



Legislative Study Group

Texas House of Representatives

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LSG Floor Report for Fiscal Matters Bills - Major & General State Calendar, May 3, 2011

Bill and Amendment Analysis for Fiscal Matters Bills

CSHB 3790, 3665, 3639, 3648, 3418, 3640

Committee: Appropriations

Recommendation: Unfavorable

Evaluated By: Jasie Boyd

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The budget bill, HB 1, includes several cost cutting measures that require statutory change to enact. The fiscal matters bills heard on the floor today make these changes, as well as implements payment deferrals and other savings measures to try and maximize funds for the state. While the goal of these savings is laudable, some of the reductions included in the bills will harm Texas citizens. The contents of each bill are outlined below.

Bill	Savings to the State
CSHB 3790**	\$2,565,221,648
CSHB 3665	\$9,687,570
CSHB 3639**	\$2,505,459,551
HB 3648	\$23,964,992
CSHB 3418	\$2,273,556
CSHB 3640	\$1,388,635,000
Total	\$4,295,242,317

***Please note that CSHB 3790 and 3639 both include a \$2.2 billion savings from a payment deferral to districts from the Foundation School Fund. It was only counted once when calculating the total. ***

All of the bills include the reduction and recovery of expenses by agencies in the following ways:

1. Agencies must file and deliver required reports and publications exclusively by electronic means.
2. Agencies can extend the effective period of any license, permit, or registration that the agency administers.
3. Agencies can contract duties to other governmental entities or private agencies.
4. Agencies can modify eligibility requirements for persons who receive agency benefits.
5. Agencies must communicate and deliver all necessary documents via e-mail or the internet.
6. Agencies can adopt and collect fees to cover costs incurred by the agencies in performing duties.

The move towards electronic reporting and communication will save agency money, and in most instances will likely be more convenient for both the agencies and citizens. However, over a quarter of a million households in Texas still do not have internet access, either unable to afford the cost of a computer or internet service or still lacking broadband service in their area. Many of these low-income and elderly citizens need access to state services, and it is imperative that they are able to receive information via hard copy by mail.

The privatization of duties cedes necessary state oversight for critical state services. The broad language allowing agencies to modify eligibility requirements for services provided, including those required by federal law, is unacceptable. Under this language an agency could restrict eligibility and deny services to Texans who desperately need care. In 2003, the last time the state faced a major budget shortfall, privatization of health care eligibility enrollment for CHIP led to more than 200,000 Texas children losing their health care coverage. Texas already has a weak safety net for citizens, and this provision could weaken it even more. The fiscal matters bills pursue privatization options that have proven to fail in the past in an effort to make unnecessary budget cuts that will hurt Texas school children, our grandparents in nursing homes, and more.

Finally, allowing agencies to collect fees to perform duties could effectively prohibit access to some vulnerable Texans who lack the financial ability to pay for services that they require. Again, the broad language insufficiently protects the citizens of Texas experiencing economic hardship.

CSHB 3790 by Representative Pitts

Caption: Relating to certain state fiscal matters; providing penalties

Fiscal Impact: CSHB 3790 is anticipated to have a positive impact over the biennium of \$2,565,221,648 if certain articles are implemented immediately, and a lesser \$2,501,088,648 impact if all provisions of the bill are implemented beginning September 1, 2011. The vast majority – about \$2.2 billion – of this savings is realized in the Foundation School Fund from a payment deferral.

An Outline of Major Provisions of CSHB 3790 is Highlighted Below

- **Deferred Payments – \$2.2 billion**

CSHB 3790 defers the August 2013 payment from the Foundation School Program to school districts to September 2013. This will result in a ‘savings’ of \$2.2 billion in FY 2013. Additionally, the requirement that the comptroller transfer funds from the lottery account to the foundation school program prior to August payments is repealed.

- **Sales Tax Holidays – \$115.8 million**

CSHB 3790 suspends the sales tax holiday in 2011 (if the required number of votes are received to make it effective immediately) and 2012. Future sales tax holidays will depend on the financial health of the state as determined by the comptroller during January of each odd-numbered year.

- **Tax Credits for Insurers - \$280,000**

Currently insurers can take a tax credit for examination and evaluation fees paid to the state during the tax year. CSHB 3790 repeals these tax credits.

- **TANF and SNAP Identification Requirements - \$3.1 million**

Current law requires that fingerprints be used for identification of TANF and SNAP recipients in order to prevent fraud. CSHB removes this requirement, instead directing HHSC to use available and appropriate technology for identification of recipients and prevention of duplicate enrollments.

- **Tax Record Requirements**

CSHB 3790 requires that owners of coin-operated machines keep records available for inspection for four years. Current law requires that records be kept until two years after the owner ceases to own the machine.

CSHB 3790 also requires taxpayers to keep records available for inspection for at least four years. A period exceeding four years is required when taxes, penalties and refunds may be assessed by the comptroller or a hearing is pending. In order to substantiate claims in a district court tax hearing, the taxpayer must produce contemporaneous records and supporting documentation. These changes conform district court requirements with existing administrative hearing requirements.

- **Duties Removed from the Comptroller - \$10.3 million GR**

CSHB 3790 puts full responsibility for auditing cities and counties participating in the Collection Improvement Program to the Office of Court Administration, removing the comptroller’s involvement.

The Secretary of State is given full control of the administration of the voter registration program in CSHB 3790, eliminating the participation of the comptroller. The comptroller will no longer be responsible for preparing reports related to healthcare training institutions. Instead, the board of the school will prepare and distribute required reports. Finally, the comptroller will no longer be required to provide a hard copy of materials to local governments and taxpayers; electronic copies will instead be made available. Rather than preparing an annual report related to property taxes, the comptroller will prepare the report biennially.

- **Penalties for Failing to Report or Remit Taxes**

CSHB 3790 institutes a \$50 penalty to any person failing to file a tax report, or to file it on time. This penalty will be assessed on the first late filing, rather than the third.

Entities required to file a mixed beverage tax report will be charged 5% of the amount due if the tax is not reported and paid on time. After 30 days, an additional 5% penalty will be assessed. After 60 days, the delinquent tax will be charged interest. In addition to these penalties, there will be a \$50 charge in keeping with penalties assessed for other late tax filings. Similarly, sellers of prepaid wireless telecommunications services who fail to pay the 9-1-1 service fee will be charged 5%, with an additional 5% being added after 30 days. This is in addition to the \$50 penalty that will be assessed for late payment.

- **Unclaimed Property - \$200 million**

Currently, holders of unclaimed property may file a report with the comptroller by November 1. CSHB 3790 moves the date forward to June 30. The date by which a holder must notify the owner of held property worth over \$250 is changed from the “following August” to the “preceding May”. Properties presumed abandoned must be transferred to the comptroller before July 1, rather than November 1. These changes will move revenues available from abandoned property to the previous fiscal year.

- **Obesity Intervention and Prevention Program**

Using already appropriated funds, the comptroller is directed to establish and administer an obesity prevention and intervention grant program, with a particular focus on areas of the state identified as being high risk for childhood obesity.

- **Other**

Other conforming changes are made in CSHB 3790, but do not have a fiscal impact, nor a detrimental policy impact. For example, state law is brought into conformity with the provisions of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act.

A full analysis on amendments to CSHB 3790 is on the following pages.

CSHB 3640 by Representative Pitts

***Caption:** Relating to the remittance and allocation of certain taxes and fees.*

***Fiscal Impact:** CSHB 3640 is anticipated to have a positive impact to the state over the biennium of \$1,388,635,000.*

CSHB 3640 is a revenue speed-up bill that requires pre-payment in August 2013 of certain taxes to the Comptroller. This prepayment is set only to occur once, and will expire on September 1, 2015.

While the state desperately needs funds this biennium, any revenue gained now will be lost for the 2014-15 biennium, which will also likely face a shortfall due to the large structural deficit caused by the property and margins tax decisions made in 2006. While the goal of reducing cuts to the budget this session is important, without addressing the larger revenue issues CSHB 3640 simply defers the pain of cuts to the future. In addition, asking some small retailers to remit funds they have not yet collected may place a financial burden on businesses. CSHB 3640 allows penalties and interest to be applied to pre-payment amounts that are not submitted to the comptroller.

An Outline of Major Provisions of CSHB 3640 is Highlighted Below

- **Alcoholic Beverage Taxes - \$17.6 million**

Alcoholic beverage taxes are paid monthly by permit holders. CSHB 3640 requires pre-payment of taxes in August 2013 equal to 125% of the payment due. The additional 25% will be credited back to the licensee in September 2013. This section applies to beverages sold by airlines, passenger trains, liquor stores and other sellers of alcoholic beverages.

- **Sales Tax - \$231.2 million**

CSHB 3640 requires monthly filers of sales tax to pay 125% of August 2013 tax due as a pre-prepayment for September 2013. The additional 25% will be credited back to their account the following month.

- **Motor Fuels Taxes - \$335.8 million**

CSHB 3640 requires monthly filers of motor fuels taxes to pay 125% of August 2013 tax due as a pre-prepayment for September 2013. The additional 25% will be credited back to their account the following month.

- **Franchise Tax - \$871.2 million**

Large taxable entities required to make annual franchise tax payments are required by CSHB 3640 to make a 25% pre-payment for taxes due in May 2014. This pre-payment amount will be determined using the report filed in May 2012, and be payable by July 31, 2013. Failing to remit the pre-payment will result in a 10% penalty. This pre-payment is particularly problematic, as the franchise tax as currently collected is not based on profit, and many filers actually end up paying taxes when a business is only breaking even or even sustaining a loss. Asking for pre-payment, and imposing a large penalty, may place an undue tax burden on many businesses already struggling in a poor economy.

CSHB 3665 by Representative Otto

Caption: *Relating to state fiscal matters related to general government.*

Fiscal Impact: *CSHB 3665 is anticipated to have a positive impact to the state over the biennium of \$9,687,570.*

An Outline of Major Provisions of CSHB 3665 is Highlighted Below

- **Parking Space Leasing**

CSHB 3665 allows the Facilities Commission to lease parking spaces in state-owned parking garages. Proceeds from the leases will go to general revenue. The Facilities Commission must submit an annual report to the LBB outlining the effectiveness of the program and the amount of revenue generated for the state.

- **State Debt**

CSHB 3665 authorizes the Bond Review Board (BRB) to determine whether additional state debt may be authorized or if it will exceed the maximum debt service allowance. The BRB will publish a report outlining the methodology used to calculate the debt service amount annually.

- **Electronic Payments to the Comptroller**

The comptroller is required by CSHB 3665 to implement the use of electronic pay cards as an alternative payment method to electronic funds transfer. If advantageous, the comptroller may use a third party vendor for the provision of these services, and establishes the criteria that must be used in contracting with the vendor.

- **Electronic Publications**

CSHB 3665 requires the Secretary of State to publish bills enacted during each session of the legislature electronically rather than in hard copy.

