



Legislative Study Group

Texas House of Representatives

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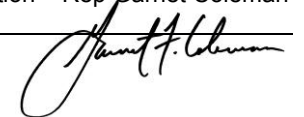
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LSG Floor Report For Postponed Business – Friday, May 6, 2011

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 3473 by Rep. Gallego	Relating to a defense to prosecution for a child younger than 14 years old for the offense of prostitution.	Criminal Jurisprudence	Recently, a Texas court found a 13 year old child guilty of prostitution due to a mix-up in state statute. The Supreme Court appealed the findings due to the unintended consequences currently in law. With a high volume of children being exploited in the state of Texas through trafficking, especially along the border cities, HB 3473 ensures that exploited children are not faced with the harsh punishments due to forced actions. HB 3473 protects children ages 14 and younger who are caught in the act of prostitution, due to force by a person 18 years or older.	Favorable Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org
HB 922 by Rep. Riddle	Relating to the penalty for theft of an automated teller machine or the contents or components of an automated teller machine.	Criminal Jurisprudence	HB 922 increases the penalty for theft of an automated teller machine or its components to a second degree felony if the value of the property stolen is less than \$200,000. The cost for the purchase of the machine and resulting damage from theft can easily exceed \$200,000. Many convenience store owners find themselves with damages far beyond the penalty faced by the offender. HB 922 ensures the punishment for stealing an ATM machine fits the crime.	Favorable Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org
HB 2197 by Rep. Rodriguez	Relating to the purchase of property as part of a homestead land bank program.	Ways & Means	HB 2197 allows land banks to purchase property that is worth more than the total amount due under foreclosure, and also those with an illegally occupied home on them. Current law only allows the purchase of land worth less than the foreclosure amount, which leads to many properties lying dormant. This bill is intended to remedy the problem, particularly in Central East Austin.	Favorable Evaluated by: Jasie Boyd 512-827-8756 Jasie@TexasLSG.org
HB 3375 by Rep. Murphy	Relating to certain evidence in a prosecution of fraud or theft involving Medicaid or Medicare benefits and to certain criminal procedures involving offenses in general.	Criminal Jurisprudence	HB 3375 allows for attorneys to not have to prove by direct evidence that each Medicaid or Medicare recipient did not consent or effectively consent to a transaction in question, except for cases in which it is needed. Depositions of witnesses can be recorded instead of just written. In order to have an effective record, the attorney and defendant are provided provisions in order to conduct proper cross examination. HB 3375 will allow for the case to not be prolonged and run more efficiently.	Favorable Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org
HB 2963 by Rep. Crownover	Relating to permit review timelines of the surface mining and reclamation division of the Railroad Commission of Texas.	Energy Resources	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.	Favorable Evaluated by: Ashley Reeder 512-827-8756 ashley@texaslsg.org

OK for Distribution – Rep. Garnet Coleman

<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>CSHB 1629 sets goals for energy efficiency programs and outlines the content and manner of conveying information to the public. 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>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 Public Utilities Commissioner is granted rulemaking authority to implement the cost ceiling as outlined in CSHB 1629.</p> <p>Ensures that independent organizations allow load participation for residential, commercial, and industrial customer classes. Independent organizations are system operators independent of any producer or seller of electricity whose primary responsibility is to ensure reliability and adequacy of the regional electrical network. Load participation relates to reliability and economic services for the ERCOT market. CSHB 1629 ensures the necessary provisions are in place to verify energy reliability for residential, commercial, and industrial customer classes. Additional Changes made by CSHB 1629</p> <ul style="list-style-type: none"> • 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 • The Commission shall establish an effective program design and streamlined reporting that energy efficiency programs will be evaluated, measured, and verified with • 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 rebates 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 Commission may consider program designs to ensure the average citizen or business has sufficient information to make decisions on energy efficiency • Electric utilities shall annually submit electronic versions of their energy efficiency plan and report. The Commission shall adopt a form that utilities will submit so customers can easily compare the information. 	<p>Favorable Evaluated by: Ashley Reeder 512-827-8756 ashley@texaslsg.org</p>
<p>HB 2043 by Rep. Menendez</p>	<p>Relating to the taxation of certain tangible personal property located inside a defense base development authority.</p>	<p>Defense & Veteran Affairs</p>	<p>HB 447 in the 82nd Legislature extended a defense base development authority to include charging for the use, lease, or sale of an open space or facility. Concerned parties felt that it did not sufficiently define the taxable status of an aircraft set in Texas for finishing.</p> <p>HB 2042 seeks to address those concerns by defining a commercial aircraft. The bill also clarifies that under certain provisions of the Tax Code, a commercial aircraft and personal property to be attached to the aircraft is taxable.</p>	<p>Favorable Evaluated by: Kira Ruben 512-827-8756 kira@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>

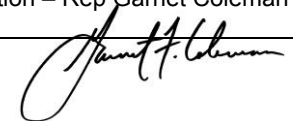


<p>HB 2232 by Rep. Wayne Smith</p>	<p>Relating to the operation, powers, and duties of ship channel districts.</p>	<p>Transportation</p>	<p>HB 2232 makes certain adjustments to the overall operational functions of the Houston Ship channel to help the Houston Ship Channel Security District implement improvements.</p>	<p>Favorable Evaluated by: Cappreese Crawley 512-827-8756 cappreese@texaslsg.org</p>
<p>HB 3308 by Rep. Rodriguez</p>	<p>Relating to the operation of plug-in electric motor vehicles.</p>	<p>Transportation</p>	<p>An interest in electric cars has risen currently due to the high price of oil and a need for better air quality. However, electric cars tend to be more expensive along with other barriers for consumers who would be otherwise willing to buy.</p> <p>HB 3308 attempts to incentivize the purchase of an electric car by allowing passengers of a plug-in-electric car to use the high occupancy vehicle (HOV) lane regardless of the number of occupants in a car.</p>	<p>Favorable Evaluated by: Cappreese Crawley 512-827-8756 cappreese@texaslsg.org</p>
<p>HB 1250 by Rep. Frullo</p>	<p>Relating to the use of facsimile signatures for certain documents involving certain municipalities.</p>	<p>Urban Affairs</p>	<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>	<p>Favorable Evaluated by: Cappreese Crawley 512-827-8756 cappreese@texaslsg.org</p>
<p>HB 1435 by Rep. Elkins</p>	<p>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.</p>	<p>Ways & Means</p>	<p>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.</p> <p>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.</p> <p>This change allows taxing units to better protect their rights during the appraisal appeals process.</p>	<p>Favorable Evaluated by: Jasie Boyd 512-827-8756 jasie@texaslsg.org</p>
<p>HB 1477 by Rep. Allen</p>	<p>Relating to awarding credit to certain inmates for time between release on and revocation of parole, mandatory supervision, or conditional pardon.</p>	<p>Corrections</p>	<p>According to studies conducted by criminal justice organizations, in FY 2010 Texas prisons received 6,678 individuals due to parole revocations. Of those, 1,062 committed a technical violation of a condition of parole. Examples of a technical violation might include checking in late with a parole officer or missing one meeting. Revoking an individual's parole for purely administrative violations of parole conditions and sending him or her back to prison without credit for the time spent successfully on supervision places a costly burden on the state and contributes to prison overcrowding, without any real effect on public safety. H.B. 1477 removes restrictions on a judge's ability to grant street time credit, and requires street time for parolees revoked on technical violations at least one year after the date of their release to parole supervision.</p> <p>Under current law if a parolee violates their probation they may be required to serve the remaining portion of their sentence for the crime they committed. The problem with this is that individuals who are not violent offenders or have not been involved in any crime prior to a technical violation will be incarcerated costing municipalities money that should be spent on offenders that are a danger to public safety. HB 1477 will allow a person to obtain credit for time served on parole instead of incarceration if the person's parole was revoke after the first anniversary of the release if it was solely based on an administrative violation. This street time credit is limited to certain offenders.</p>	<p>Favorable Evaluated by: Kimberly Willis 512-827-8756 kimberly@texaslsg.org</p>

LSG Floor Report For Emergency Calendar – Friday, May 6, 2011

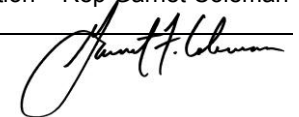
Bill	Caption	Committee	Analysis & Evaluation	Recommendation
<p>HB 12 by Rep. Solomons</p>	<p>Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.</p>	<p>State Affairs</p>	<p>HB 12 is the sanctuary city bill, intended to put an end to sanctuary cities in Texas. However, there are no sanctuary cities in Texas. A 2007 report by the U.S. Department of Justice found that no city in Texas maintained any sanctuary policies. Even the author of the bill, during committee testimony on his legislation, stated that, “Based on what I’ve read, we don’t have any, so I don’t know what the big deal is.” Law enforcement officials, religious organizations, civil rights groups, and representatives from Texas’ major cities have all expressed extreme dissatisfaction with the proposals made by HB 12.</p> <p><u>What HB 12 Does</u> HB 12 allows law enforcement officials across Texas to question the immigration status of any person who is “lawfully detained for the investigation of a criminal offense or arrested.” The definition of “lawfully detained” is so broad that even a person who jaywalks would be considered making a criminal offense. A law enforcement agency may not prohibit an official from sending any immigration information to another law enforcement agency, state or federal. Law enforcement entities that prohibit officers from engaging in immigration checks shall be denied state grant funds.</p> <p>HB 12 creates de facto immigration officials out of every law enforcement officer in Texas, other than those who work for the state. (Public safety officers that work for the state of Texas do not have to comply with the provisions of HB 12). As a result, emergency response times will rise, prisons will become overcrowded, and state tax dollars will be spent enforcing federal laws. The Houston Police Department has stated that HB 12 will cost their department approximately \$4.5 million to implement. At a time when the Texas Legislature is attempting to put an end to unfunded mandates, HB 12 will significantly increase the financial burdens felt by law enforcement entities across the state.</p> <p><u>The Cultural Effects of HB 12</u> There are no sanctuary cities in Texas. However, some elected officials and candidates for office have repeated the lie that there are sanctuary cities in Texas for years, creating the false perception that they exist. As a result of this fear, many Texans have reduced the complex problems of immigration and law enforcement to the simple idea that removing undocumented immigrants from our state will solve our state’s public safety problems.</p> <p>As law enforcement officials from across the state testified in committee, the immigrant community in Texas performs an invaluable service for police on a regular basis. Law-abiding immigrants in Texas can serve as a bridge between criminals in a community and law enforcement officers working to keep our neighborhoods safe. However, that bridge is built on trust, and trust can be broken if the state and its law enforcement officers are perceived to be hostile to the people within a community. On sight, there is nothing to differentiate an undocumented Latino in Texas from a third or fourth generation Latino in Texas. An officer who questions the immigration status of a legal citizen, simply because of the color of their skin, will only breed distrust, making it further difficult for the officer to do his or her job, thereby diminishing a law enforcement entity’s ability to maintain safety within a community. Recklessly injecting cultural politics into Texas’ public safety laws will lead to consequences that should far outweigh the fears of this made up problem.</p> <p>The fears that led to the creation of HB 12 are no greater and no more important than the fears hundreds of thousands of Texans have that one day the state they love will treat them as less than who they are. The cultural ramifications of HB 12 will dramatically harm the trust communities and people across Texas have in one another, leaving a lasting impact that could damage our state's future.</p>	<p><u>Unfavorable</u> Evaluated by: Phillip Martin 512-827-8756 Phillip@texaslsg.org</p>

