House Local and Consent Calendar.*
- **SB 1895** by Larry Taylor (R-Friendswood) would add additional factors for the Commissioner of Workers' Compensation to consider when assessing an **administrative penalty** and stop penalties for electronic data interchange violations when a good faith effort to comply has been demonstrated. *The committee substitute was adopted and it passed on Wednesday's Local and Uncontested Calendar. **Note:** the companion, HB 4039, was heard in the House Business and Industry Committee on April 10, 2017 and left pending.*

PASSED THE HOUSE:

- **HB 919** by Kyle Kacal (R-College Station) would provide workers' compensation insurance coverage for **intrastate fire mutual aid system team members** and regional incident management team members during periods of activation or training by the Texas Division of Emergency Management. *The committee substitute was adopted and it passed to Third Reading on a voice vote. It received final passage on Friday by a vote of 122-12.*
- **HB 1983** by John Wray (R-Waxahachie) would allow **first responders** to receive coverage for Post Traumatic Stress Disorder (PTSD) through workers' compensation without declaring mental impairment. *The committee substitute was adopted and it passed to Third Reading on a voice vote. It received unanimous final passage on Friday.*
- **HB 1989** by Hugh Shine (R-Temple) would define an **"adequate program"** for purposes of **certified self-insurers** withdrawing as the workers' compensation insurance provider. Current law states that a certified self-insurer can withdraw if an adequate program is in place and approved by the Department of Workers' Compensation. *The committee substitute was adopted and it passed on Thursday's Local and Uncontested Calendar.*
- **HB 1990** by Hugh Shine (R-Temple) would update the Texas **certified self-insurer guaranty trust fund** for workers' compensation and revise the cap to be based on the self-insurers' total amount of security deposits. *The committee substitute was adopted and it passed on Thursday's Local and Uncontested Calendar.*
- **HB 2326** by Nicole Collier (D-Fort Worth) would require an **insurance carrier disputing** the extent of an **injury** to reimburse a treating doctor or referral doctor who creates a medical causation letter. *The committee substitute was adopted and it passed on Thursday's Local and Uncontested Calendar.*
- **HB 2546** by John Zerwas (R-Fulshear) would allow **reports** that are required to be submitted to the Division of Workers' Compensation or any party be **signed by a licensed physician assistant**. *The committee substitute was adopted and it passed on Thursday's Local and Uncontested Calendar.*

On Tuesday, the **Senate Business and Commerce Committee** took up:

- **SB 2211** by Kelly Hancock (R-North Richland Hills) would require the Division of Workers' Compensation to create a web-based demonstration program for processing **workers' compensation medical bills**. *It was left pending. **Note:** the companion, HB 3494, was heard and left pending in the House Appropriations Committee on April 28, 2017.*

On Friday, the **House Appropriations Committee** took up:

- **HB 3494** by Hugh Shine (R-Temple) would require the Division of Workers' Compensation to create a web-based demonstration program for processing **workers' compensation medical bills**. *It was left pending. Note: the companion SB 2211, was heard in the Senate Business and Commerce Committee on April 25, 2017 and left pending.*

NEXT WEEK

The **House Business and Industry Committee** will meet on Monday, May 1, 2017 at 10:00 a.m. in E2.016 of the capitol extension to take up:

- **HB 2287** by J.M. Lozano (R-Kingsville) would make administrators for **certified self-insurers** liable for any administrative violations. Certified self-insurers would no longer be liable for these violations unless the self-insurer was aware of the violation being committed.
- **HB 3309** by John Kuempel (R-Seguin) would remove the state licensing requirement for **temporary common worker employers**. Note: the companion, SB 1498, passed the Senate on April 26, 2017.

WORKFORCE

PASSED THE SENATE:

- **SB 276** by Kirk Watson (D-Austin) would allow an open-enrollment charter to be awarded to a pilot program provided through a nonprofit entity that provides an **adult education program** to successfully complete a high school program that can lead to a diploma and career and technology education courses that can lead to industry certification. It deletes the current limitation of no more than 150 individuals on the adult education pilot program. *The committee substitute was adopted and it passed unanimously. Note: the companion, HB 852, was reported favorably as substituted from the House Public Education Committee on April 17, 2017. The Senate committee substitute clarifies that the adult education program would be subject to PEIMS and high school graduation requirements and would require the Commissioner of Education to adopt performance frameworks and standards to measure the performance of adult high school programs.*
- **SB 2105** by Borris Miles (D-Houston) would require the Texas Workforce Commission to quarterly report to the Texas Education Agency with regional information on **career and technical education partnership opportunities** with business and industry, and professional development opportunities for teachers and learning opportunities for students through industry mentorships, internships, summer programs, after-school programs, and career-based student leadership opportunities. *It passed on Wednesday's Local and Uncontested Calendar. Note: the companion, HB 374, was reported favorably from the House Economic and Small Business Development Committee on April 24, 2017.*

PASSED THE HOUSE:

- **HB 2994** by Trent Ashby (R-Lufkin) would add contact hours attributable to enrollment of a student in a **workforce continuing education** course at a public junior college into the funding formula. *It passed to Third Reading on a voice vote. On Friday, it received final approval by a vote of 130-2.*

On Monday, the **House Human Services Committee** took up:

- **HB 1608** by Ina Minjarez (D-San Antonio) would require the Department of Family and Protective Services to establish a **summer internship pilot program** providing **foster children** with 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. *It was initially left pending, but on Thursday, it was voted out favorably.*

- **HB 1640** by Hubert Vo (D-Alief) would require the Texas Department of Family and Protective Services to collaborate with local workforce development boards, foster care transition centers, community and technical colleges, schools, and any appropriate workforce industry resources to create a program to assist **foster care youth** and former foster care youth in obtaining a high school diploma or a high school equivalency certificate and **industry certifications** that are necessary for occupations that are in high demand. *It was left pending.*

On Wednesday, the **Senate Higher Education Committee** took up:

- **SB 1746** by Juan “Chuy” Hinojosa (D-McAllen) would require contact hours attributable to the enrollment of a student in a **workforce continuing education** course offered by a public junior college to be included in the contract hours used to determine the college’s proportionate share of state money. *It was left pending.*

On Thursday, the **House Economic and Small Business Development Committee** took up:

- **HB 3554** by Barbara Gervin-Hawkins (D-San Antonio) would allow **nonprofit service providers** to apply for **job training**, postsecondary vocational and technical job training, adult education, employment services, and support services programs directly to the Texas Workforce Commission if the local workforce development board is unresponsive. *It was left pending.*

NEXT WEEK

The **Senate Natural Resources and Economic Development Committee** will meet on Tuesday, May 2, 2017 at 9:00 a.m. in E1.012 of the capitol extension to take up:

- **HB 1432** by Hubert Vo (D-Houston) would authorize the **Texas Workforce Commission to cash a warrant** or negotiable instrument with a restricted or conditional endorsement without settling the amount of money due to the commission.
- **HB 1433** by Hubert Vo (D-Houston) would suspend the statute of limitations during a pending judicial proceeding involving an **unemployment compensation claim**.

END-OF SESSION SLOW-DOWN RULES

Rules that institute deadlines prior to the end of the legislative session begin to kick in Monday, May 8, 2017:

- **MAY 8TH** – Last day for House committees to report House Bills and House Joint Resolutions (119th day).
- **MAY 9TH** – Last House Daily Calendar with House Bills and House Joint Resolutions must be distributed by 10:00 p.m. due to the 36-hour layout rule for calendars (120th day).
- **MAY 10TH** – Last House Local and Consent Calendar with Consent House Bills must be distributed by 9:00 a.m. due to the 48-hour layout rule for Local and Consent calendars (121st day).
- **MAY 11TH** – Last day (midnight deadline) for the House to consider Second Reading House Bills and House Joint Resolutions on the regular calendar (122nd Day).
- **MAY 12TH** – Last day (midnight deadline) for House to consider consent House Bills on Second and Third Reading and all Third reading House Bills and House Joint Resolutions on the regular calendar (123rd Day).
- **MAY 17TH** – Last House Local and Consent Calendar with local House Bills must be distributed by 9:00 a.m. due to the 48-hour layout for Local and Consent calendars (128th day).
- **MAY 19TH** – Last day for the House to consider local House Bills on Second and Third Reading. First day the Senate can consider bills and resolutions the first day they are posted on the Intent Calendar (130th Day).
- **MAY 20TH** – Last day for House Committees to report Senate Bills and Senate Joint Resolutions (131st Day).
- **MAY 21ST** – Last House Daily Calendar with Senate Bills and Senate Joint Resolutions must be printed and distributed (10:00 p.m. deadline) due to the 36-hour layout rule for regular calendars (132nd Day).
- **MAY 22ND** – Last House Local and Consent Calendar with Senate Bills must be distributed by 9:00 a.m. due to the 48-hour layout rule for Local and Consent calendars (133rd Day).
- **MAY 23RD** – Last day for the House to consider Second Reading Senate Bills and Senate Joint Resolutions on the regular calendar (134th Day).
- **MAY 24TH** – Last day for the House to consider local and consent Senate bills on Second and Third Reading and to consider all Third Reading Senate bills and Senate Joint Resolutions on the regular calendars. Last day for the Senate to consider all bills and joint resolutions on Second or Third Reading (135th Day).
- **MAY 25TH** – All Senate amendments must be distributed in the House before midnight due to the 24-hour layout rule (136th Day).
- **MAY 26TH** – Last day for the House to act on Senate amendments. Senate copies of conference committee reports on tax, general appropriations and reapportionment bills must be printed and distributed before midnight due to the 48-hour lay-out rule (137th Day).
- **MAY 27TH** – In the House, all conference Committee reports must be printed and distributed by midnight due to the 24-hour layout rule. In the Senate, all conference committee reports must be printed and distributed (other than those required to be printed the 137th day) before midnight due to the 24-hour lay-out rule (138th Day).
- **MAY 28TH** – Last day for the House to adopt conference committee reports and to discharge conference committees and adopt Senate amendments. Last day for the Senate to adopt conference committee reports or concur in House amendments (139th Day).
- **MAY 29TH** – Corrections only in the House and Senate. Last day of the session with midnight deadline to adjourn *Sine Die* (140th Day).

Additional information can be obtained via the Senate, House, and capitol websites:

- www.senate.state.tx.us
- www.house.state.tx.us
- www.capitol.state.tx.us



Compiled on behalf of the Greater Houston Partnership
By Dana Chiodo