- **Fees Collected by the Office of the Attorney General (AG)**

Under CSHB 3665, the AG is allowed to collect a fee for filing documents electronically. Additionally, the AG may collect fees for reviewing invoices to determine eligibility for payment by a state agency, and for reviewing comprehensive development agreements filed by a toll project.

- **Texas Preservation Trust Fund**

Currently the TX Preservation Trust Fund is held outside of the treasury. CSHB 3665 moves the account into general revenue, and specifies the ways in which monies can be used by the Historical Commission.

- **Department of Information Resources (DIR)**

CSHB 3665 allows DIR to collect fees to cover the costs of providing telecommunications services. Fees collected from these and other services can be used by DIR to perform IT related planning and operations.

Amounts in the telecommunications fund in excess of that needed to pay related bills will be transferred to the general revenue fund. Previously they were credited to the statewide network applications account.

CSHB 3639 by Representative Pitts and Aycock

Caption: *Relating to state fiscal matters related to public and higher education.*

Fiscal Impact: *CSHB 3639 is anticipated to have a positive impact to the state over the biennium of \$2,505,459,551.*

An Outline of Major Provisions of CSHB 3640 is Highlighted Below

- **Teacher Retirement System (TRS)**

In Texas 95% of teachers do not pay into and are not covered by social security, and TRS is the sole source of retirement benefits. Currently both Texas and teachers contribute 6.64% into the TRS fund. HB 1 lowers the state match to 6%, and CSHB 3639 eliminates the statutory requirement that the state contribute at least as much as members. Without this statutory change, the reduced rate cannot go into effect. The corpus of the TRS fund is not in immediate danger. However, reducing the contribution rate will decrease the soundness of the fund, and ensures that retirees will not have an increase in benefits any time soon. The last benefit increase was 10 years ago, and has not kept pace with inflation, leaving many retired teachers in a precarious financial position

CSHB 3639 also reduces the state contribution from 1% to .5% to TRS-Care, which provides health insurance to retired teachers. TRS-Care is a much smaller fund, and the reduced contribution rate will have a much more devastating impact in the short run. Retirees will almost certainly have increased premium payments, which many will be unable to afford because they are on fixed TRS incomes that have not increased in a decade.

TRS-Care is eligible for federal funds, but must meet certain maintenance of effort requirements. By cutting the contribution rate, Texas is essentially saving \$137 million but sustaining a \$285 million loss in federal funds.

- **Deferred Payments**

CSHB 3639 defers the August 2013 payment from the Foundation School Program school districts to September 2013. This will result in a 'savings' of \$2.2 billion in FY 2013. The language in CSHB 3639 is the same as in CSHB 3790, and is not an additional savings.

- **Advanced Placement (AP)**

CSHB 3639 adds a financial need component to be eligible for the AP exam subsidy. AP examinations allow high school students to demonstrate sufficient knowledge in programs to 'test out' of college credit for various courses.

- **Early High School Graduation Scholarship Program**

No additional students will be eligible to receive an award under this program, but current recipients will receive remaining promised funding. Gifts, grants and donations made to TEA for these scholarships will be transferred to the Higher Education Coordinating Board to provide tuition exemptions for educational aides.

- **Educational Aide Tuition Exemption**

CSHB 3639 specifies that to be eligible for the educational aide tuition exemption, a person must be enrolled in courses required for certification to teach in subject areas identified by TEA as experiencing critical shortages.

- **Dual Credit for Physical Education**

Many high school students enroll in public community/junior colleges for dual credit to help expedite their secondary education and minimize costs. CSHB 3639 disallows physical education courses from being included for state formula funding purposes for junior colleges. This is to encourage students to enroll in core courses such as math, English, and sciences.

HB 3648 by Representative Otto

***Caption:** Relating to state fiscal matters related to the judiciary.*

***Fiscal Impact:** HB 3648 is anticipated to have a positive impact to the state over the biennium of \$23,964,992.*

An Outline of Major Provisions of CSHB 3640 is Highlighted Below

- **Appropriated Payment Amounts**

HB 3648 creates statutory conformity with provisions of HB1. Payments to employees and other persons and entities affiliated with the judicial branch are authorized only within the limits set by House Bill 1.

- **Assistant Prosecutors**

HB 3648 specifies that if the comptroller has insufficient funds to meet counties' requests for longevity supplements for assistant prosecutors, counties are not required to pay them. Counties are no longer eligible to receive the balance of the request at a later date if they are given a smaller percentage, and suspends the longevity pay program if insufficient funds exist.

- **Process Servers**

HB 3648 allows the Process Server Review Board to recommend fees to be collected for the certification of process servers, if they are approved by the Texas Supreme Court. Certification fees will be prorated if issued for a term less than the full certification period. The Office of Court Administration will collect the fees and submit them to the comptroller to go into general revenue. In addition, HB 3648 specifies that appointees to the Process Server Review Board will not receive compensation, but will be reimbursed for expenses incurred during the performance of duties.

- **Judicial and Court Personnel Training Fund (JCPTF)**

HB 3648 makes the JCPTF part of the general revenue fund, of which the Court of Criminal Appeals may draw no more than 3% during a fiscal year.

- **Juror Pay**

HB 3648 takes the rate of juror compensation out of statute, instead referencing the amount allocated in the general appropriations act. This allows the rate of pay to be determined biennially during the appropriations process. Additionally, HB 3648 gives the comptroller the ability to apportion the amount owed to a county for juror pay rather than simply pay it when sufficient funds are available or carry forward the balance until the next payment is due.

CSHB 3418 by Representative Darby

Caption: *Relating to certain state fiscal matters related to natural resources or the environment.*

Fiscal Impact: *CSHB 3418 is anticipated to have a positive impact to the state over the biennium of \$2,273,556.*

An Outline of Major Provisions of CSHB 3418 is Highlighted Below

- **Animal Health Commission**

CSHB 3418 allows the Animal Health Commission to collect fees for services provided in order to cover their costs. This change offsets much of the budget reduction in HB 1.

- **Petroleum Industry Regulation**

Fees imposed on the delivery of a petroleum product are reduced in CSHB 3418 from the period beginning September 1, 2011 through August 31, 2015. These fees are set to expire in 2011; this is one of the few instances that fees are being reduced rather than raised. These fees are deposited into a GR-D account that is not being fully utilized, so the fee is being reduced in the face of a surplus in that account.

- **Coastal Erosion**

CSHB 3418 adds the requirement that the coastal erosion report submitted biennially must include a plan for coastal erosion response studies and projects.

- **Farm and Ranch Land Conservation**

CSHB 3418 removes the requirement that an applicant be able to match 50% of the conservation grant.



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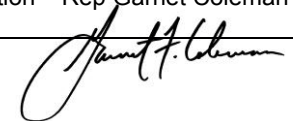
LSG Floor Report For Postponed Business – Tuesday, May 3, 2011

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 956 by Rep. Marquez	Relating to the state fire marshal's investigation of the death of a firefighter who dies in the line of duty or in connection with an on-duty incident.	Urban Affairs	In current law, fire marshals are given authority to investigate in-the-line-of-duty deaths of a firefighter, but only in connection to the firefighting incident itself. However, a fire fighters' death could be in connection with other on duty incidences. HB 956 allows a fire marshal to investigate all factors surrounding the death of a firefighter who died in the line of duty, including incidents outside of the firefighting realm that contributed to a death. The bill would help prevent future incidents by allowing a fire marshal to do a proper investigation that would include additional information on firefighting fatalities.	Favorable Evaluated by: Cappreese Crawley 512-827-8756 cappreese@texaslsg.org
HB 255 by Rep. Hilderbran	Relating to the enforcement of tax laws; providing a criminal penalty.	Ways & Means	<p>CSHB 255 will give the state better tools to deal with tax fraud, which is essentially theft perpetrated against the state. Criminal penalties related to tax fraud are increased, and the comptroller's criminal investigations unit is given additional means to enforce tax compliance. While enforcement of the stronger criminal penalties could increase the burden on the correctional system, it is unlikely that there will be a significant real impact. More stringent penalties and deterrents are anticipated to increase GR related funds by \$5 million in 2012 and \$10 million per year thereafter.</p> <p>There are a large number of changes made in code by CSHB 255. The most pertinent alterations are outlined below.</p> <p>Tax Code CSHB 255 allows investigators in the comptroller's office to investigate all criminal offenses related to taxes and other monies collected and enforced by the comptroller. In addition, certain investigators are given the powers of a peace officer. CSHB 255 allows the Comptroller and Attorney General to use confidential records for the enforcement of criminal laws. They currently have the ability to use this information in judicial and administrative proceedings. The expansion is necessary as CSHB 255 expands the authority of the Comptroller to investigate criminal offenses and the types of tax law violations that constitute a criminal offense. It is important to note, however, that the actual prosecuting of the cases will continue to be done by the District Attorney, and no new prosecuting office is being created.</p> <p>All retailers and others who collect sales tax must keep all receipts and documentation from each sale, rental, lease, taxable service, and taxable labor transaction during each reporting period under CSHB 255. Additionally, records of all sales and use tax received or collected must be retained. Failure to keep and produce records as specified by the comptroller to document taxable sales by the holder of a resale certificate will be an offense.</p> <p>CSHB 255 specifies that penalties imposed for non-payment of taxes are intended to protect state revenue and cover the costs associated with collection and the investigation of fraud. CSHB expands the penalties and adds a first degree felony for taxes collected and not remitted:</p>	Favorable Evaluated by: Jasie Boyd 512-827-8756 jasie@texaslsg.org