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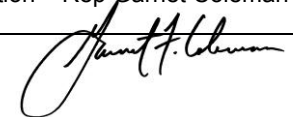
LSG Floor Report For Major State Calendar – Friday, May 6, 2011

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
<p>HB 400 by Rep. Eissler</p>	<p>Relating to flexibility for public schools to administer primary and secondary education efficiently.</p>	<p>Public Education</p>	<p>CSHB 400 makes significant changes to public education in Texas, largely in response to the massive education cuts made in House Bill 1. The House’s version of the budget underfunded Texas’ public schools by \$7.8 billion. To accommodate these cuts, CSHB 400:</p> <ul style="list-style-type: none"> • Eliminates the 22:1 maximum student-teacher ratio for K-4 classes; • Implements an unproven and unstructured school employee compensation plan while eliminating the minimum salary guarantees for classroom teachers, counselors, nurses and librarians; and • Fails to address necessary school finance changes or the state’s \$10 billion structural deficit, each of which have drastically underfunded Texas schools for years. <p>Among the fifty states, Texas currently ranks 44th in the country in state and local expenditures per pupil in public schools, and 47th in state aid given per pupil in average daily attendance. Texas ranks last in the country in the number of people twenty-five years or older who have a high school diploma. CSHB 400, coupled with the drastic funding cuts proposed in HB 1, will do nothing to solve these or any of the other severe problems facing Texas students in Texas public schools.</p> <p><i>Potential Amendment to CSHB 400: An amendment is expected to offer that provides temporary and immediate relief for school districts.</i></p> <p><u>Eliminating the 22:1 Student-Teacher Ratio</u></p> <p>CSHB 400 eliminates the 22:1 maximum student-teacher ratio for K-4 classes. Instead, classes would have to maintain an average of a 22:1 class size, but 25 students would be the new maximum number per classroom. A very small class size in one or two grades would easily allow very large classes for other grades. Additionally, these newer caps on the average class size and for individual classrooms would be subject to a waiver. The Student-Teacher Achievement Ratio (STAR) study found that students in smaller classes:</p> <ul style="list-style-type: none"> • Perform better on curriculum and standardized tests than students in larger classes; • Progress to the next grade level at a higher rate; • Have learning difficulties identified and addressed at an earlier age; and • Advance from the lowest rating to the middle rating in math and reading skills of second graders, especially for low-income school districts. <p>In 1999, an update on the STAR study found that students in smaller classes during K-3 had a higher probability of graduating from high school on time. Smaller class sizes also reduced the black-white achievement gap by 56% for black students. In 2010, Amherst College furthered the STAR study and found that all students in schools with high poverty levels benefitted from smaller class sizes. Another study, published in the American Journal of Public, evaluated the health and economic benefits of smaller class sizes in K-3 and found that “reducing class sizes may be more cost-effective than most public health and medical interventions.” The study estimated that smaller class sizes would result in a net cost savings of \$168,000 for each additional student graduating from high school, and as much as \$196,000 for low-income students.</p> <p>CSHB 400 also removes the limit of 10 students per teacher for accelerated instruction. Accelerated instruction is mandatory for students who have failed any of the TAKS/STAAR tests twice. Removing this limit allows districts to overly burden a social studies, science, reading, writing, or arithmetic teacher who would be responsible for the education and the increased time that would be necessary to fulfill the requirements of accelerated instruction. Implementing the STAAR exam is already a concern for school districts.</p>	<p><u>Unfavorable</u> Evaluated by: Ashley Reeder 512-827-8756 Ashley@texaslsg.org</p>

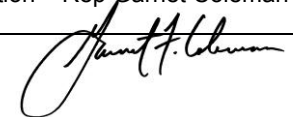


		<p><i>(HB 400 continued)</i> Without the resources to prepare teachers and students for the STAAR, it can be expected that students will not perform well on the assessment, which could compound the problem of the number of students requiring accelerated instruction.</p> <p><u>Changes to School Employee Compensation & Employment Notification</u> CSHB 400 eliminates the minimum salary guarantees for classroom teachers, counselors, nurses and librarians. Without a minimum salary guarantee, the Legislature would not be able to grant teachers a pay raise in the future.</p> <p>In its place, CSHB 400 requires districts to adopt a plan to compensate employees with the intent of recruiting, rewarding, and retaining effective teachers, librarians, counselors, and nurses. The district shall consider the following factors to determine effectiveness:</p> <ul style="list-style-type: none"> • Student achievement • Mentor for other teachers • Assume additional responsibilities • Performance evaluations • Qualified to teach a subject that the board of trustees determines is in acute shortage • Teaching more than the average number of students in the district • Teaches in a district that has struggles to hire or retain teachers or other employees • Other job-related duties as determined by the district • Specifically excludes athletic coaching or performance for consideration <p>The district must consider input from teachers, librarians, counselors, and nurses before adopting the compensation plan for their district. The reward for effective performance does not have to be financial; it could be flexible scheduling, additional leave, and other compensation.</p> <p>Currently, teachers must be informed by the 45th day before the end of school. CSHB 400 would now allow a district to inform an employee that they are being fired on the last day of school. While this helps the district, it hurts employees' opportunities to find other employment. Additionally, a school district that determines to terminate employment of a school employee no longer must consider senior protection for teachers on continuing contracts.</p> <p><u>Other Changes Made by CSHB 400</u></p> <ul style="list-style-type: none"> • Health and Wellness – Although Texas ranks 19th in a national comparison of the percent of children who are overweight, CSHB 400 only requires a school district to annually assess the fitness of students who enroll in a physical education course in grades 3 or higher, instead of all students in grades 3-12. • Communication – CSHB 400 makes the publication of finance meetings, accountability report hearings, and other meetings optional for school districts. • Joint Elections – CSHB 400 allows for school districts to host joint elections with other local elections that occur on the same day and, when possible, only pay a proportional cost of the election. 	
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OK for Distribution – Rep Garnet Coleman

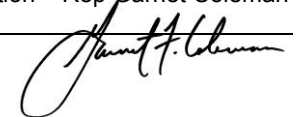


<p>HB 272 by Rep. Smithee</p>	<p>Relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.</p>	<p>Insurance</p>	<p>In 1971, Texas created the Texas Catastrophe Property Insurance Association, now called Texas Windstorm Insurance Association (“TWIA”), when insurance carriers stopped writing policies along the coast of Texas following Hurricane Celia. TWIA is a pool of property and casualty insurance companies that provide wind and hail damage coverage to Texas property owners in 14 coastal counties and parts of Harris County. Since insurers refused to cover wind and hail damage, property owners were forced to obtain basic coverage from a regular provider and a policy from TWIA for wind and hail damage. <i>TWIA’s board of directors consists of four members from the Insurance Industry, four members from 1st Tier Coastal County Residents, one non-seacoast member, and one non-voting engineer member.</i></p> <p>In 2008, hurricanes Dolly and Ike resulted in billions of dollars of losses to home and business owners located along the coast. Policy holders filed claims, yet were summarily denied. It soon became apparent that persons within TWIA conspired with adjusters to deny properly covered claims for policy holders. Faced with the potential liability of actual damages and damages for violations of unfair insurance practice and of prompt payment of claims, TWIA began to settle the claims. However, the claims paid out have depleted the resources of TWIA. There is concern that if faced with another catastrophic storm, TWIA would be unable to meet its obligation. This bill seeks to address issues of prompt claims processing, dispute resolution, and TWIA’s potential liability for treble damages.</p> <p><u>CSHB 272 Reduces Consumer Protection</u></p> <p>CSHB 272 amends the Insurance Code to make significant changes which reduce consumer protection. The bill specifically exempts TWIA from the Deceptive Trade Practices Act, and limits recovery to actual damages. The insurance code provides that when there is a finding by a judge or jury that the defendant knowingly committed fraud, prompt payment provisions, or other violations, the judge or jury may award an amount not to exceed three times the amount of actual damages. Allowing for such an award is an essential tool for discouraging bad behavior. In the case of TWIA, the potential threat of such awards is what brought TWIA to the table to settle the legitimate claims policy holders had filed. Removing this essential provision creates unnecessary and unwarranted immunity to TWIA. Other significant changes which will negatively impact consumers include:</p> <ul style="list-style-type: none"> • Reducing the statutory time allowed for filing a claim to one year; • Reducing the minimum retained premium in the plan of operation from 180 days to a period of not less than 90 days; • Requiring claimants to use an independent review panel; and • Requiring the claimant to make the request for review within 30 days of the claimant receiving actual or constructive notice of the determination in dispute. <p>During the period of time after claims for Dolly and Ike, those policy holders who went through arbitration were not adequately compensated for damages and were left with no recourse. Although this bill does allow an insured person to eventually seek relief in a court if they are unsuccessful with the review panel, the bill sets the standard of review so high that the insured would lose if the Commissioner can merely show a reasonable belief that their estimates are correct.</p> <p>The independent review process to be implemented by the Texas Department of Insurance (TDI) would be costly and cause lengthy delays in policy holders receiving payment paid on their claims. The burden on TDI would be significant, especially in the aftermath of a catastrophic storm that could result in thousands of claims. There is no fiscal note attached to this bill, but it is impractical to believe TDI can operate an administrative hearings process with so many potential claims without significant costs. TWIA is the only option for windstorm coverage for these property owners, which makes them the most vulnerable of consumers and, therefore, the ones who must rely on their lawmakers to protect them. Ultimately, CSHB 272 does not address the problems that existed when TWIA abused its policy holders. Instead, the bill strips away every shred of protection they currently have, reduces the statute of limitations to an unconscionable time frame, and limits their constitutional right to seek relief from the courts.</p>	<p><u>Unfavorable</u> Evaluated by: Lisa Mathews 512-827-8756 Lisa@texaslsg.org</p>
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<p>HB 3610 by Rep. Thompson</p>	<p>Relating to periodic rate adjustments by electric utilities.</p>	<p>State Affairs</p>	<p>To effect a rate change, regulated utilities must make application to the Public Utility Commission, which can be a lengthy and expensive process. The cost associated with the process is eventually passed on to consumers. CSHB 3610 would authorize the PUC to implement an expedited process for rate changes based on typically noncontroversial expenses.</p> <p>The expedited process would minimize expenses passed on to consumers while still allowing participation by the Office of Public Utility Counsel and affected parties. The bill would not reduce the ability of the PUC or a regulatory authority to change the existing rates if, after notice and hearing, it finds that the rate is unreasonable or in violation of the law. CSHB 3610 authorizes an electric utility to adjust the utility's rates not more than once per year and not more than four times between comprehensive base rate proceedings.</p>	<p>Favorable Evaluated by: Lisa Mathews 512-827-8756 Lisa@texaslsg.org</p>
<p>HB 3025 by Rep. Branch</p>	<p>Relating to measures to facilitate the transfer of students within the public higher education system and the timely graduation of students from public institutions of higher education.</p>	<p>Higher Education</p>	<p>HB 3025 requires THECB and institutions of higher education to work together to create a statewide “transfer pathway” – a method allowing college students to transfer within the public higher education system. The pathway includes any institution of higher education, including career schools and colleges. The intent of the bill is to allow for a smoother transition for students that transition from one school to another. The best example is students who take core curriculum courses – freshman and sophomore level courses required regardless of a student’s major – at community and junior colleges, where tuition is cheaper. However, many students cannot easily transfer to a higher-level of education because of the lack of course equivalency across the colleges. HB 3025 is an attempt to make it easier for students to transfer those credits.</p> <p><u>Creating a Core Curriculum for College</u> Current legislation mandates the Texas Higher Education Coordinating Board (THECB) and an advisory committee to work together to develop a recommended core curriculum of 42 semester credit hours. HB 3025 allows administrators of an institution of higher education to be a part of the advisory committee. This committee, along with THECB, will develop a course-specific core curriculum for each broad academic discipline within the general core curriculum, and identify those programs as fully transferrable. Each year, colleges and universities are required to provide a comprehensive list to the THECB of all information relevant to courses being offered the following academic year. HB 3025 provides that the list must specifically identify any course included in the common course numbering system that has been added to or removed from their list for the current academic year. It is the institutions’ responsibility to notify the THECB of any changes to offering a course.</p> <p><u>Exemptions for Research Institutions</u> An institution designated as a research institution under THECB accountability system that chooses not to participate in the compact has to inform prospective undergraduate students. They are to inform them of the requirements for at least 12 courses for which credit is frequently transferred to the institution from lower-division schools and establish an honors articulation agreement with at least two public junior colleges. This will improve the likelihood that the students will transfer from the junior colleges. The bill also mandates that an institution cannot require a student to complete more than the minimum number of semester credit hours required for an associates’ or bachelors’ degree unless academic accreditation or professional licensure requires it. This does not apply to students who enrolled in institutions before the fall semester 2013.</p> <p><u>Student Degree Plans</u> Each student has the responsibility to file a degree plan with the institution no later than the semester or term immediately following the semester or term in which the student earned a cumulative total of 30 or more semester credit hours for coursework. If a student begins at an institution with 30 hours or more, they are required to file a degree plan their first semester, if they do not, then they will not be allowed to register for classes. Once a degree plan has been filed, a student cannot defer from that plan unless they meet with their academic advisor first.</p>	<p>Favorable Evaluated by: Kira Ruben 512-827-8756 Kira@texaslsg.org</p>

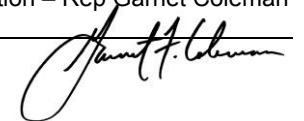
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LSG Floor Report For Major State Calendar – Friday, May 6, 2011

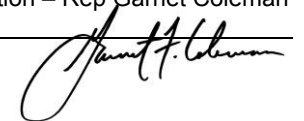
<p>HB 3727 by Rep. Hilderbran</p>	<p>Relating to the appraisal for ad valorem tax purposes of certain commercial aircraft that are temporarily located in this state for manufacturing or assembly purposes.</p>	<p>Ways & Means</p>	<p>The presence of Boeing in San Antonio is an economic driving force for the area, employing nearly 2,000 Texans. There are specialized aircraft academies to train a skilled workforce, and there has been a thriving relationship between the aircraft manufacturer and the community since 1998. In order to maintain current operations and draw in more manufacturers, CSHB 3727 changes the method of taxation on planes temporarily located in the state for manufacture. Currently they are taxed at market value; CSHB 3727 directs the chief appraiser to set the appraised value at 10% of the published list price instead. While the comptroller estimates that there could be an indeterminate negative impact because of the decreased property value, representatives from both the industry and the local government indicate that the economic value of the business in San Antonio offsets potential costs. While the presence of Boeing in San Antonio spurred this bill, the provisions are statewide. Though the local impact is expected to be positive, reducing taxes for large corporations in the face of drastic cuts to crucial services for Texans is of concern, and may not reflect the best use of our tax dollars.</p>	<p><u>Favorable with Concern</u> Evaluated by: Jasie Boyd 512-827-8756 Jasie@texaslsg.org</p>
<p>HB 174 by Rep. Jackson</p>	<p>Relating to the cancellation of the voter registration and to the eligibility to vote of persons who are deceased or not citizens of the United States.</p>	<p>Elections</p>	<p>HB 174 requires the Secretary of State (SOS) and local voter registrars to synchronize their roles by adding requirements that the proper authorities notify the SOS, in addition to local registrars, for death and claims of ineligibility for jury duty because of lack of citizenship, or residency outside the county. HB 174 requires deceased and ineligible voters to be removed from a voter registration list. HB 174 requires the SOS to compare documents and records from county clerks with information on the statewide computerized voter registration lists. HB 174 is a direct effort to purge voters from the voting rolls who, among other things, may simply be too busy to perform jury duty. In Texas, persons will say they are a non-citizen in order to get out of jury duty, when in fact they are a citizen. Often times, these individuals simply do not have time to serve on a jury – due either to work or family constraints. Lying to get out of jury should not be cause for removing the most fundamental right of a citizen in a democracy.</p>	<p><u>Unfavorable</u> Evaluated by: Ruth Damys 512-827-8756 Ruth@TexasLSG.org</p>
<p>HB 2817 by Rep. Taylor</p>	<p>Relating to certain election practices and procedures.</p>	<p>Elections</p>	<p>HB 2817 makes several different changes to election laws. Overall, the changes made by HB 2817 should not materially affect most voters, and the provision forbidding poll watchers from videotaping inside a ballot box is a welcome respect of the right to privacy. However, given the broad caption for HB2817 and the numerous other unfavorable election-related bills that have been introduced throughout the 82nd Legislative Session, it is important for Members to track the progress of potential amendments and ensure nothing is attached to the bill that would limit voter participation in any way. Changes made by HB 2817 include:</p> <p><u>Changes at the Ballot Box</u></p> <ul style="list-style-type: none"> • HB 2817 eliminates current provisions in state law that requires the secretary of state to either prescribe the terms that a county elections administrator must accept, or instruct the county elections administrator to decline to enter into a contract with a city, if a city and county are unable to initially reach an agreement to furnish election services. • The bill prohibits an election watcher if the watcher has possession of a device capable of recording images or sound, unless the watcher agrees to disable or deactivate the device. • The bill requires the custodian of keys to early voting ballot boxes to maintain possession of the keys until delivered to the presiding judge of the central counting station. <p><u>Counting Votes</u></p> <ul style="list-style-type: none"> • Requires that a plan for counting votes cast on an electronic voting system include a process for comparing the number of voters who signed the combination form with the number of votes cast for the entire election; <p><u>Candidate Application and Withdrawal</u></p> <ul style="list-style-type: none"> • Requires a city to post notice of dates of the filing period for an application for a place on the ballot not later than the 30th day before: (a) the first day on which a candidate may file an application; or (b) the last day on which a candidate may file the application, if the election code does not designate a first day on which the candidate may file the application. 	<p><u>Will of the House</u> Evaluated by: Ruth Damys 512-827-8756 Ruth@TexasLSG.org</p>