OK for Distribution – Rep. Garnet Coleman

			<p>(CSHB 255 continued)</p> <table border="1"> <thead> <tr> <th></th> <th>Current Amount of Unpaid Taxes</th> <th>CSHB 255 Amount of Unpaid Taxes</th> </tr> </thead> <tbody> <tr> <td>Class C Misdemeanor</td> <td>Less than \$10,000</td> <td>Less than \$50</td> </tr> <tr> <td>Class B Misdemeanor</td> <td>n/a</td> <td>From \$50 to \$500</td> </tr> <tr> <td>Class A Misdemeanor</td> <td>n/a</td> <td>From \$500 to \$1,500</td> </tr> <tr> <td>State Jail Felony</td> <td>From \$10,000 to \$20,000</td> <td>From \$1,500 to \$20,000</td> </tr> <tr> <td>3rd Degree Felony</td> <td>From \$20,000 to \$100,000</td> <td>From \$20,000 to \$100,000</td> </tr> <tr> <td>2nd Degree Felony</td> <td>Greater than \$100,000</td> <td>From \$100,000 to \$200,000</td> </tr> <tr> <td>1st Degree Felony</td> <td>n/a</td> <td>Greater than \$200,000</td> </tr> </tbody> </table> <p>Finally, the Tax Code is amended to allow the Comptroller to either sell or retain for use by the criminal investigations unit any properties forfeited to the state as a result of the enforcement of the cigarette tax law, including motor vehicles and other equipment. CSHB 255 also allows the evidentiary use of photography in the case of tobacco products, as they are perishable and retaining them restricts or eliminates the resell ability of the state.</p> <p>Code of Criminal Procedure CSHB 255 allows felonies committed under the tax code to be prosecuted as a criminal conspiracy. Organized criminal activity is expanded to include felonies under the tax code, as well money laundering.</p> <p>Under CSHB 255 the state may file a written request with the court to make an affirmative finding in the case of tax fraud prior to the date of the trial, and must make a copy available to the defendant. If this request is made, the court must enter the findings into the case paper if there is clear and convincing evidence of fraudulent behavior in payment, record keeping, or report filing.</p> <p>Government Code CSHB 255 allows the Comptroller to accept either money or property under the federal equitable sharing program. Currently only money can be accepted. In addition, the comptroller is given additional permission to obtain criminal history information for the purpose of administrating or enforcing the motor fuels tax.</p>		Current Amount of Unpaid Taxes	CSHB 255 Amount of Unpaid Taxes	Class C Misdemeanor	Less than \$10,000	Less than \$50	Class B Misdemeanor	n/a	From \$50 to \$500	Class A Misdemeanor	n/a	From \$500 to \$1,500	State Jail Felony	From \$10,000 to \$20,000	From \$1,500 to \$20,000	3rd Degree Felony	From \$20,000 to \$100,000	From \$20,000 to \$100,000	2nd Degree Felony	Greater than \$100,000	From \$100,000 to \$200,000	1st Degree Felony	n/a	Greater than \$200,000	
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HB 2334 by Rep. Hardcastle	Relating to the operation by the Department of Agriculture of programs for rural economic development and the marketing and promotion of agricultural and other products grown, processed, or produced in this state.	Agriculture & Livestock	<p>HB 2334 allows the Texas Department of Agriculture to set and charge membership fees for participants of the Go Texan marketing program. Since the department is responsible for promoting agriculture products, the significant decrease in funding has limited their abilities to market efficiently. With the ability to sell advertisements, collect revenue, and use different mediums to promote products grown, produced, and processed in Texas, the TDA will have a greater funding source to promote agriculture, horticulture and other industries. All fees collected must go toward the department's activities or programs related to agricultural marketing and promotion. While the fee has yet to be determined, it is expected to be higher than the current \$25 a year.</p> <p>HB 2334 gives the Texas Department of Agriculture authority to create rules for registered state and federal trademarks, certification marks, or service marks of the department as well as the authority to revoke a participant's certificate of registration or license if they fail to comply with the department's rules.</p>	Favorable Evaluated by: Rachel Watson 512-827-8756 rachel@texaslsg.org																								
HB 1250 by Rep. Frullo	Relating to the use of facsimile signatures for certain documents involving certain municipalities.	Urban Affairs	<p>HB 1250 authorizes an officer of the state to use a facsimile signature on lien statements and for those counties of 200,000 or more, reducing the current population requirements from 1.6 million. As an example, the Mayor of Lubbock has to personally sign all liens against property owners, which can take up a considerable amount of time. The bill is an attempt to alleviate some of the administrative burden that those people in Texas' largest counties must undergo.</p>	Favorable Evaluated by: Capprese Crawley 512-827-8756 capprese@texaslsg.org																								

OK for Distribution – Rep Garnet Coleman

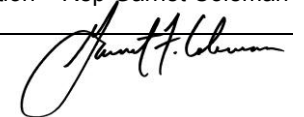


HJR 122 by Rep. Legler	Proposing a constitutional amendment authorizing garnishment of wages for the recovery of fraudulently obtained unemployment benefits.	Small Business and Economic Development	Currently, wages in Texas are constitutionally protected. The only reasons that wages can be garnished are for child support or spousal maintenance. This joint resolution attempts to add an amendment to the Texas constitution that would allow wages to be garnished for the recovery of fraudulently obtained unemployment benefits. This joint resolution is enabled by the passing of HB 2494. Paychecks and property are both sacred in Texas in that they are constitutionally protected from others being able to take them from you. This punitive bill would raise unemployment debts to a constitutional level of importance, above all other debts that someone conceivably could have.	Unfavorable Evaluated by: David Kanewske 512-827-8756 david@texaslsg.org
HJR 130 by Rep. Branch	Meeting requirements of the United States Department of Education concerning federal student aid by naming private institutions of higher education in the State of Texas that are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate.	Higher Education	In October 2010, federal regulations were amended to strengthen the integrity of federal student aid being distributed to states' higher education institutions. The United States Department of Education required that every institution in a state must be recognized and named by the state in order to receive federal dollars. Currently, Texas Education Code has a process for naming public community colleges, but private institutions are delegated to other bodies. HJR 130 allows for a notification to the United States Department of Education that all private colleges and universities listed in the bill are authorized by the state. During testimony in the Higher Education Committee, testimony provided by a representative from the Independent Colleges and Universities Association stated that the best and most efficient way for the state to enumerate all the colleges and universities in Texas was with a constitutional amendment approved by the voters of Texas. If passed, the Texas Secretary of State shall provide notification to the appropriate members of Congress of HJR 130, to ensure that the U.S. Department of Education is notified that the state of Texas and thus, its college students, are in line with all the necessary requirements to receive financial aid.	Favorable Evaluated by: Kira Ruben 512-827-8756 kira@texaslsg.org
HB 8 by Rep. Darby	Relating to prohibiting certain private transfer fees and the preservation of real property rights; providing penalties.	Business & Industry	Currently, new homeowners can be charged transfer fees when purchasing homes in neighborhoods with property owners associations that leverage these fees. HB 8 prohibits property owners' associations from charging private transfer fees on subsequent owners or subsequent purchasers. Certain fees may still exist, including: consideration fees, real estate commission fees, loan interest fees, rent, government fees, and any dues owed to the property owners' association. Notice of these changes made by the property owners' association must be given to homeowners.	Will of the House Evaluated by: David Kanewske 512-827-8756 david@texaslsg.org
HB 1435 by Rep. Elkins	Relating to the participation by a taxing unit in a suit to compel an appraisal review board to order a change in an appraisal roll.	Ways & Means	HB 1435 specifies that a taxing unit cannot be made a party to a suit filed by a tax payer or chief appraiser for the purpose of changing the appraisal roll. In addition, the method of giving notice of the hearing to the taxing unit is prescribed; however, regardless of whether or not the taxing unit receives notice in this manner, HB 1435 authorizes it to intervene in the appeal to determine whether required payments prior to the delinquency date were made as required by law. If those payments were not made by the delinquency date, the right to appeal is forfeited. The bill also allows the taxing unit to process for witnesses and evidence and to be heard by the court. This change allows taxing units to better protect their rights during the appraisal appeals process.	Favorable Evaluated by: Jasie Boyd 512-827-8756 jasie@texaslsg.org

LSG Floor Report For Major State – Tuesday, May 3, 2011

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 3790 by Rep. Pitts	Relating to certain state fiscal matters; providing penalties.	Appropriations	<i>Please see attached analysis.</i>	Unfavorable Evaluated by: Jasie Boyd 512-827-8756 jasie@texaslsg.org

OK for Distribution – Rep Garnet Coleman



<p>HB 3640 by Rep. Pitts</p>	<p>Relating to the remittance and allocation of certain taxes and fees.</p>	<p>Appropriations</p>	<p><i>Please see attached analysis.</i></p>	<p>Unfavorable Evaluated by: Jasie Boyd 512-827-8756 jasie@texaslsg.org</p>
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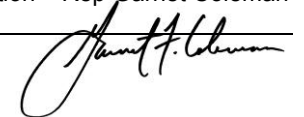
LSG Floor Report For Constitutional Amendment Calendar – Tuesday, May 3, 2011

<p>HJR 98 by Rep. Burkett</p>	<p>Proposing a constitutional amendment denying bail to certain persons charged with a violent or sexual offense after having been previously convicted of a violent or sexual offense.</p>	<p>Criminal Jurisprudence</p>	<p>HJR 98 allows a judge to deny bail for a person who has committed a repeat offense of murder, aggravated assault, aggravated kidnapping, aggravated robbery, aggravated sexual assault, sexual assault, or indecency with a child.</p>	<p>Favorable Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org</p>
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LSG Floor Report For General State – Tuesday, May 3, 2011

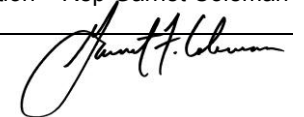
<p>HB 238 by Rep. Phillips</p>	<p>Relating to the issuance of "Choose Life" license plates and the creation of the Choose Life account in the general revenue fund.</p>	<p>Transportation</p>	<p>HB 238 allows the Texas Department of Transportation to create a specialty license plate that would read "Choose Life." The bill will also create a separate account in the general revenue fund that will use leftover money generated by the license plates – after paying for associated fees – as well as money from donations, grants, gifts and legislative appropriations. The Choose Life account will fund grants that will be given to eligible non-profit organizations who are meeting the needs of women who are considering adoption for their children. The bill states that the money cannot be given to organizations that support or are affiliated with abortions.</p>	<p>Will of the House w/ Concerns Evaluated by: Cappreese Crawley 512-827-8756 cappreese@texaslsg.org</p>
<p>HB 257 by Rep. Hilderbran</p>	<p>Relating to the periods for presumed abandonment of certain unclaimed personal property.</p>	<p>Ways & Means</p>	<p>The comptroller holds dormant bank accounts, un-cashed checks, security deposits, and utility refunds until they are claimed by their owners. After a certain dormancy period, the value of these properties is transferred to the state treasury. A study by the LBB produced in the Texas State Government and Efficiency report indicates that decreasing the dormancy period for some of these properties will result in a one-time gain of \$78 million to the state. Additionally, shorter dormancy periods tend to have higher return rates, and more owners will be likely to be reunited with their property. HB 257 changes the dormancy period on utility deposits from 3 years to 1 year, on money orders from 7 years to 3 years, and alters bank accounts, savings accounts, and matured CDs from 5 years to 3 years. It increases the monthly service fee to money order issuers from \$0.50 to \$1 in order to compensate for the shorter time period the instruments are held.</p>	<p>Favorable Evaluated by: Jasie Boyd 512-827-8756 jasie@texaslsg.org</p>
<p>HB 300 by Rep. Kolkhorst</p>	<p>Relating to the privacy of protected health information; providing administrative and civil penalties.</p>	<p>Public Health</p>	<p>In the health care industry, a patient's records are the most personal and vulnerable collection of information and should be protected with the highest regard. In an effort to ensure patient health record privacy and comply with the Health Information Technology for Economic and Clinical Health (HI TECH) law, HB 300 outlines a set of guidelines for health care entities to follow as they make the switch to electronic patient records. Keeping in line with the Health Insurance Portability and Accountability Act (HIPAA) and Privacy Standards, HB 300 states that patient records may only be shared amongst covered entities and may not be shared with third parties for any financial gain. If an entity does share information outside of the set guidelines then they are subject to a fine. Covered entities include a business associate, health care payer, governmental unit, information or computer management entity, school, health researcher, health care facility, clinic, health care provider or anyone who has internet access and deals with patient health records as an affiliate of the aforementioned entities.</p>	<p>Favorable Evaluated by: Rachel Watson 512-827-8756 rachel@texaslsg.org</p>