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			<p><i>(HB 2817 continued)</i></p> <ul style="list-style-type: none"> Provides that a withdrawal from an election that is not made in writing and signed by the candidate, or is not timely filed with the appropriate authority or agent of an authority, has no legal effect and is not considered filed. <p>Local Option Liquor Elections Finally, the bill requires a notice relating to a local option liquor election that is published in a newspaper to include:</p> <ol style="list-style-type: none"> The individual or entity that is applying for the petition to gather signatures for a local option liquor election; The type of local option liquor election; The name of the political subdivision in which the petition will be circulated; and The name and title of the person with whom the application will be filed. 	
HB 3055 by Rep. Pena	Relating to the penalty for providing false information on an application for a ballot to be voted by mail.	Elections	<p>Current law allows immediate family members to mail a ballot for those members of their family who cannot. HB 3055 strikes this provision in law. The bill also increases the penalty for lying on an application for a mail-in ballot. The bill amends the Election Code to make providing false information on an application for an early voting ballot punishable as a state jail felony. Under current law, this crime is a Class A misdemeanor.</p> <p>This bill will cause direct and immediate harm to elderly and disabled Texans, as persons living at the same address as them will no longer be able to mail in their ballots for them. This bill is an affront to minority, elderly, disabled, and any other voters who simply need assistance to be able to exercise their right to vote.</p>	Unfavorable Evaluated by: Ruth Damys 512-827-8756 Ruth@TexasLSG.org
HB 3498 by Rep. Aliseda	Relating to the penalty for illegal voting.	Elections	<p>HB 3498 increases the penalty for illegal voting from a third degree to a second-degree felony. Furthermore, where an individual is found to have committed an attempt to vote illegally, this bill increases the penalty from a Class A misdemeanor to a state jail felony. This bill will cause direct harm to anyone who transports a mail-in ballot on behalf of one who is unable to mail in their ballot on their own.</p>	Unfavorable Evaluated by: Ruth Damys 512-827-8756 Ruth@TexasLSG.org
HB 2194 by Rep. Taylor	Relating to the conduct and administration of elections.	Elections	<p>HB 2194 codifies voter intimidation into law, and will reduce the number of early vote locations in a county.</p> <p>Voter Intimidation – Partisan Poll Watchers Allowed to Watch You Vote As it stands today, a voter who qualifies for assistance (i.e. they cannot see, write, or read the ballot in the printed language) can choose anyone they want who is not their employer or a representative of their union to assist them. HB 2194 takes this option away from citizens and, instead, allows election workers to observe any assistance provided by an individual chosen by the voter.</p> <p>Many voters bring trusted friends and relatives with them to the polls, and all that is required of the assistant is for s/he to swear an oath that they will not unlawfully direct the voter who to vote for, sign their name on a special document, and then they can accompany the voter in the booth and assist them. This bill allows the presiding or alternate judge to enter the booth and observe assistance at their discretion. Additionally, HB 2194 allows poll watchers to demand that two elections workers – each from opposing political parties – can observe the assistance, even when the voter does not want anyone but the person of their choice to observe them marking their ballot.</p> <p>The issue here is the violation of the voter’s right to privacy when marking their ballot. Without a doubt, there is a very big difference between a voter allowing their relative or friend whom they know and trust to observe the preparation of their ballot and allowing election officials whom the voter may not trust to observe the preparation of their ballot.</p> <p>Super-precincts Decrease the Number of Early Vote Locations HB 2194 reauthorizes counties that previously participated in countywide super-precinct program to continue to participate in the</p>	Unfavorable Evaluated by: Ruth Damys 512-827-8756 Ruth@TexasLSG.org

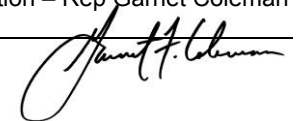
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			<p>(HB 2194 continued) program, provided the county commissioners’ court approves. Super-precincts allow voters to vote at any location in a county. However, the practice of those counties who have participated in those programs is for them to reduce the number of election day polling locations, which causes voters to travel a greater distance to vote.</p> <p>Since there are fewer voting locations, counties should have to have more space, more poll workers, and more and better equipment at these locations. However, in 2010, Collin County suffered tremendously because they failed to adopt any of those reasonable measures, resulting in longer lines and greater difficulty for people to vote. Counties in Texas have, historically, used super-precincts to cut the costs of elections, rather than drive greater voter participation.</p>	
<p>HB 2589 by Rep. Pena</p>	<p>Relating to the delivery of a voter registration application to the registrar by a volunteer deputy registrar; providing a criminal penalty.</p>	<p>Elections</p>	<p>This bill increases the penalty for certain acts by a volunteer voter registrar, even if those acts may be accidental. HB 2589 makes it a state jail felony for a volunteer deputy registrar to knowingly cause a voter registration application containing false information to be delivered to the registrar. It is also a state jail felony if the volunteer deputy registrar hands over a voter application late.</p> <p>HB 2589 dissuades citizens from volunteering as deputy registrars. This bill makes even unintentional errors a criminal offense. Volunteer deputy registrars will become “criminals” for providing an application to someone who is ineligible to register. There is no way for these volunteers to know which citizens to provide assistance and which ones to not, since they have no means to verify who is eligible and who is not.</p>	<p>Unfavorable Evaluated by: Ruth Damys 512-827-8756 Ruth@TexasLSG.org</p>
<p>HB 2190 by Rep. Elkins</p>	<p>Relating to the deadline by which provisional ballots must be processed for certain elections.</p>	<p>Elections</p>	<p>In the past, there have been complaints by large county voter registrars for the time they are allotted to review election ballots and affidavits. This bill grants voter registrars and early voting ballot boards more time to review provisional ballots and increases the time they have to canvass the report.</p>	<p>Will of the House Evaluated by: Ruth Damys 512-827-8756 Ruth@TexasLSG.org</p>
<p>HB 2359 by Rep. Hopson</p>	<p>Relating to direct campaign expenditures.</p>	<p>Elections</p>	<p>Early last year, the Court in <i>Citizens United v. Federal Election Commission</i> concluded that it is unconstitutional to prohibit corporations from making direct campaign expenditures. The Court also concluded, however, that it is constitutional to require disclosure of the expenditures. Following the rulings, there was question as to whether or not the Texas prohibition on direct campaign expenditures was also unconstitutional. HB 2359 strikes the phrase “political expenditure” in response to the district court’s decision, prohibiting any limit on the direct campaign expenditures corporations can make.</p> <p>HB 2359 does not do away with the prohibition on corporate contributions to political campaigns. The bill only addresses those direct campaign contributions that are the expenditures that are made without the candidate’s prior consent and approval (i.e. corporation purchases, and advertisements on a candidate’s behalf). Corporations still cannot, even under federal law, write a check for the candidate to pay for that advertisement, though the loopholes created by <i>Citizens United</i> make the distinction almost impossible for most voters to recognize. HB 2359 applies to all levels of state races.</p> <p>While freedom of speech is guaranteed in the constitution, it is bad public policy to attribute free speech to a non-person. The ruling of <i>Citizens United</i> does not have to affect state elections. Texas should set its own course and continue its long-standing practice of prohibiting corporate dollars to be used as direct campaign expenditures.</p>	<p>Unfavorable Evaluated by: Ruth Damys 512-827-8756 Ruth@TexasLSG.org</p>

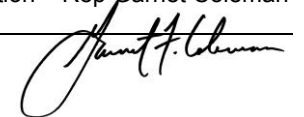
<p>HB 804 by Rep. Lewis</p>	<p>Relating to the offense of illegal voting by a person who is not a United States citizen.</p>	<p>State Affairs</p>	<p>CSHB 804 amends the Election Code to make it a third degree felony offense for a person who is not a citizen of the United States to vote or attempt to vote in an election in Texas. It provides for an affirmative defense to prosecution for this offense if the person believed in good faith that the person was a citizen of the United States.</p> <p>It is already a third degree felony to vote in an election if you are ineligible to vote, and a person who is not a citizen of the United States cannot legally register to vote. HB 804 is a redundant law that needlessly seeks to punish undocumented citizens in an effort to appeal to partisan interests of a particular party. HB 804 will likely cause delay and discouragement for those individuals who have recently become U.S. citizens and, through a clerical mix-up, are denied the right to vote. At a time when Texas ranks last in the country in voter participation, our state should focus more on bringing people to the polls, and less on driving people away.</p>	<p>Unfavorable Evaluated by: Lisa Mathews 512-827-8756 Lisa@texaslsg.org</p>
<p>HB 628 by Rep. Callegari</p>	<p>Relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.</p>	<p>Government Efficiency & Reform</p>	<p>HB 628 revises existing rules and creates new procedures for bidding and procurement requirements for governmental entities in the purchases of services and materials. Currently, up to \$50,000 can be approved without formal bidding. One of the provisions in this bill allows public bodies to approve certain projects or purchases up to \$75,000 without having to take formal bids. However, at least 3 price quotes must first be obtained.</p> <p>Texas colleges and universities, TxDOT, and regional mobility authorities are exempt from this bill.</p>	<p>Will of the House Evaluated by: Ruth Damys 512-827-8756 Ruth@TexasLSG.org</p>
<p>HB 889 by Rep. Lewis</p>	<p>Relating to the appraisal for ad valorem tax purposes of a real property interest in oil or gas in place.</p>	<p>Ways & Means</p>	<p>Because oil and gas markets are so volatile, predicting prices into the distant future can be an almost impossible task. Under current law the comptroller is asked to accurately predict future oil prices, including the 10-year predictive price that is used to determine the tax rate on minerals in property taxes.</p> <p>CSHB 889 moves towards a market based approach that gets closer to the actual values of oil and gas on the land. It directs the chief appraiser to calculate a price adjustment factor based on market prices which is then applied to the average price over the prior year. Further, it limits the price used so that it cannot increase or decrease at a rate exceeding the average annual percentage change since 1982. The comptroller is directed to provide appraisal offices with manuals specifying the formula that must be used in calculating price limits. The tax impact of CSHB 889 in anticipated to be either revenue neutral or produce a modest gain, but cannot be determined precisely due to pricing uncertainty in the oil and gas market.</p>	<p>Favorable Evaluated by: Jasie Boyd 512-827-8756 Jasie@texaslsg.org</p>
<p>HB 1766 by Rep. Crownover</p>	<p>Relating to the creation of a voluntary consumer-directed health plan for certain individuals eligible to participate in the insurance coverage provided under the Texas Employees Group Benefits Act and their qualified dependents.</p>	<p>Pensions, Investments, & Financial Services</p>	<p>6.1 million Texans are uninsured. Medical costs across the country increase rapidly each year, and parts of Texas have some of the most expensive health-care markets in the country. HB 1766 attempts to tackle the issue of skyrocketing health-care cost by authorizing the Employment Retirement System (ERS) to create a consumer-directed health plan with a high deductible (H-DHP) and health savings account (HSA), including health benefit coverage for preventative health care. This plan would be extended to cover dependents of eligible members.</p> <p>Employees in ERS will have the option to waive their participation in the current basic coverage plan and elect into the newly created plan. Proponents of the bill state that the bill is optional, and will benefit both employees and the state. However, this type of plan has proven to be a deterrent for participants wishing to receive adequate care. According to a report conducted by the Employee Benefit Research Institute, 31% of H-DHP enrollees reported skipping, delaying or avoiding care, compared to 17% of basic plan enrollees.</p> <p>Creating separate pools of health coverage will drive up costs for individuals who cannot switch to the H-DHP plan. High deductible health plans are typically populated with healthy individuals, most frequently men (who never have to pay for any pregnancy-related coverage) and wealthier individuals, who are more likely to afford lifestyles which decrease their risk of illness. Meanwhile, those persons who use medical services frequently – including women (who have to pay for pregnancy-related medical expenses), lower-income individuals, and those who suffer from chronic illness – will remain in the traditional basic coverage plan, since they will be</p>	<p>Unfavorable Evaluated by: Kira Ruben 512-827-8756 Kira@texaslsg.org</p>

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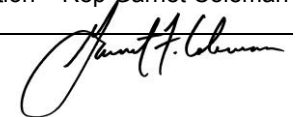


			<p><i>(HB 1766 continued)</i> unable to meet the federally mandated deductible.</p> <p><u>Contributions by the State</u> HB 1766 requires ERS enrollees to contribute the same amount of money per enrollee, and the same percentage for dependents, in both plans. If there is any state contribution left over after payments to both plans, the ERS board of trustees will determine how to allocate the remaining balance to the Health Savings Account. The amount distributed to the HSA may not exceed the sum of monthly limitations mandated by federal law for HSAs. Members have to contribute the required amount to cover any amounts that exceed the state contribution for the optional plan. Enrollees must contribute any amount allowed under federal law to a HSA, in addition to receiving an allocation of the state contribution.</p> <p><u>The Use of “Cafeteria Plans”</u> A cafeteria plan is a type of benefit plan that allows employees to choose between different types of benefits. ERS already has the authority to offer different types of benefit plans. HB 1766 extends that right to the board of trustees, as it relates to the creation of the consumer-directed plan. The board must ensure that enrollment in the cafeteria plan will not negatively impact an enrollees’ tax exemptions under the HSA.</p> <p>The bill requires ERS to provide a report describing the usefulness and cost-effectiveness of the plan. The report shall detail the enrollees’ use of the new plan, compare the cost-effectiveness of the optional and basic plans, and make a recommendation as to whether to continue or discontinue the plan.</p> <p>The intent of HB 1766 is to combat rising health-care cost by creating a secondary option that is consumer driven with a high deductible and savings account. This bill will not make an impact on the costs of healthcare nor does it accomplish the goal of aiding Texas consumers to make better choices when it comes to their healthcare. The real effect of HB 1766 will be the creation of a high risk- pool whose participants remain healthy, while those most in need pay higher rates. However, since individuals cannot negotiate prices with providers, no HSA or H-DHP plan will actually be consumer driven.</p>	
<p>HB 1205 by Rep. Turner</p>	<p>Relating to the procedures for reducing or terminating community supervision and the establishment of certain time credits through which a defendant's period of community supervision is reduced.</p>	<p>Criminal Jurisprudence</p>	<p>HB 1205 uses positive reinforcement to correct maladaptive behavior. in offenders. Under HB 1205 after a person has completed one-third of the original community supervision period or two years of community supervision, judges have the discretion of whether or not to continue supervision or suspend it based on the offender’s records. Time credits for completion of community supervision are awarded to defendants who were engaged in an offense involving alcohol, are involved in family violence, are included as a reportable conviction or adjudication, are not delinquent in paying required fines, cost or fees, and have fully satisfied any order to pay restitution to a victim.</p> <p>HB 1205 specifies that offenders who are involved in alcoholic offenses are entitled to receive any combination of time credits toward the completion of the defendant’s period of community supervision that is in accordance with the court order. The credits may be awarded in order to earn a certificate, diploma or degree, make payments for court fines, fees and cost, or complete a treatment or rehabilitation program. HB 1205 grants the following time credits toward the completion of the defendants:</p> <ul style="list-style-type: none"> • High school diploma or equivalent which is equal to 90 days; • An associate degree which is equal to 120 days; • Alcohol or substance abuse counseling equal to 90 days; • Vocational, technical or career education or training program equal to 60 days; • Parenting class or parental responsibility program equal to 30 days; • Anger management program equal to 30 days; • Life skills training program 30 days 	<p>Favorable Evaluated by: Kimberly Willis 512-827-8756 Kimberly@texaslsg.org</p>

			<p><i>(HB 1205 continued)</i> After completion, the court will complete a review of the defendant’s supervision to determine if the defendant is eligible for reduction or termination. The defendant is eligible if the lesser of one-third of the original community supervision period or two years of community supervision has been completed, or the greater of one-half of the original community supervision period or two years of community supervision has been completed. Under HB 1205 a court can forfeit a defendant’s credit for supervision if before the expiration of the original period or a reduced period of community supervision they violated one or more conditions of community supervision. They may also modify or continue the defendant’s period of community supervision or revokes the defendant’s supervision.</p>	
<p>HB 2707 by Rep. Burnam</p>	<p>Relating to the holding of an interest in certain alcoholic beverage licenses, permits, or premises by certain persons whose alcoholic beverage license or permit has been revoked.</p>	<p>Licensing & Administrative Procedures</p>	<p>Currently, the Texas Alcoholic Beverage Commission or a county judge can refuse to issue or renew a permit or license when there is evidence that the applicant or licensee conducts business in a manner that is not beneficial to the general welfare, health, peace, moral, and safety of the local community. Often a bar that loses its license due to a violent event will get a license under a new applicant then resume conducting business as usual.</p> <p>CSHB 2707 prohibits TABC or the administrator appointed by the TABC from issuing licenses or permits for on-premises consumption of alcoholic beverages if an alcoholic beverage license or permit previously held by the applicant, a person who owns the premises for which the permit is sought was canceled or not renewed as a result of a shooting, stabbing, or other violent act. This would prevent a business that operates in a manner that resulted in loss of a license or permit from resuming business with a new license holder.</p>	<p>Favorable Evaluated by: Lisa Mathews 512-827-8756 Lisa@texaslsg.org</p>
<p>HB 1228 by Rep. Dutton</p>	<p>Relating to foreclosure of a property owners' association assessment lien.</p>	<p>Business & Industry</p>	<p>Currently a property owners’ association must post notice of a foreclosure at the county courthouse, with the county clerk, and at least 21 days before the foreclosure sale, with each debtor on the house by certified mail. After all this has been done, and the proper amount of time has passed, then the house can be foreclosed upon and sold.</p> <p>HB 1228 seeks to require property owners’ association to have to provide written notice to the holder of a lien to whoever’s lien is first in priority of, if the assessment lien is first in priority, to whoever is next in priority of the lien. Under HB 1228, the association would also have to give the notice recipient 60 days to clear their late payment before the association can continue with posting notice of a foreclosure and the foreclosure sale. This notice must be sent by certified mail with return receipt requested as well.</p>	<p>Favorable Evaluated by: David Kanewske 512-827-8756 David@texaslsg.org</p>
<p>HB 3001 by Rep. Thompson</p>	<p>Relating to the electronic monitoring of certain high-risk sex offenders; providing a penalty.</p>	<p>Criminal Jurisprudence</p>	<p>Sex offenders are among those criminals that have the highest recidivism rates, making them a recurring high risk to public safety. HB 3001 requires a person who has committed a crime of sexual offense with intention to harm or sexually abuse another person, and that is highly likely to reoffend with a subsequent crime, to be monitored with an electronic monitoring device.</p> <p>HB 3001 will apply to those sex offenders that have been discharged from a penal institution, that are not under the supervision of the parole division of Texas Department of Criminal Justice or have not been civilly committed. This monitoring system will track the location of the offender. The monitoring system program must require equipment sufficient to track the location to the local law enforcement authority designated as the person’s primary registration authority. The law enforcement agency designated as the registration authority will use the monitoring system to verify the authenticity of any geographically verifiable information. If the person who is classified under HB 3001 is not indigent they will be charged with the cost of the monitoring device. The public safety director of the department shall implement and coordinate the monitoring system program.</p> <p>Exemptions from the monitoring system for sex offenders will be given at the beginning on the 10th anniversary of the person discharged from the penal institution, or on completion of a parole period. Exemptions shall also be granted for those who participate in an early release from supervision program. An offender under this program may file for an exemption upon the final completion of one of the aforementioned periods, but cannot make an application for exemption more than once during each calendar year. If an offender commits an offense by violating the monitoring system program the penalty is a felony of the third degree.</p>	<p>Favorable Evaluated by: Kimberly Willis 512-827-8756 Kimberly@texaslsg.org</p>