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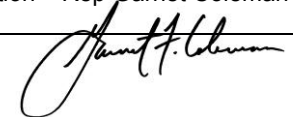
			<p><i>(HB 300 continued)</i></p> <p>Sharing an individual's health information with other covered entities may only be done for the purpose of treatment, payment, other health care operations, or instances of electronic disclosure. When records are electronically disclosed, individuals must be notified either by written notice within the entities place of business, on their website, or in any other place by which an individual can access posted information. The bill does allow for exemptions from traditional and legally authorized usage of private health info when payment or benefit is involved. In all cases the individual or individual's legal representative must not only be informed but provide written or oral authorization of the sharing of information.</p> <p>If an entity is non-compliant they are subject to a penalty. Penalties shall consider the seriousness of the violation, including the nature, circumstance, extent and gravity, the entity's compliance history, financial and personal harm, and if the entity was certified at the time or not. Penalties may not exceed \$3,000 per violation or \$1.5 million for the year and must equate to an amount that will deter the entity from violating patient privacy. HB 300 also calls for audits of entities in order to determine whether or not they are in compliance with HIPAA laws and privacy standards. HHSC, the attorney general, Texas Health Services Authority, TDI all have access to these audits and are responsible for intermittently monitoring and reviewing the audit results via the submission of the audit from the covered entity.</p> <p>In the event that an individual feels an entity has improperly shared their information, patients have a right to file a complaint with HHSC. Complaints must then be compiled into a report including the number and types of complaints filed, the action taken by the commission, licensing agency, or attorney general, and the number of federal audits conducted per entity.</p> <p>While entities are allowed to develop privacy and security standards for the electronic sharing of records HHSC is charged with the responsibility to make sure standards comply with existing HIPAA standards as well as Privacy standards detailed within HB 300. Including guidelines that allow for secure maintenance and disclosure of patient records, as well as strategies and procedures that ensure that disclosed information is protected from non-covered entities is also required by each corporation. The final challenge is to make sure that guidelines allow for continued interoperability of the transfer of records in existing health record databases.</p> <p>While the provisions of HB 300 may appear harsh, its passing would provide the security and peace of mind that many patients desire in light of the recent findings regarding the misuse and sale of patient records. This bill will also help improve health outcomes and reduce health costs as electronic records may be easily transferred and reviewed among involved parties.</p>	
<p>HB 528 by Rep. Solomons</p>	<p>Relating to the provision of pharmaceutical service through informal and voluntary networks in the workers' compensation system; providing an administrative violation.</p>	<p>State Affairs</p>	<p>The Texas Legislature previously eliminated contractual fee discounts when they required voluntary or informal workers' compensation networks to register with the Texas Department of Insurance, Division of Workers' Compensation and to become certified workers' compensation networks. CSHB 528 would allow carriers to continue to have contractual fee discounts for pharmaceutical service and to use a voluntary or informal network to provide pharmaceutical services under certain circumstances.</p> <p>The bill allows an insurance carrier to pay a health care provider fees for pharmaceutical services that are inconsistent with the fee guidelines adopted by the commissioner only if the carrier has a contract with the health care provider and that contract includes a specific fee schedule. CSHB 528 requires a carrier, or the carrier's authorized agent or an informal or voluntary network at the carrier's request, to provide copies of each contract described by the bill to the division on the request of the division. Information included in the contract is confidential and is not subject under the state open records law.</p> <p>CSHB 528 amends the Insurance Code to specify that a prohibition against the delivery of prescription medication or services through a</p>	<p>Favorable Evaluated by: Lisa Mathews 512-827-8756 lisa@texaslsg.org</p>

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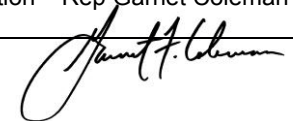
			<p>(HB 528 continued)</p> <p>workers' compensation health care network applies to a delivery made directly or through a contract. CSHB 528 requires each informal or voluntary network, within 30 days after the network is established, to report the following information to the division:</p> <ul style="list-style-type: none"> • The name of the informal or voluntary network and federal employer identification number; • An executive contact for official correspondence for the informal or voluntary network; • A toll-free telephone number by which a health care provider may contact the informal or voluntary network; • A list of each insurance carrier with whom the informal or voluntary network contracts, including the carrier's federal employer identification number; and • A list of, and contract information for, each entity with which the informal or voluntary network has a contract or other business relationship that benefits or is entered into on behalf of an insurance carrier, including an insurance carrier's authorized agent or a subsidiary or other affiliate of the network. 	
<p>HB 681 by Rep. Kleinschmidt</p>	<p>Relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.</p>	<p>Business & Industry</p>	<p>Currently there is no law that defines whether or not employees with a concealed handgun license (CHL's) can store their firearms in their privately owned or leased vehicles in their employer's parking lot. Commonly, this decision is left up to the employer, since the parking area is considered the employer's private property. HB 681 removes the rights of the property owner from making such a determination regarding firearms present on property they own.</p> <p>HB 681 allows employees who hold CHL's to store their firearms in their privately owned or leased vehicle in an employer's parking lot, provided that the vehicle is locked. This would apply to all employer's property except for schools, property that has unexpired gas, oil, or other mineral leases granted before September 1, 2011, or property with hazardous materials – unless the employee parks outside of the restricted area.</p> <p>While vehicles are normally considered personal property and CHL holders can legally have their firearms in their vehicle, once an employee enters the parking area of a workplace, the employee is no longer on their personal property. This bill allows for numerous possibilities of danger, including having an irate employee try to retaliate against their workplace using their gun.</p>	<p>Unfavorable Evaluated by: David Kanewske 512-827-8756 david@texaslsg.org</p>
<p>HB 865 by Rep. Creighton</p>	<p>Relating to the composition and use of money in the rural water assistance fund.</p>	<p>Natural Resources</p>	<p>House Bill 865 amends the Water Code to add three new ways to add additional revenue to the Rural Water Assistance fund. It will allow the board to use monies in the fund to acquire financial assistance to assist rural political subdivisions. A rural political subdivision may now enter into agreements with other political rural subdivisions. The board can coordinate with a federal agency to review its application to avoid duplication of efforts and costs.</p>	<p>Favorable Evaluated by: Mimi Tran 512-827-8756 mimi@texaslsg.org</p>
<p>HB 945 by Rep. Dukes</p>	<p>Relating to the disproportionality of certain groups in the juvenile justice, child welfare, health, and mental health systems and the disproportionality of the delivery of certain services in the education system.</p>	<p>Human Services</p>	<p>HB 945 establishes the Interagency Council for Addressing Disproportionality which examines disproportionality at every stage of the juvenile justice system, child welfare system and mental health system. HB 945 also establishes guidelines and duties for the council as well as details regarding the councils report on findings and recommendations.</p>	<p>Favorable Evaluated by: Capprese Crawley 512-827-8756 capprese@texaslsg.org</p>
<p>HB 961 by Rep. Turner</p>	<p>Relating to the sealing of and restricting access to juvenile records of adjudications of delinquent conduct or conduct indicating a need for supervision.</p>	<p>Corrections</p>	<p>HB 961 decreases the age that a court can seal records for adjudicated youth from 21 to 19. The child can submit a current address before their 17th birthday to the juvenile probation department for notification of sealed records. If the child is placed on probation for an offense they may be eligible for automatic restriction at age 17.</p> <p>HB 961 will assist youth that are rebuilding their lives and want to have a chance to go to college and pursue other vocational careers.</p>	<p>Favorable Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org</p>

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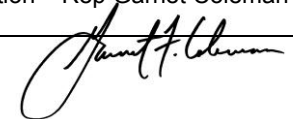
<p>HB 1009 by Rep. Callegari</p>	<p>Relating to procedures for obtaining informed consent before certain postmortem examinations or autopsies.</p>	<p>Criminal Jurisprudence</p>	<p>HB 1009 creates the Jerry Carswell Memorial Act. The bill requires a physician to obtain written informed consent of a person authorized to provide consent for a postmortem examination. If none can be found, the doctor can perform an autopsy no less than 24 hours and no more than 48 hours from the time of decedent’s death, or the time the physician obtained the body. This bill ensures that the family can be provided with the cause of death in a timely manner, and to make sure that that information is not compromised by physicians or other healthcare professionals.</p>	<p>Favorable Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org</p>
<p>HB 1389 by Rep. Hopson</p>	<p>Relating to the criminal penalties for the owner of a dog that attacks</p>	<p>Criminal Jurisprudence</p>	<p>HB 1389 states that if a dog attack results in the death of a person, the criminal penalty for the owner of the dog shall be a second degree felony. A second degree felony can result in a two to twenty year prison sentence, and as much as a \$10,000 fine. If the person attacked is younger than 18 or older than 65 years old, the penalty shall be a felony of the first degree. A first degree felony can result in a five to ninety-nine year prison sentence, and as much as a \$10,000 fine. According to the TDCJ and DPS, less than five Texans in fiscal year 2010 would have been affected by the provisions in HB 1389.</p>	<p>Will of the House Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org</p>
<p>HB 1604 by Rep. Guillen</p>	<p>Relating to the regulation of subdivisions in counties, including certain border and economically distressed counties.</p>	<p>County Affairs</p>	<p>HB 1604 creates new standards for model subdivision rules along the border. This bill allows developers to meet the same community development standards as the county in respect to roads and for platting for 5 and 10 acre lands. The bill allows for advertising of a new community development as long as water and sewage regulations are met.</p> <p>HB 1604 allows developers to receive ample notice concerning division violations and provides 90 days to cure before a civil suit can be brought against them. Civil suits concerning a threat to consumers or to the health and safety of anyone is exempt from the 90-day cure period. HB 1604 decreases stricter standards relating to housing developers along the border. Looser standards will reduce legal costs and create disincentives for builders. It is expected that there will be an increase in home ownership for moderate to low income earners, an increase to border development and an increase to economic development as it will call for more jobs.</p> <p>However, by weakening standards, HB 1604 increases the likelihood of Colonias communities. By allowing developers to have a 90-day cure period, HB 1604 it leaves open the possibility for developers to ignore standards such as a lack of proper working water and sewer systems, electricity, paved roads, and safe and sanitary housing. The effect of this would cost counties millions of public dollars to fix up infrastructure and utilities.</p>	<p>Will of the House Evaluated by: Rachel Watson 512-827-8756 rachel@texaslsg.org</p>
<p>HB 1700 by Rep. Coleman</p>	<p>Relating to employment of physicians by certain hospitals.</p>	<p>County Affairs</p>	<p>Texas ranks 42nd in the country in the number of physicians per capita. Approximately two dozen Texas counties have no physician at all. This is mostly common in rural counties where access to care is critical and can account for one’s survival or death in the event of an emergency. HB 1700 rectifies the physician shortages across the state and provides financial stability and benefits to physicians who desire to be directly employed by permitting certain hospitals direct employment opportunities.</p> <p>HB 1700 allows a critical access hospital, a sole community hospital, or a hospital in a county of 50,000 people or less to employ a physician directly to provide necessary health care to individuals in need. These specific hospitals have authority to keep all or part of the income generated by physicians but have no authority over physician methods or practice of medicine.</p> <p><u>Adopting Best Practices for Physicians</u> HB 1700 ensures that all medical concerns surrounding practice, procedure, and policies will be directed to a qualified chief medical officer. The CMO position will be granted based on recommendations by the hospital medical staff and approval by the hospital’s governing board.</p> <p>Once selected, the chief medical officer must notify the Texas Medical Board that they are the person of contact for the employing hospital. The chief medical officer is charged with adopting policies to ensure the physician engages in best practice techniques, based on independent medical judgment, to provide patients the highest level of care. Policies must include credentialing and privileges,</p>	<p>Favorable Evaluated by: Rachel Watson 512-827-8756 rachel@texaslsg.org</p>