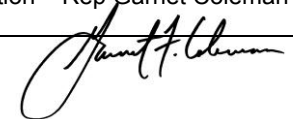


<p>HB 1355 by Rep. Orr</p>	<p>Relating to title insurance coverage for minerals and surface damage resulting from mineral extraction and development.</p>	<p>Insurance</p>	<p>Currently, mortgage companies often require an endorsement for the mortgagee’s title policy that includes a general exception or exclusion of loss from damage resulting from mineral extraction or development. CSHB 1355 provides that a title insurance company is not required to offer or provide this endorsement. The endorsement covers only the mortgage company, not the property owner.</p> <p>Mortgage companies don’t typically require the endorsement for properties where drilling or excavation of minerals cannot be performed, such as in subdivision with restrictions against the activity. However, they do require it on rural properties where drilling or excavation could occur. The endorsement covers damage to improvements only, not to landscaping. Statute requires title companies to provide the endorsement if requested and there is no fee for the endorsement. However, it is likely that mortgage companies would continue to require the endorsement and title companies would then be free to charge another fee for this endorsement. A complete lack of availability of the endorsement could negatively impact the availability of financing in Texas for certain properties.</p>	<p>Unfavorable Evaluated by: Lisa Mathews 512-827-8756 Lisa@texaslsg.org</p>																		
<p>HB 2510 by Rep. Lavender</p>	<p>Relating to exempting the intrastate manufacture of certain incandescent light bulbs from federal regulation.</p>	<p>Energy Resources</p>	<p>In 2007, President Bush signed the Energy Independence Security Act (EISA), which sets energy management goals for the nation. HB 2510 assumes that incandescent light bulbs will be banned starting 2012. Testimony granted during the committee and different studies of EISA clearly state that incandescent light bulbs are not banned, but are required to meet higher expectations for energy efficiency.</p> <p>In a reaction to EISA, HB 2510 fences off incandescent light bulbs manufactured and used in Texas from federal law or regulation. The bill is one of several this session that seeks to declare Texas’ sovereign power under the 9th and 10th amendment to the United States Constitution. HB 2510 requires the Attorney General to defend a citizen from the federal government’s attempts to prosecute on the grounds that the incandescent bulbs are being made and used solely in Texas and interstate commerce regulations do not apply. Before an individual can begin manufacturing light bulbs, they must notify the Attorney General who will verify with the federal district court that HB 2510 is consistent with the US Code.</p> <p>Under HB 2510, an incandescent light bulb manufactured in Texas made completely from materials in Texas shall not be subject to EISA. Generic or insignificant parts used to make the light bulb can be important; however, the final assembly of the light bulb must occur in Texas. Finally, “Made in Texas” must be clearly stamped on the bulb.</p> <p>HB 2510 sets up a false pretense that manufacturing jobs will be created as a result of its passage. Incandescent light bulbs can still be produced, as long as they meet the energy efficiency requirements that GE Energy claims would save \$600 million/year if every American household replaced just one of their incandescent bulbs with a fluorescent bulb. Below are the cost savings of using energy efficient bulbs (the 13-watt spiral bulb), compared to traditional 60-watt incandescent bulbs:</p> <p>GE Energy Comparison of Light Bulbs</p> <table border="1" data-bbox="854 1138 2037 1406"> <thead> <tr> <th></th> <th>13-Watt Spiral Bulb</th> <th>60-Watt Incandescent</th> </tr> </thead> <tbody> <tr> <td>Initial Purchase Price/bulb</td> <td>\$3.77</td> <td>\$0.27</td> </tr> <tr> <td>Replacement Costs (7 bulbs)</td> <td>\$0.00</td> <td>\$1.89</td> </tr> <tr> <td>Energy Costs (based on \$0.10/kWh, 8,000-hour bulb)</td> <td>\$12.00</td> <td>\$48.00</td> </tr> <tr> <td>Total Cost</td> <td>\$15.77</td> <td>\$50.16</td> </tr> <tr> <td>Estimated Savings</td> <td>\$34.39</td> <td></td> </tr> </tbody> </table> <p>HB 2510 leaves Texas behind with its incandescent traditions while America progresses to cost-saving energy efficiency.</p>		13-Watt Spiral Bulb	60-Watt Incandescent	Initial Purchase Price/bulb	\$3.77	\$0.27	Replacement Costs (7 bulbs)	\$0.00	\$1.89	Energy Costs (based on \$0.10/kWh, 8,000-hour bulb)	\$12.00	\$48.00	Total Cost	\$15.77	\$50.16	Estimated Savings	\$34.39		<p>Unfavorable Evaluated by: Ashley Reeder 512-827-8756 ashley@texaslsg.org</p>
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<p>HB 2748 by Rep. Martinez Fischer</p>	<p>Relating to grants to student clubs for dropout prevention.</p>	<p>Public Education</p>	<p>HB 2748 makes grants more available to districts that are addressing their dropout rate, which is significant since the graduation rate in 2009 was 61.3%, according to the LBB. The Commissioner of the Texas Education Agency (TEA) can award a grant up to \$5,000 to school districts on behalf of a high school student club. In order to qualify for this grant, a school district or campus would need to exhibit characteristics of high dropout rates for 3 preceding and concurrent years. TEA has interpreted characteristics of high dropout rates as 70% of the students being economically disadvantaged.</p> <p>HB 2748 changes this eligibility criterion to a high school campus with a student population of 50% or more who are at risk of dropping out. The district will still be responsible for matching the grant awarded by the TEA through federal funds, donations, fundraisers and other means. Though this grant is not appropriated for in HB 1 and cannot be utilized until a later Session, HB 2748 provides more avenues to address the fact that Texas ranks 43rd in the nation's high school graduation rate and provide resources for students at risk of dropping out.</p>	<p>Favorable Evaluated by: Ashley Reeder 512-827-8756 ashley@texaslsg.org</p>
<p>HB 1528 by Rep. Miller</p>	<p>Relating to consolidating precincts in a primary election.</p>	<p>Elections</p>	<p>Current law states that counties in Texas require at least one polling location per precinct during a primary election. The net effect of this law is that two precincts will end up having polling locations that are located closely together. Consolidating these precincts will likely disenfranchise Texas voters, namely the elderly and lower-income class, by leaving them with no other option but to travel further to cast a vote or to not vote at all.</p>	<p>Unfavorable Evaluated by: Ruth Damys 512-827-8756 Ruth@TexasLSG.org</p>
<p>HB 3341 by Rep. Anchia</p>	<p>Relating to the rebate, refund, or payment of tax proceeds to a qualified hotel project.</p>	<p>Ways & Means</p>	<p>For over 10 years the state has participated in a successful economic development program that offers tax refunds to eligible hotel convention center and entertainment venue projects. This money is used to pay back bonds entered into for the construction of facilities, and is time limited to a period of no more than 10 years. CSHB 3341 codifies the current practices of the comptroller, which is to verify applications and eligibility of projects and municipalities and issue the refund. Concerns have been raised in the past that these refunds were made without explicit legislative appropriations for the purpose. CSHB 3341 specifies that monies eligible for these purposes be deposited into an account outside of the treasury that does not require appropriations, and that the comptroller issue the refunds to qualified projects on a quarterly basis. No changes to eligibility requirements or the tax code are made by CSHB 3341.</p>	<p>Favorable Evaluated by: Jasie Boyd 512-827-8756 Jasie@texaslsg.org</p>
<p>HB 351 by Rep. Veasey</p>	<p>Relating to the expunction of records and files relating to a person's arrest.</p>	<p>Criminal Jurisprudence</p>	<p>In Texas, there have been many individuals that have not been convicted of a crime but still have that crime appear on their records. Having a crime on a person's record will make it more difficult for them to obtain employment, housing, and participate in various state or federal programs. HB 2889 allows individuals who have an arrest record but were never prosecuted to have their records of their arrest expunged from their files.</p> <p>HB 351 extends expunctions on the basis of actual innocence with respect to that offense:</p> <ul style="list-style-type: none"> • If the applicable pardon or court order clearly indicates that the pardon or order was granted or rendered on the persons actual innocence; • If the person has been released and the charge has not resulted in a final conviction; • Regardless of whether any statute of limitations exists for the offense and whether any limitations period for the offense has expired; • If at any time following the arrest records are deemed not applicable to any criminal investigation or prosecution; • If at any time the arrest was dismissed or quashed and the court finds the indictment or information was dismissed because the person completed a pretrial intervention program; • If prosecution of the person for the offense for which the person was arrested is no longer possible because the limitations period has expired <p>A person may not expunge records and a file relating to an arrest that occurs pursuant to a warrant issued is under supervision. A court may not order expunction of records and files if a person is subsequently acquitted by the trial court, a court of appeals or the court of criminal appeals.</p>	<p>Favorable Evaluated by: Kimberly Willis 512-827-8756 Kimberly@texaslsg.org</p>