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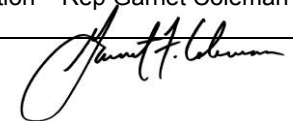
			<p>(HB 1700 continued) quality assurance, utilization review, peer review and due process, and medical decision making. There must also be an established process by which complaints can be filed and adhered to in order to resolve concerns of hospitals interfering with a physician’s medical judgment. In such instances, whether a complaint is filed or not, the CMO has authority to report it to the TMB. All policies must be approved by the hospital’s medical staff.</p> <p><u>Improved Care for Rural Hospitals</u> Currently, physicians are primarily employed under a contract through physician group representatives. Many physicians have expressed interest in being directly employed by hospitals to ensure job security, benefits, and the ability to practice independently without having to pay the high costs of overhead and facility fees required by private practice. HB 1700 creates a two-fold benefit to both physicians seeking employment, and hospitals struggling with physician shortages. Ultimately, HB 1700 provides increased opportunities health care for thousands of individuals who have limited access to care.</p>	
<p>HB 1720 by Rep. John Davis</p>	<p>Relating to improving health care provider accountability and efficiency under the child health plan and Medicaid programs.</p>	<p>Public Health</p>	<p>In an effort to address Medicaid fraud, HB 1720 establishes a process for claim reviews submitted by Medicaid providers to managed care organizations. Managed care organizations are granted the authority to report suspicious fraudulent activity to the Health and Human Services Commission. In instances where a patient is referred to an additional provider for services, the name and national provider identifier number of the Medicaid provider must be included on all claims for reimbursement. Patients may receive home health services only if they have undergone an in-person evaluation from their physician within a six month period preceding the date they were given permission or referral to receive that form of service. The in-person evaluation must be certified on the order by the provider who made the referral based on rules adopted by HHSC.</p> <p>HB 1720 requires the Health and Human Services Commission to adopt rules that will prohibit entities from being providers of Medicaid or the child health care plan program if they fail to repay overpayments or own, control, manage or are affiliated with a provider that has been restricted from the program.</p> <p>Managed care organizations must establish a program to contract with a recovery audit contractor to check for overpayment. If fraud or abuse is discovered, they must immediately notify the commissioner’s office and begin repayment if the recovery amount is over \$200,000. If the commissioner’s office does not authorize that the managed care organizations special investigative unit or contracted entity that handles special investigations is at fault, they are not responsible for repayment. By contracting with a recovery audit organization, the managed care organization will be able to better identify insufficient or excessive payments.</p>	<p>Favorable Evaluated by: Rachel Watson 512-827-8756 rachel@texaslsg.org</p>
<p>HB 1723 by Rep. Lucio III</p>	<p>Relating to the penalties prescribed for a single violation or repeated violations of certain court orders or conditions of bond in a family violence case.</p>	<p>Criminal Jurisprudence</p>	<p>HB 1723 gives victims of domestic violence extra protection against their offenders by increasing penalties for continued abuse as a result of violating a court order. HB 1723 creates a Class A offense for first time offenders if a person violates a court order or conditions of bond in a family violence case. Further, the bill creates a felony of the third degree if the offense has occurred two or more times. The person cannot be convicted in the same criminal action of another offense unless the offense is charged in the alternative, occurred outside the period in which the offense alleged, or is of a lesser penalty.</p>	<p>Favorable Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org</p>
<p>HB 1816 by Rep. Charlie Howard</p>	<p>Relating to the vaccination against bacterial meningitis of first-time students at public and private or independent institutions of higher education.</p>	<p>Public Health</p>	<p>There are 3,000 cases of bacterial meningitis contracted each year; 10% of the affected individuals fall victim to the bacterial infection and die. Bacterial Meningitis is an infection that can be prevented by taking a shot that contains a strain of bacterium that will aid in fighting off the bacteria. If the bacterium spreads and an individual has not been immunized, the bacteria will infiltrate the fluid in the spinal cord and the fluid surrounding the brain which can lead to extreme complications. Once an individual is infected bacterial meningitis can cause for a range of symptoms starting with high fever, headache, and stiff neck. Over time, symptoms can escalate to nausea, vomiting, confusion, and sleepiness to the most extreme symptoms of organ failure, loss of limb use, blindness, deafness, brain swells, and death.</p>	<p>Favorable Evaluated by: Lisa Mathews 512-827-8756 lisa@texaslsg.org</p>

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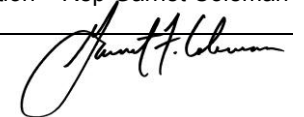
			<p><i>(HB 1816 continued)</i></p> <p>In an attempt to address the spread of this deadly disease, HB 1816 amends the current mandated vaccines required for college students who reside on campus to include the Bacterial Meningitis vaccination. Students must show certification of the vaccination and must have received it not later than 10 days before the start of the semester of the term the student is entering college. This will only apply to first time students and transfers and allows for exemptions based on each university's or college's discretion. The price range for Bacterial Meningitis shots is around \$100 per shot but there are times when some universities partner with immunization clinics and provide them to students for minimal costs or for free.</p>	
<p>HB 1971 by Rep. Jackson</p>	<p>Relating to the liability of a landowner for harm to a trespasser.</p>	<p>Judiciary & Civil Jurisprudence</p>	<p>HB 1971 exempts land owners from the duty of care for individuals who were not welcomed by express or gesture to come on the land, who are subsequently hurt while trespassing. This bill gives a protection for trespassing children who are harmed due to gross negligence of the landowner.</p>	<p>Will of the House Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org</p>
<p>HB 1942 by Rep. Patrick</p>	<p>Relating to bullying in public schools.</p>	<p>Public Education</p>	<p>CSHB 1942 gives school districts the choice to enhance students' learning environment by incorporating prevention, identification, response, and reporting measures of bullying in staff development. CSHB 1942 defines bullying as physical or written expression, including through electronic means, that:</p> <ul style="list-style-type: none"> • Occurs on school property, a school-sponsored activity, or a district operated vehicle; • Harms or causes the student to have reasonable fear for their well-being or property; • Is sufficiently severe, persistent, and pervasive enough that the student is intimidated or in an abusive education environment; • Exploits an imbalance of power; and • Disrupts the operation of a school. <p>Under this definition, the abusive use of texting, email, Facebook, Myspace, blogs, and other electronic resources will be considered bullying. The inclusion of technology is necessary to address bullying in its current form. CSHB 1942 requires the State Board of Education to incorporate evidence-based practices that address awareness, prevention, identification, resolution, and intervention of bullying and harassment into the health curriculum.</p> <p>Currently, the bullying victim may be transferred as a means to address bullying. However, this practice only further represses the victim. CSHB 1942 gives each district's board of trustees the authority to transfer a student who has acted as a bully, as opposed to a student who was the victim of a bully, to another classroom or another campus in the district. Students engaged in bullying who are enrolled in special education services must go through an admission, review, and dismissal committee to be transferred. Each school district's board of trustees shall adopt a policy that will be available in the student or employee handbook and posted online. The policy shall address the prohibition of bullying; retaliation against persons who provide information on bullying; notifies the parent or guardian of the victim and bully of the incident within a reasonable amount of time; informs the victim and bully of available counseling options; and establishes reporting and investigating procedures.</p> <p>The U.S. Department of Education, National Center for Education Statistics shows that in 2005-2006, student bullying was the most frequently reported discipline problem in schools. A study released in 2010 by the Josephson Institute of Ethics in Los Angeles showed that over 50% of high school students have been bullied or acted as a bully themselves. A cyber bully survey conducted in 2003-04 by i-SAFE America found that 58% of kids have had something mean or hurtful directed to them online, 53% of kids have been the bully online, and 35% of kids have been threatened online. With the increasing use of technology, bullying has moved from fistfights to Facebook. Current law doesn't provide sufficient guidelines for schools to address bullying or cyber bullying and is in need of revision so students can learn in a safe environment.</p>	<p>Favorable Evaluated by: Ashley Reeder 512-827-8756 ashley@texaslsg.org</p>

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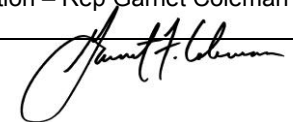
<p>HB 1992 by Rep. Hardcastle</p>	<p>Relating to the authority of the Texas Animal Health Commission to set and collect fees.</p>	<p>Agriculture and Livestock</p>	<p>HB 1992 allows for the Texas Animal Health Commission to set and collect fees for any service provided, including inspection of animals or facilities; the testing of animals for disease, the obtaining of samples for testing, disease prevention, with regards to control or eradication and treatment; transporting livestock; and, the control and eradication of ticks and other pest.</p> <p>Due to recent budget cuts, HB 1992 calls for the Commission to shift its method of financing. Currently, the Commission is funded almost exclusively through general revenue dollars. Starting in FY 2012-2013, half of its funding will come from GR, and half will come from fees. Since the Commission has limited authority to raise and set fees, they will not be able to fulfill their duties of ensuring animal, human and veterinarian safety and disease control without the provisions laid out in HB 1992.</p>	<p>Favorable Evaluated by: Rachel Watson 512-827-8756 rachel@texaslsg.org</p>
<p>HB 2232 by Rep. Wayne Smith</p>	<p>Relating to the operation, powers, and duties of ship channel districts.</p>	<p>Transportation</p>	<p>HB 2232 makes certain adjustments to the overall operational functions of the Houston Ship channel to help the Houston Ship Channel Security District implement improvements.</p>	<p>Favorable Evaluated by: Cappreese Crawley 512-827-8756 cappreese@texaslsg.org</p>
<p>HB 2366 by Rep. Truitt</p>	<p>Relating to the authority of an open-enrollment charter school operated by a municipality to give a preference in admissions to children of employees of the municipality.</p>	<p>Public Education</p>	<p>HB 2366 allows open-enrollment charter schools receiving federal funding to admit children of employees to the charter school before conducting the lottery. HB 2366 states that only an undefined, small percentage of employee's children may make up the school's total enrollment. Currently, the town of Westlake is the only municipality in Texas that owns its own charter school; however, HB 2366 opens up all municipalities who may establish their own charter school in Texas to enroll children of employee's before conducting a lottery.</p>	<p>Unfavorable Evaluated by: Ashley Reeder 512-827-8756 ashley@texaslsg.org</p>
<p>HB 2400 by Rep. Doug Miller</p>	<p>Relating to the powers and duties of the Texas Commission on Environmental Quality and other entities regarding water and sewer utilities and certain conservation and reclamation districts.</p>	<p>Natural Resources</p>	<p>House Bill 2400 provides that a utility can consolidate more than one system under a single tariff on a regional or statewide basis. The single tariff pricing is the use of a unified restructure for a multiple water utility system that are owned and operated by a single utility. This bill strikes the requirement that only similar systems will be allowed to combine these fees. It will affect rate changes and the procedures of notification of rate changes to consumers. Utilities will not be allowed to charge fees after a year from the date of the utility facility project completion. It will provide the commission or executive director the authority to disband a district if it is inactive for 5 consecutive years and no outstanding bond debts and/or it has not completed any duties in which it was created to accomplish.</p> <p>HB 2400 allows rates to be increased for each utility by 10% per year, year after year for both water and sewer service, compounded. When it is compounded, the effective rate each year will be much higher than a 10% increase. The increases go into effect without a hearing or any participation of the customers who must pay the higher charges</p> <p>The bill provides for the consolidation of water systems with different rates under one tariff . Under the bill, the company could consolidate an area that is paying a \$20 monthly fixed charge with an area that is paying a \$140 monthly fixed charge and make the area with the lower rate pay the higher rate. Under current law, the TCEQ takes into consideration the difference in rates when deciding to consolidate two areas under the same rate.</p> <p>The bill provides that rates can be set on incomplete future data which is available 12 months after the rate increase application is filed. Under current law, rates are set using existing documents before the rate case is filed. Since the water or sewer utility does not need to file representative data for 12 months after it makes its initial filing, there will be a serious increase in rate case expenses because the bill adds an extra year to the process. The longer a case takes, the more expensive it is.</p>	<p>Will of the House with Concerns Evaluated by: Mimi Tran 512-827-8756 mimi@texaslsg.org</p>