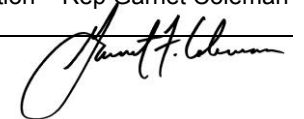
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<p>HB 2006 by Rep. Bonnen</p>	<p>Relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.</p>	<p>Urban Affairs</p>	<p>Currently, photographs of police are public information. However, this can put certain police officers – such as undercover cops – at risk while doing their jobs.</p> <p>HB 2006 restricts the release of a photograph of a police officer to the following instances:</p> <ul style="list-style-type: none"> • The officer has been charged with an offense; • The officer is a party in a civil service hearing; or • The photograph is evidence in a case or the officer gives consent of the release of his/her photo. 	<p>Favorable Evaluated by: Capprese Crawley 512-827-8756 capprese@texaslsg.org</p>
<p>HB 2856 by Rep. Gallego</p>	<p>Relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.</p>	<p>Criminal Jurisprudence</p>	<p>There have been many claims of law enforcement agencies using funds collected from the sale of possessed property inappropriately. HB 2856 states that any peace officer that seizes property under another person’s possession may not request, require, or in any manner induce any person , including a person who asserts an interest in or right to the property, to execute a document purporting to waive the person’s interest or right to the property seized.</p> <p>HB 2856 declares that any post judgment interest from money, securities, negotiable instruments, stocks or bonds, or things of value that are proceeds from the sale of those items are deposited in an interest- bearing bank account. Expenditures are subject to the audit and enforcement provisions. There are several mandates that the funds may not be used for:</p> <ul style="list-style-type: none"> • Contributions to a political campaign; • Donations to any entity except those cleared; • Expenses related to the training or education of any member of the judiciary; or • Payments for travel expenses related to attendance at training or education seminars if the expenses violate generally applicable restrictions established by the commissioners court or governing body of the municipality. <p>Auditing The audit that is conducted on the expenditures must be completed on a form provided by the attorney general and must include a detailed report and explanation of all expenditures, including salaries and overtime pay, officer training, investigative equipment and supplies, and other items. The certified copies will be given to the attorney general’s office instead of the comptroller’s office. Under HB 2856 the state auditor may at any time perform and audit, access book, accounts, and other confidential and non-confidential reports except if they are restricted by federal law. If there are findings of improper use of funds, the state auditor shall notify the attorney general for the purpose of initiating appropriate enforcement proceedings.</p> <p>Enforcement In the name of the state, the attorney general may institute in a district court in Travis county or in a county served by the law enforcement agency or attorney representing the state a suit for injunctive relief, to recover a civil penalty or for both injunctive relief and a civil penalty indicating that the agency violated the law. The law enforcement agency or attorney representing the state who knowingly commits a violation is liable to the state for a civil penalty in an amount not to exceed \$100,000 dollars as determined by the district court. If the attorney general brings suit and prevails, then they may recover reasonable expenses, court costs, investigative costs, and attorney fees.</p>	<p>Favorable Evaluated by: Kimberly Willis 512-827-8756 Kimberly@texaslsg.org</p>

<p>HB 2382 by Rep. Murphy</p>	<p>Relating to notice required upon nonrenewal of property/casualty insurance policies.</p>	<p>Insurance</p>	<p>At this time, an insurance company must continue coverage unless notice is given by a party terminating the policy regardless of whether another policy has been obtained to replace said policy. HB 2382 amends the Insurance Code to allow a property and casualty insurance policy for an insured personal automobile, home, farm, ranch, dwelling, duplex, apartment, or other real or personal property to terminate on the effective date of a replacement or succeeding insurance policy.</p>	<p>Favorable Evaluated by: Lisa Mathews 512-827-8756 Lisa@texaslsg.org</p>
<p>HB 738 by Rep. Otto</p>	<p>Relating to the authority of the Teacher Retirement System of Texas to invest in hedge funds.</p>	<p>Pensions, Investments, & Financial Services</p>	<p>HB 738 proposes increasing the capped amount the TRS portfolio can invest in hedge funds from 5% to 10%. TRS is a large state pension fund currently at \$108billion. In the last 10 years, TRS hedge funds have performed over equity markets by 1%. By increasing the cap, it would allow TRS to diversify their portfolio.</p> <p>Though TRS has performed well in its investments, it is also important to emphasize the inherent risks of investing in hedge funds. Hedge funds lost \$350 billion in 2008.</p>	<p>Will of the House Evaluated by: Kira Ruben 512-827-8756 Kira@texaslsg.org</p>
<p>HB 14 by Rep. Murphy</p>	<p>Relating to the eligibility for unemployment benefits of a person receiving certain forms of remuneration.</p>	<p>Economic & Small Business Development</p>	<p>Currently, when an employee is laid off from his / her job, the employee can engage in a form of “double-dipping” and collect both severance pay and unemployment insurance funds at the same time. While this can help the employee, this action can lead to higher unemployment rates for employers, as they have to pay more unemployment insurance payments while the former employee is also receiving severance pay from the employer.</p> <p>HB 14 seeks to end this process of double dipping by requiring that an employee cannot collect unemployment insurance while also receiving another form of remuneration from their former employer, essentially, while also receiving severance pay. This bill would not apply to any remuneration an employee receives under a release of claims settlement that deals with violations of the Civil Rights Act of 1991, or any remuneration that stems from a collective bargaining agreement created before the employee was laid off.</p>	<p>Will of the House Evaluated by: David Kanewski 512-827-8756 David@texaslsg.org</p>
<p>HB 2460 by Rep. Truitt</p>	<p>Relating to confidentiality of information held by a public retirement system.</p>	<p>Pensions, Investments, & Financial Services</p>	<p>HB 2460 amends the Public Information Act, extending its policies over local public retirement systems’ governing bodies. Concerns were raised that information that should be made to public taxpayers are currently being withheld. HB 2460 provides for more accountability by local public retirement systems.</p> <p>Certain records within the retirement system are confidential and are not subject to public disclosure. HB 2460 states that a governmental agency does not have to accept nor comply with a request for a record, or information about a record, due to this provision. The records may be released to those specified persons, and to the following:</p> <ul style="list-style-type: none"> • An administering firm, carrier, agent or attorney acting on behalf of the retirement system; • Another governmental entity having a legitimate need for the information to perform the purposes of the retirement system; or • A party in response to a subpoena issued under applicable law. <p>The bill provides for the records to be transmitted electronically and to maintain confidential after release. Also, there is no punishment if a record is disclosed to a third party unintentionally. HB 2460 expresses that the records may become public record due to an administrative or judicial proceeding related to a contested case. The individual eligible for benefits may waive their confidentiality rights unless the records are closed to public access by a protective order issued under applicable law.</p> <p>The public retirement system has sole discretion to determine whether a record is subject to this bill or not. If there is a conflict with this bill and an existing one relating to confidential information of a public retirement system or entity, the existing law overrules. Due to current constrictive statute, access to information is limited. HB 2460 adds more clarity and guidance to the local public pensions for eligible persons to receive the information they are entitled.</p>	<p>Favorable Evaluated by: Kira Ruben 512-827-8756 Kira@texaslsg.org</p>

<p>HB 359 by Rep. Allen</p>	<p>Relating to the use of corporal punishment in public schools.</p>	<p>Public Education</p>	<p>In 2005, the Attorney General stated that school districts do not need parental permission to use corporal punishment, essentially leaving parents out of disciplinary decisions for their child. HB 359 places the will of the parent over the rules of the school district regarding corporal punishment.</p> <p>HB 359 states that the school district board of trustees determines if corporal punishment will be used as a method of discipline. Corporal punishment is defined as deliberate infliction of pain by physical force, excluding pain from athletic activities and restraint for students enrolled in special education. If the district chooses to use corporal punishment, they are responsible for adopting implementation procedures, including notice that parents must annually provide written consent for their child to be disciplined in this manner, and the educator must be the same gender of the student being punished.</p> <p>Other provisions of HB 359</p> <ul style="list-style-type: none"> • The parent may change their mind during the school year so the student cannot be physically punished by the school. • If one parent consents and the other parent revokes the use of corporal punishment, the revocation will control. • The TEA Commissioner is given rulemaking authority to require superintendents whose educators violate provisions of corporal punishment law be reported the State Board for Educator Certification. <p>Information on Corporal Punishment</p> <p>Corporal punishment is disproportionately inflicted on students enrolled in special education. 18.4% of students inflicted with corporal punishment are in special education, though they make up 10.7% of the student population. Foster parents cannot use physical punishment on children or youth placed in their home because of the adverse effects.</p>	<p>Favorable Evaluated by: Ashley Reeder 512-827-8756 ashley@texaslsg.org</p>
<p>HB 3310 by Rep. Rodriguez</p>	<p>Relating to incentives for the purchase or lease of an electric-powered light-duty motor vehicle.</p>	<p>Energy Resources</p>	<p>CSHB 3110 encourages emission reductions and advanced motor technology in Texas. The TCEQ reports that cars and other vehicle emissions are one of the largest contributors to Nitrogen Oxides (NOx), one of the state’s major pollutants. In an effort to reduce motor vehicle emissions, Texas established TERP (TX Emissions Reduction Plan), and included an incentive for the purchase or lease of new Light-Duty Motor Vehicles. CSHB 3310 reallocates TERP funds to include new gasoline-powered and new vehicles powered wholly or partly by an electric motor, including a battery or hybrid engine vehicles.</p> <p>Gasoline-powered energy efficient vehicles will follow the incentive schedule currently in statute. A maximum of 2,000 new wholly or partly electric-powered vehicles are eligible for a \$2,500 incentive between 2011 and 2013. CSHB 3110 excludes recreational camping or travel vehicles such as trailers, truck campers, and motor homes.</p> <p>Manufacturers of new energy efficient vehicles already report to the Health and Human Services Commissioner the vehicles that qualify for incentives. CSHB 3310 includes gasoline and wholly or partly electric energy efficient vehicles to report, as well.</p>	<p>Favorable Evaluated by: Ashley Reeder 512-827-8756 ashley@texaslsg.org</p>
<p>HB 1776 by Rep. Lozano</p>	<p>Relating to contracts between dentists and health maintenance organizations or insurers.</p>	<p>Insurance</p>	<p>Presently, a health maintenance organization and a dentist can enter a contract that stipulates what the dentist can charge a person who is insured for a service that is not covered by the policy. CSHB 1776 prohibits contracts between an insurer and dentist from limiting the fee which can be charged for services not covered under the insurance policy.</p>	<p>Will of the House Evaluated by: Lisa Mathews 512-827-8756 Lisa@texaslsg.org</p>