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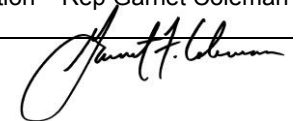
<p>HB 2470 by Rep. Phillips</p>	<p>Relating to the regulation of sports bikes.</p>	<p>Homeland Security & Public Safety</p>	<p>Sports bikes are high-powered motorcycles that are becoming increasingly popular. These bikes can reach very high speeds and, when used improperly, can be dangerous. HB 2470 establishes and defines sports bikes as a class of motorcycle that is optimized for speed, acceleration, braking, and maneuverability on paved roads, has a light-weight frame, and is not a touring, cruiser, standard, or dual-sport motorcycle. The bill states that the operator of a sport bike may not carry another person on the sport bike unless the operator is at least 18 years old and has held a motorcycle license for a minimum of two years. Additionally, HB 2470 provides that a sports bike must be equipped with foot pegs and handholds for the passenger if the bike is designed to carry a passenger.</p>	<p>Favorable Evaluated by: Ruth Damys 512-827-8756 ruth@texaslsg.org</p>
<p>HB 2610 by Rep. Guillen</p>	<p>Relating to the establishment of a community-based navigator program to assist individuals applying or seeking to apply through the Internet for certain public assistance benefits programs.</p>	<p>Human Services</p>	<p>Enrollment access to essential public programs like Medicaid has been a long-standing problem for many Texans. Non-profit organizations work closely with individuals to help grant access for services, and it would improve enrollment rates if these organizations were granted the authority to enroll individuals themselves. This would lower the cost of administration and help people in the community access services.</p> <p>HB 2610 allows the Health and Human Service Commission to create a community –based navigator program that will allow certain individuals in the community to enroll people into certain programs seeking services.</p>	<p>Favorable Evaluated by: Cappreese Crawley 512-827-8756 cappreese@texaslsg.org</p>
<p>HB 2620 by Rep. Hancock</p>	<p>Relating to communications services and markets.</p>	<p>State Affairs</p>	<p>Deregulation of the telecommunications market has resulted in competition in the market. However, certain regulatory requirements relating to tariffs, extended area service, and Voice over Internet Protocol services for local exchange companies are outdated and no longer needed.</p> <p>CSHB 2620 prohibits the PUC from requiring a telecommunications utility that is not a public utility to comply with a requirement or standard that is more burdensome than those imposed upon a public utility. The bill prohibits the PUC from regulating rates, conditions, or requirements for entry into the market for Voice over Internet Protocol services or other Internet Protocol enabled services.</p> <p>The bill specifically does not affect requirements pertaining to:</p> <ul style="list-style-type: none"> · Use of a right-of-way or payment of right-of way fees applicable to Voice over Internet Protocol services; · Any person’s obligation to provide video or cable service, require or prohibit assessment of enhanced 911, relay access service, or universal service fund fees on Voice over Internet Protocol; · Any entity’s obligations under the Communications Act or a right granted to an entity by those sections; · Any applicable wholesale tariff; · Grant, modify, or affect the authority of the PUC to implement, carry out, or enforce certain rights or obligations provided by the Communications Act of 1934, or of an applicable wholesale tariff through arbitration proceedings or other available mechanisms and procedures; · Required or prohibit payment of witched network access rates or other intercarrier compensation rates, as applicable; · Limit any commission authority over the subjects listed in Subdivisons (1)-(7); or · The assessment, administration, collection, or enforcement of a tax or fee over which the comptroller has authority. <p>The bill grants permission, but does not require, for the telecommunications providers that will no longer be subject to rate of return regulation to maintain a file with the commission concerning its tariffs, pricing, service agreements, and other information.</p>	<p>Will of the House Evaluated by: Lisa Mathews 512-827-8756 lisa@texaslsg.org</p>
<p>HB 2671 by Rep. Miles</p>	<p>Relating to the disclosure of personal information under the Motor Vehicle Records Disclosure Act.</p>	<p>Transportation</p>	<p>Currently, the workforce commission is not able to help identify persons committing crimes like fraud because they do not have authorization under the Motor Vehicle Records Disclosure Act to obtain a photo ID. HB 2671 authorizes the disclosure of a person’s photo ID image when identifying violations of the law for the Texas Workforce Commission.</p>	<p>Favorable Evaluated by: Cappreese Crawley 512-827-8756 cappreese@texaslsg.org</p>

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<p>HB 2761 by Rep. McClendon</p>	<p>Relating to the registration, monitoring, and investigation of and handling of funds by property owners' association boards; providing a civil penalty.</p>	<p>Business & Industry</p>	<p>HB 2761 opens property owners' association (POA) boards to open meetings and records for the protection of the property owners under its jurisdiction. This bill requires POA boards to have open accounting records and books available to property owners, the attorneys of property owners, and CPAs. Copies of these records can be made by property owners if desired. In order to access these records, property owners must submit a written request by certified mail to the Association and the Association must produce the requested materials within 10 days of receiving the request. The Association may require for advance payment of any costs or fees necessary for producing the materials, but the property owner will be entitled to a refund of any excess payments the owner may have made. This bill also requires a POA board to hold open meetings that are open to all property owners. The board can still meet in closed session if necessary to consider personal matters and to consider enforcement and litigation issues. The board may also agree by unanimous written consent of all the directors if the meeting does not involve fines, damage assessments, or architectural reviews. If written consent is used, the board does not have to hold an open meeting.</p>	<p>Favorable Evaluated by: David Kanewske 512-827-8756 david@texaslsg.org</p>
<p>HB 2735 by Rep. Madden</p>	<p>Relating to procedures for certain persons charged with an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.</p>	<p>Corrections</p>	<p>Under current law, if a parolee has violated parole on an administrative basis they are subjected to rearrest. HB 2735 authorizes the judge to summon the person for a hearing instead of issuing a warrant for arrest if the person is not a nuisance to the public. Additionally, the violation must fall after the third anniversary, and the person cannot currently be serving a sentence for a crime.</p>	<p>Favorable Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org</p>
<p>HB 2826 by Rep. Murphy</p>	<p>Relating to the release of extraterritorial jurisdiction by certain general-law municipalities.</p>	<p>Environmental Regulation</p>	<p>Under current law, when an applicant applies for a municipal setting designation (MSD), a resolution must be passed in support of this designation. MSDs prevent the drilling of a water well on a specific property at an owner's request. Public entities, such as municipal utility districts (MUDs) believe that this is an issue that is not within their jurisdiction, and well-owners are concerned with liability. HB 2826 seeks to solve issues by creating 120 day comment period. If there are no resolutions submitted against the application for designation, then the MSD can be issued a certificate. This bill is specific to Houston. These entities still have the veto power to stop the MSD from receiving its certificate. By changing from opt out to opt in, the MSD property can be used and referred to the tax rolls.</p>	<p>Favorable Evaluated by: Mimi Tran 512-827-8756 mimi@texaslsg.org</p>
<p>HB 2940 by Rep. Tracy King</p>	<p>Relating to the form of death certificates and fetal death certificates.</p>	<p>Public Health</p>	<p>HB 2940 seeks to clear up confusion with the recording of the date of death on death certificates or fetal death certificates. While some certificates put the month first in numbered form, there is no specified protocol which creating confusion for those who use the records for other purposes like genealogy. The bill requires that the date of death be entered in the order of month, day, year, and the month listed should be completely spelled out.</p>	<p>Favorable Evaluated by: Rachel Watson 512-827-8756 rachel@texaslsg.org</p>
<p>HB 2963 by Rep. Crossover</p>	<p>Relating to permit review timelines of the surface mining and reclamation division of the Railroad Commission of Texas.</p>	<p>Energy Resources</p>	<p>CSHB 2963 outlines timelines for permit applications, revisions, and renewals for the RRC's Surface Mining and Reclamation Division. The timelines include complete/incomplete applications, additional time for tolls, and supplemental information. CSHB 2963 requires efficient time provisions and gives businesses a sense of security in the timelines afforded them. There may be some concern the RRC could rubberstamp applications to meet deadlines, but there are provisions to extend the timeline to approve or disapprove an application, renewal, or revision.</p>	<p>Favorable Evaluated by: Ashley Reeder 512-827-8756 ashley@texaslsg.org</p>
<p>HB 2973 by Rep. Hunter</p>	<p>Relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association from meritless lawsuits arising from actions taken in furtherance of those rights.</p>	<p>Judiciary & Civil Jurisprudence</p>	<p>Recent media report indicate a problem with property owners being intimidated from speaking out against property owner's associations for fear of being sued for slander. HB 2973 amends the Civil Practice Remedies Code to remove frivolous lawsuits aimed at keeping a person from their first amendment rights. HB 2973 further requires courts to dismiss these strategic lawsuits against public participation within 30 days of the hearing to dismiss the case. HB 2973 allows individuals to express their right to freedom of expression without fear of being silenced by a lawsuit.</p>	<p>Favorable Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org</p>

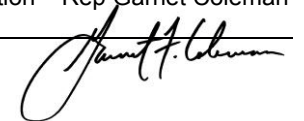
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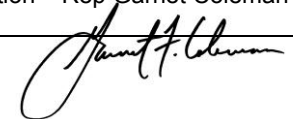
<p>HB 2902 by Rep. Zerwas</p>	<p>Relating to the release of extraterritorial jurisdiction by certain general-law municipalities.</p>	<p>Land and Resource Management</p>	<p>House Bill 2902 makes an automatic release of the property as requested by the vast majority of the property owners of the Fullbrook community. The commercial owner and the developer now face the challenge of developing the undeveloped portions of property that are lying within different areas in accordance with the respected governed jurisdictions building standards.</p>	<p>Favorable Evaluated by: Mimi Tran 512-827-8756 mimi@texaslsg.org</p>
<p>HB 2969 by Rep. Oliveira</p>	<p>Relating to authorizing the sale of certain real property held by certain state agencies.</p>	<p>Land and Resource Management</p>	<p>House Bill 2969 will require the General Land Office to place real property on sale. Proceeds from sale transactions will be appropriated to the general revenue fund. Properties to be sold include:</p> <ul style="list-style-type: none"> • Texas Department of Criminal Justice: <ul style="list-style-type: none"> ○ Estelle Unit ○ Central Unit, Sugar Land, Fort Bend County • Texas Department of Transportation: <ul style="list-style-type: none"> ○ Bull Creek Camp Hubbard Annex State Headquarters • Texas Facilities Commission: <ul style="list-style-type: none"> ○ Bull Creek New State Cemetary ○ Listed Parking Lots and Garages ○ Austin Bolm Road Warehouse • Texas Health and Human Service Commission <ul style="list-style-type: none"> ○ Abilene State Supported Living Center ○ Rio Grande State Center ○ San Angelo State Supported Living Center ○ Marlin Robert E. Lee Group Home ○ Wortham Twin Circle • Texas Parks and Wildlife Department <ul style="list-style-type: none"> ○ McKinney Falls Park/State Headquarters • Texas Youth Commission: operations that operate with less than 1,600 institutional beds • Department of Aging and Disability Services: a stated supported living center 	<p>Favorable Evaluated by: Mimi Tran 512-827-8756 mimi@texaslsg.org</p>
<p>HB 3096 by Rep. Kolkhorst</p>	<p>Relating to the cancellation of a subdivision by a commissioners court.</p>	<p>Land and Resource Management</p>	<p>Commissioner’s courts have authority over county roads. Current law allows commissioner’s courts to decide on a request from a property owner for the cancellation of a road that will negatively impact development in a subdivision. However, existing laws have caused confusion for subdivisions and those in charge of development projects that affect county roads as to whether or not the courts have the authority the Legislature has intended to grant them. HB 3096 clarifies existing statute to reaffirm that commissioner’s courts, following an application for cancellation, have the authority to cancel a road that would negatively impact development in a subdivision.</p>	<p>Favorable Evaluated by: Mimi Tran 512-827-8756 mimi@texaslsg.org</p>
<p>HB 3132 by Rep. Geren</p>	<p>Relating to the membership, powers, and duties of the State Preservation Board.</p>	<p>State Affairs</p>	<p>HB 3132 makes changes to the Government Code to allow the State Preservation Board to issue contracts for building monuments more efficiently. The bill gives the Board more discretion when accepting donations from outside individuals and groups and authorizes them to form a Texas Nonprofit Corporation for raising funds. HB 3132 authorizes the Board to collect deposits designed to collect indirect costs in addition to direct costs already allowed from persons or entities using properties under their control.</p>	<p>Favorable Evaluated by: Lisa Mathews 512-827-8756 lisa@texaslsg.org</p>

<p>HB 3182 by Rep. Ritter</p>	<p>Relating to the imposition of the sales tax imposed on certain oilfield portable units</p>	<p>Ways & Means</p>	<p>Portable units are often used on oil drilling sites for temporary offices, sleeping quarters, and other purposes. Under current law, these units are taxed in a variety of ways depending on the type and function. HB 3182 defines an "oilfield portable unit" and standardizes taxation, making them all subject to the sales tax.</p>	<p>Favorable Evaluated by: Jasie Boyd 512-827-8756 jasie@texaslsg.org</p>
<p>HB 3573 by Rep. Susan King</p>	<p>Relating to limiting the disclosure of certain information regarding certain charitable organizations, trusts, private foundations, and grant-making organizations.</p>	<p>Business & Industry</p>	<p>HB 3573 protects the privacy of charitable organizations to donate money to who they wish. The bill also protects the members and officers of these organizations from any discrimination. Unless written consent has been given to allow disclosure, this bill states that a government entity may not require a charity, private foundation trust, split-interest trust, or private foundation to have to disclose the race, religion, gender, nation of origin, socioeconomic status, age, ethnicity, disability, marital status, sexual orientation, or political affiliation of any member of the group. Also, these organizations do not have to disclose any of the above identifiers for someone who receives money from the foundation, trust, or organization, an employee or member or owner of an entity that receives money from the trust, foundation, or organization.</p> <p>A government entity also may not require that the governing board or officers of a charity, private trust, split-interest trust, or private foundation include an individual of any of the previous identifiers, prohibit someone from serving as a board member or officer of one of these groups based on family relationship to another board member or officer or a donor, or require a non-family member serve on the board or as an officer. Unless a donor imposes other rules, a government entity cannot require a charity, private trust, private foundation, or split-interest trust to distribute funds based on one of the previously mentioned identifiers, or the populations or communities served. However, the Attorney General can still investigate these groups as necessary.</p>	<p>Favorable Evaluated by: David Kanewski 512-827-8756 david@texaslsg.org</p>
<p>HB 3251 by Rep. Chisum</p>	<p>Relating to the provision for notice and comment for pollution control projects.</p>	<p>Environmental Regulation</p>	<p>Mercury emissions from coal plants have been proven to correlate with autism rates. Autism prevalence increases by 1-2% with each 10 miles of proximity to a source of Mercury pollution. Approximately 20 coal plants in Texas will be affected by the new federal mercury standard. Yet, House Bill 3251 takes away the right to current trial-like hearings on electric generating utilities, thereby weakening the appeals process for Hazardous Air Pollutant (HAP) Emissions permits.</p> <p>This bill strips the opportunity for meaningful public involvement. Citizens wishing to participate in the process will not have the opportunity for contested case hearing. They will only be able to submit written or oral testimony. If the bill were passed, there would be no cross-examination, no review of the utility's internal documents under the appeal process, and no opportunity to cross examine witness or present expert testimony.</p>	<p>Unfavorable Evaluated by: Mimi Tran 512-827-8756 mimi@texaslsg.org</p>
<p>HB 3311 by Rep. Carter</p>	<p>Relating to the duty of an attorney ad litem appointed for a child to meet with the child or individual with whom the child resides before each court hearing.</p>	<p>Judiciary & Civil Jurisprudence</p>	<p>An attorney ad litem represents the child's interest in a family court case. HB 3311 requires an attorney ad litem, in order to better represent the child, to have a meeting with the child in a sufficient amount of time before the hearing to allow for preparation of the case. This meeting must take place in a private setting that provides for confidential communication between the attorney ad litem and the child, or with the individual with whom the child ordinarily resides.</p>	<p>Favorable Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org</p>
<p>HB 3395 by Rep. Callegari</p>	<p>Relating to state purchasing preferences for recycled products.</p>	<p>Government Efficiency & Reform</p>	<p>Current law requires the Texas Facilities Commission (TFC) and state agencies to give preference to the purchase of recycled, remanufactured, or environmentally sensitive products. These products include paper containing recycled fibers and recycled oil. HB 3395 changes this requirement to make it permissive. The TFC and state agencies will no longer be compelled to give preference for the purchase of these products. Instead, they can choose whether or not they give these preferences.</p> <p>The fiscal note for the bill says this switch will have no fiscal impact to the state. Since there is no cost savings, there is no reason for the TFC to move away from giving preference to recycled materials, which help our environment.</p>	<p>Unfavorable Evaluated by: Ruth Damys 512-827-8756 ruth@texaslsg.org</p>

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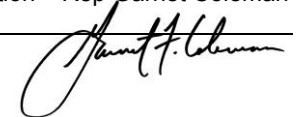


<p>HB 3468 by Rep. Patrick</p>	<p>Relating to the assessment of public school students for college readiness and developmental education courses to prepare students for college-level coursework</p>	<p>Higher Education</p>	<p>Students graduating from Texas high schools are not being adequately prepared for higher education. Currently, 50% of Texas students enrolled in community colleges and 22% of Texas students enrolled in universities must enroll in at least one developmental education course in their first year. Of that group, only 20% go on to graduate.</p> <p>HB 3468 requires the Texas Education Agency to work with the Higher Education Coordinating Board to analyze current college readiness programs by reviewing best practices and recognizing deficiencies. The two agencies shall then use that information to assess what changes should take place to better prepare high school students for college coursework. The purpose of the review is to recognize potential remedial students before they graduate from high school. The two agencies will review:</p> <ul style="list-style-type: none"> • Various assessments being used to test students; • Any early intervention models offered; • The costs associated with different assessments and intervention programs; and • The effectiveness of said assessments and intervention models. <p>A reoccurring problem in higher education is that students are mistakenly placed in developmental courses, when they should be in adult basic education courses. HB 3468 addresses this issue by requiring both educational agencies to review standardized assessments and recommend alignments within the education system to minimize and eliminate this issue.</p> <p>Texas is losing students between high school and higher education. Each semester there are a number of students who enter into colleges and universities not prepared to take college-level courses. Remedial, non-credit courses of developmental education are offered to give under-prepared students an opportunity to continue their quest of higher education. HB 3468 will assure us that we are taking the best steps to aid the students of Texas.</p> <p>HB 3468 urges institutions of higher education to offer developmental education (DE) courses with differing levels of competencies. From the 2004-2005 school year to the 2010-2011 school year, the number of students enrolling in DE courses has decreased. However, without analysis, there is no way to know which current methods are working. Additionally, the state does not know why students drop out of DE courses. Students enrolled in DE courses are typically those with the least amount of self-regulation and self-efficacy. It is important that our institutions provide them with the most efficient tools that are beneficial to their education. Using research-based studies and existing data, HB 3468 requires THECB and institutions of higher education to analyze current assessment instruments, varying placements for developmental coursework, and the efficiency of funding formulas for DE courses.</p> <p>A report on the findings required by HB 3468 must be prepared that details best practices for preparing students for post-secondary education. In its report, THECB shall also include periodic recommendations for changes in funding formulas for DE programs.</p>	<p>Favorable Evaluated by: Kira Ruben 512-827-8756 kira@texaslsg.org</p>
<p>HB 3506 by Rep. Villarreal</p>	<p>Relating to the use of transportation allotment funds by school districts to provide bus passes or cards to certain students.</p>	<p>Public Education</p>	<p>HB 3506 allows school districts to use Foundation School Program funds allotted to provide a bus pass or another compensation for transportation of students who live within the school's regular but not feasible transportation system. HB 3506 grants the TEA Commissioner rulemaking authority to provide procedures for a school district to use funds for practical modes of transportation.</p>	<p>Favorable Evaluated by: Ashley Reeder 512-827-8756 ashley@texaslsg.org</p>



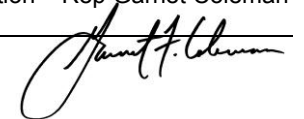
HB 3665 by Rep. Otto	Relating to state fiscal matters related to general government.	Appropriations	<i>Please see attached analysis.</i>	Unfavorable Evaluated by: Jasie Boyd 512-827-8756 jasie@texaslsg.org
HB 3639 by Rep. Pitts	Relating to state fiscal matters related to public and higher education.	Appropriations	<i>Please see attached analysis.</i>	Unfavorable Evaluated by: Jasie Boyd 512-827-8756 jasie@texaslsg.org
HB 3648 by Rep. Otto	Relating to state fiscal matters related to the judiciary.	Appropriations	<i>Please see attached analysis.</i>	Unfavorable Evaluated by: Jasie Boyd 512-827-8756 jasie@texaslsg.org
HB 3418 by Rep. Darby	Relating to certain state fiscal matters related to natural resources or the environment.	Appropriations	<i>Please see attached analysis.</i>	Unfavorable Evaluated by: Jasie Boyd 512-827-8756 jasie@texaslsg.org
HB 442 by Rep. Guillen	Relating to the establishment of an emergency radio infrastructure account.	Homeland Security & Public Safety	Interested parties note that the technology and instruments used for communication among emergency response agencies and their respective personnel are not compatible. As a result, many officers and responders have been isolated because they lack the technology needed to communicate with other responders effectively. HB 442 renames the interoperable statewide emergency radio infrastructure fund necessary to provide a centralized communication system and ensures emergency response providers have the tools they need to maximize public safety. The bill establishes this account in the general revenue fund. The fund shall be filled with money deposited by the comptroller of public accounts from criminal fees paid on conviction and all interest attributable to money held in the account.	Favorable Evaluated by: Ruth Damys 512-827-8756 Ruth@TexasLSG.org
HB 742 by Rep. Hunter	Relating to student information required to be provided at the time of enrollment in public schools.	Public Education	CSHB 742 requires school districts to request food and severe food allergy information from parents at the time of enrollment. CSHB 742 specifies what information the district shall request including the allergic reaction and severity, confidentiality, and where the records will be kept. CSHB 742 allows parents to inform the school of their child's food allergies before their child even enters the classroom; bridging the time gap and in an effort to provide the family security that school administrators and teachers are aware of their child's food allergy. Given that 3 million children under the age of 18 reported a food or digestive allergy in 2007 (American Academy of Allergy Asthma & Immunology), now is the time to implement CSHB 742 and improve communication between families and schools.	Favorable Evaluated by: Ashley Reeder 512-827-8756 ashley@texaslsg.org

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<p>HB 1395 by Rep. Parker</p>	<p>Relating to the requirements to operate personal watercraft and certain boats.</p>	<p>Culture, Recreation, & Tourism</p>	<p>Currently, in order to drive a boat with more than 15 horsepower (HP) in Texas, a driver must be either 16, accompanied by an adult over the age of 18, or between the ages of 13 and 16 and have completed a boating safety course prescribed by the Parks and Wildlife Department. HB 1395 prohibits anyone under the age of 13 from operating a boat, no exceptions. The bill also prohibits anyone born after September 1, 1993 from operating a boat (with more than 15 HP) unless they have a photo ID card on them, and proof of completion of the requirements to earn a vessel operator’s license issued by the United States Coast Guard. However, if a boat operator is under 18 and supervised by someone over the age of 18, the operator would not need to have completed the vessel operator’s license program. While this bill attempts to solve a real problem of ensuring that young boat operators have proper training, the bill provides no provision for exempting someone born after Sept. 1, 1993 in the future, once they are over the age of 18. Those individuals will still have to complete the vessel operator’s license program, even after their 18th birthday. This provision creates a mandated course training to operate a boat for anyone born after Sept. 1, 1993, into perpetuity. HB 1395 creates an undue burden on weekend boat renters and on boat rental shops, since the shops would now have to potentially offer license training to anyone who wishes to rent or operate a boat. Licensing centers would also have to increase staff and programs in order to educate the future boaters in Texas. The bill provides no money for the purpose of alleviating any of these concerns.</p>	<p>Unfavorable Evaluated by: David Kanewske 512-827-8756 david@texaslsg.org</p>
<p>HB 1629 by Rep. Anchia</p>	<p>Relating to energy efficiency goals and programs, public information regarding energy efficiency programs, and the participation of loads in certain energy markets.</p>	<p>Energy Resources</p>	<p>Energy efficiency investments can be broadly categorized as a tax break for consumers. CSHB 1629 sets goals for energy efficiency programs and outlines the content and manner of conveying information to the public. Consumers save \$2-3 for every dollar spent on energy efficiency and avoids higher cost of electric generation, lowers utility bills, and eases stress on the electric grid.</p> <p>CSHB 1629 changes the calculation for incentives of cost-effective energy service providers from percent of new demand to percent of peak demand and creates a cost ceiling for the incentives. The American Council for an Energy Efficient Economy (ACEEE) estimates:</p> <ul style="list-style-type: none"> • Texas, under its current efficiency program will drive a net savings to customers of \$3 billion between 2012 and 2030 • With increased goals, the savings could increase to \$14 billion over the same time period <p>CSHB 1629 takes the first step towards saving the state \$11 billion in 18 years by changing the calculation metric to peak demand.</p> <p>Additional Changes made by CSHB 1629</p> <ul style="list-style-type: none"> • Ensures the necessary provisions are in place to verify energy reliability for residential, commercial, and industrial customer classes in non-ERCOT regions • Electric utilities in the ERCOT region shall include programs for renewable energy systems or reduce the need for energy consumption • Includes bonuses for shareholders in the amount that will be paid by customers receiving energy efficiency service programs • Electric utility operations in an area with no competition may provide rebate or incentive funds or develop new programs to implement energy efficiency programs; new program development requires Commissioner approval • Electric utility operations in rural areas with competition may use rebate or incentive funds to implement energy efficiency programs after a contested hearing determines the programs will not meet the goals without the incentives • Electric utilities may use energy audit programs to cost-effectively meet energy efficiency goals • The PUC shall establish an effective program design and streamlined reporting system that energy efficiency programs including information on estimated costs and savings and payback periods (utilities are already required to make reports to the PUC, one format will make consumer comparison more accessible) <p>Currently, electric utilities are working to administer energy efficiency incentive programs. CSHB 1629 specifies electric utilities will administer energy efficiency incentive programs for summer and winter peak demands, thus reducing the cost of electricity for consumers and the demand for energy production.</p>	<p>Favorable Evaluated by: Ashley Reeder 512-827-8756 ashley@texaslsg.org</p>

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<p>HB 2949 by Rep. Cook</p>	<p>Relating to the administration of the collection improvement program.</p>	<p>Criminal Jurisprudence</p>	<p>HB 2494 seeks to provide more efficiency among counties and municipalities. When counties or municipalities create new programs, they are required to gain approval through the comptroller’s office. This process is often time consuming and ineffective for those seeking to add a service to their county or municipality. HB 2494 eliminates the process by which a county or municipality creates programs through the comptroller’s office and transfers it to the Office of Court Administration.</p> <p>Although this adjustment is supposed to save money, there is concern whether or not this change will really generate savings to the state or if it just redirects money to another office. The initial fiscal note indicated a negative impact on the state. The LBB reviewed the bill and revised its fiscal note, now stating that the bill has a positive impact and would save the state \$4.3 million.</p>	<p><u>Will of the House</u> Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org</p>
<p>HB 2077 by Rep. Rodriguez, Eddie</p>	<p>Relating to a pilot program under the loanstar revolving loan program to promote the use of energy efficiency measures and renewable energy technology by certain nonprofit organizations.</p>	<p>Energy Resources</p>	<p>CSHB 2077 establishes a 3-year pilot program that will provide use of loans under the LoanSTAR revolving loan program to community based organizations and houses of worship to finance the up-front implementations and renewable energy technology of energy efficiency measures. Churches are often inefficient in energy savings and their biggest cost is the utility bill. Many churches cannot afford the up-front cost to implement energy efficiency measures, necessitating the passage of CSHB 2077.</p> <p>The State Energy Conservation Office shall establish the pilot program and annually report updates on the pilot to the legislature. The federal government funds the LoanSTAR program with collections from petroleum violation escrow.</p>	<p><u>Favorable</u> Evaluated by: Ashley Reeder 512-827-8756 ashley@texaslsg.org</p>
<p>HB 2663 by Rep. Chisum</p>	<p>Relating to the effect of rules and standards adopted by the Railroad Commission of Texas relating to the liquefied petroleum gas industry on ordinances, orders, or rules adopted by political subdivisions relating to that industry.</p>	<p>Energy Resources</p>	<p>HB 2663 specifies that rules and standards adopted by the Railroad Commission (RRC) concerning Liquid Petroleum Gas (LPG) supersede any ordinance, order, or rule adopted by a political subdivision of Texas. HB 2663 grants the RRC the uniform rulemaking authority with the responsibility to protect the health, welfare, and safety of the general public.</p> <p>While the RRC already sets standards for the manufacture, production, or refinement of LPG, cities and counties can and have made additional rules and standards requiring a company to work in that subdivision. While sympathetic to the frustration of LPG companies who need to adapt their policies to meet the additional city/county standards, HB 2663 remains unfavorable because it strips the local government of its authority to protect its citizens with local standards.</p>	<p><u>Unfavorable</u> Evaluated by: Ashley Reeder 512-827-8756 ashley@texaslsg.org</p>
<p>HB 3346 by Rep. Burnam</p>	<p>Relating to state fiscal matters related to general government. Relating to certain information available to the public on a central database containing information about sex offenders.</p>	<p>Criminal Jurisprudence</p>	<p>Under current law, individuals who were convicted of a sexual offense have their address and place of employment displayed in public records. This causes employers and other employees to be harassed and, potentially, abused. HB 3346 amends the Code of Criminal Procedure to ensure that a person convicted of a sexual offense does not have their workplace information included in the sex offender registry.</p> <p>HB 3346 will help bring Texas in line with other states and should help reduce the recidivism rate among sex offenders by helping ensure stable employment for those making honest attempts to reintegrate themselves into society.</p>	<p><u>Favorable</u> Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org</p>
<p>HB 2599 by Rep. Ritter</p>	<p>Relating to the definition of chewing tobacco for purposes of the taxes imposed on cigars and other tobacco products and to the rate of the tax imposed on chewing tobacco.</p>	<p>Ways & Means</p>		<p><u>Will of the House</u> Evaluated by: Jasie Boyd 512-827-8756 jasie@texaslsg.org</p>

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