Legislative Study Group

Texas House of Representatives

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Treasurer Rep. Elliott Naishtat Secretary Rep. Rafael Anchia Legal Counsel Rep. Ana Hernandez Luna

CSHB 12 Amendment Analysis – Analyzed & Evaluated by Jasie Boyd & David Kanewske

Author	Analysis	Recommendation
Aliseda	Excludes hospitals and hospital districts in addition to schools from the provisions of CSHB 12, with the exception of peace officers they employ or commission.	Favorable
Alonzo	Prohibits landlords from using immigration status to refuse to lease a property.	Favorable
Alonzo	Requires the state to pay attorney's fees incurred by an entity in defense of an action brought under this law.	Favorable
Alonzo	Removes language that would allow the attorney general to recover expenses for actions brought under this law.	Favorable
Alonzo	Requires records kept as part of a racial profiling policy to include information about whether a person was questioned about immigration status during a motor vehicle stop.	Favorable
Alonzo	Requires state law enforcement agencies that enforce immigration related laws under agreement with Federal agencies to adopt best practices and maintain records of actions taken.	Favorable
Alonzo	Prevents local law enforcement from giving any legal advice to a person suspected of violating federal immigration law.	Favorable
Alvarado	Allows immigration inquiries only in cases where a person has been arrested, and removes the allowance for persons detained. This is a crucial amendment, as a person can be detained for virtually any reason, and the detention language opens CSHB 12 up for abuse.	Favorable
Alvarado	Requires entities under the provisions of this bill to submit an annual report to the comptroller on the cost of compliance.	Favorable
Anchia	Excludes hospitals and hospital districts in addition to schools from the provisions of CSHB 12.	Favorable
Anchia	If the chief law enforcement officer of an agency determines that compliance with the provisions of CSHB 12 would adversely affect the agency's ability to perform crucial job functions, such as responding to emergency calls and investigating crime, they will not be subject to the provisions of CSHB 12 and will still be allowed to receive state fund grants.	Favorable

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Burnam	Prevents an entity from adopting rules and policies that prohibits the enforcement of federal tax law in addition to immigration law.	Favorable
Burnam	Prevents an entity from adopting rules and policies that prohibits the enforcement of federal intellectual property law in addition to immigration law.	Favorable
Castro	This amendment expands CSHB 12 to apply to contractors doing business with a municipality, county, or special district or authority.	Will of the House
Castro	Instead of the attorney general recovering expenses related to actions under the section, this amendment authorizes compensation for whichever party prevails in a suit.	Favorable
Castro	Puts limits on the amount of grant funds to entities subject to denial under this section	Favorable
Dutton	Specifies that the state will compensate local governments for costs incurred for confining persons on the basis of a violation of federal immigration law. The local government will certify costs quarterly to the comptroller.	Favorable
Farrar	Removes counties from being subject to the provisions of CSHB 12.	Favorable
Farrar	Restricts peace officers from asking about immigration status of victims and witnesses of crime. Without this protection, victims and witnesses may be unwilling to come forward, and be further victimized.	Favorable
L. Gonzales	Requires that entities do not consider race, color, language, or national origin in enforcing this law except as constitutionally permitted	Favorable
V. Gonzales	Requires peace officers to document the amount of time a person is detained before being brought before a magistrate when a person is suspected of violating an immigration law after being arrested for Class C misdemeanor other than public intoxication. This will help prevent those suspected of minor crimes from being held for an inordinate amount of time.	Favorable
V. Gonzales	Requires a DPS commissioned ranger or officer to be present within 6 hours of initiating a criminal investigation in which an inquiry has been made into immigration status.	Favorable
V. Gonzales	Requires officers to document the amount of time a person is detained for questioning about immigration law violations.	Favorable
Gutierrez	Requires entities to enter into written agreements with the US ICE authorizing them to participate in immigration law before these entities can participate in this bill.	Favorable
Gutierrez	Changes the effective date of this bill to January 1, 2012	Favorable
Gutierrez	Excludes Bexar county from the provisions of CSHB 12.	Will of the House



Gutierrez	Requires the Texas Department of Safety and all statewide public safety officers to also follow the provisions set forth by CSHB 12. Currently, statewide public safety officers operate with almost identical protocols and procedures as cities such as Houston, which has been falsely named a sanctuary city. However, if cities across Texas are to be banned from being a sanctuary city, it stands to reason that the state of Texas should not be a sanctuary state. This amendment ensures the state follows the same laws as local entities.	Favorable
Gutierrez	Requires that each biennium the state must compensate an entity described in this bill by the amount the entity spent complying with this bill. This amount must certify the amount before the state must compensate the entity.	Favorable
Hernandez Luna	Clarifies that this bill does not waive sovereign immunity from suit or liability for an entity or officer from any action required or authorized by this bill, or the failure to perform any action.	Favorable
Hernandez Luna	Excludes county attorneys from having to enforce this bill.	Favorable
Hernandez Luna	Requires the Commission on State Emergency Communications to conduct a study concerning 911 response time and whether or not this bill has increased response time for emergency services and what effect that increase has had on public safety.	Favorable
Hernandez Luna	Excludes a district attorney or criminal district attorney from enforcing this bill.	Favorable
Hernandez Luna	Requires that a police officer who arrests someone based on the probable cause that they are in violation of federal immigration laws must document the grounds on which they made that determination.	Favorable
Hochberg	Removes the line that does not exclude officers in school districts, open-enrollment charter schools, and junior college districts from having to follow this bill.	Favorable
Lucio III	Excludes people under the age of 17 from being asked about their immigration status.	Favorable
Martinez-Fischer	Exempts an entity operating a senior nutrition program or nursing home or similar facility from this bill.	Favorable
Martinez-Fischer	Allows an entity to not allow the immigration status of a member of the US armed forces, or the family member of a detainee to be inquired about.	Favorable
Martinez-Fischer	Exempts emergency communication districts, emergency services districts, fire control, prevention, and emergency medical services districts, health services districts, and hospital districts from having to follow this bill.	Favorable



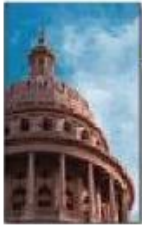
Martinez-Fischer	Exempts a sports facility district and a sports and community venue district from having to follow this bill.	Favorable
Martinez-Fischer	Exempts an officer, employee, or other body of a municipality, county, or special district from having to follow this bill. Eliminates the ability for someone to inquire about the immigration status of a lawfully detained individual.	Favorable
Martinez-Fischer	A school district, open-enrollment charter school, or community college district would still receive state grant funding if the district enacted rules to not enforce this bill.	Favorable
Martinez-Fischer	Exempts sports facility districts and sport and community venue districts from having to follow this bill.	Favorable
Martinez-Fischer	Exempts emergency communication districts, emergency services districts, fire control, prevention, and emergency medical services districts, health services districts, and hospital districts from having to follow this bill.	Favorable
Martinez-Fischer	Eliminates the enacting clause from the bill.	Favorable
Martinez-Fischer	Exempts special districts, school districts, open-enrollment charter schools, and community college districts from having to follow this bill.	Favorable
Martinez-Fischer	Allows any municipality or county to opt out of this bill by having its governing body adopt a resolution by at least a 3/4 majority to not participate.	Favorable
McClendon	Exempts school districts, open-enrollment charter schools, and community college districts from this bill.	Favorable
Menendez	Requires that only someone who has been trained and certified by the US ICE to conduct immigration status investigations, at the expense of the entity, can inquire into the immigration status of someone who is lawfully detained.	Favorable
Menendez	Someone cannot be prohibited from assisting a federal immigration officer with respect to a violation of federal immigration law, only if there is a possible violation of state law.	Favorable
Riddle	Determines that anyone who has entered or remains in the United States illegally has committed a Class B misdemeanor and can be arrested without a warrant if an officer reasonably believes that person has committed a crime and receives confirmation from the US ICE that the person is in the United States illegally. This amendment would create de facto immigration enforcement officers out of any peace officer in Texas, and allow them to arrest even if they were not lawfully detained or arrested.	Unfavorable

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Rodriguez	An entity only has to comply with this statute if the Comptroller certifies that any costs incurred with be paid for by an appropriation from the legislature other than the revenue of the entity.	Favorable
Rodriguez	An entity only has to comply with this statute if the Comptroller certifies that any costs incurred with be paid for by an appropriation from the legislature other than the revenue of the entity.	Favorable
Rodriguez	Petitions for writs of mandamus can only be filed in Travis County district courts.	Favorable
Veasey	The attorney general must create and operate a computerized database of all complaints filed that the attorney general determines to be frivolous; containing the name of the entity complained against and who filed the complaint.	Favorable
Veasey	Allows the attorney general to bring action against a municipality and that municipality to be denied grant funds if the Comptroller certifies that the legislature appropriated funds from a source other than the municipality's revenue to pay for costs incurred following this statute.	Will of the House
Walle	Requires that each county submit a monthly report to the Commission stating how many prisoners are subject to immigration detainage and the total cost of detaining those prisoners.	Favorable
Walle	States that a person's immigration status cannot be inquired about at any checkpoint created to ensure that a person operating a motor vehicle has a driver's license and proper insurance. It should be noted that this amendment would not apply to federal border patrol officers at federal border patrol stops, whose authority is governed by the federal government.	Favorable
Walle	Requires that the Commission establish a training class to train all officers that deal with immigration issues how to enforce federal and state immigration law. This training will cover identifying human trafficking and strategies for how to handle human trafficking.	Favorable
Walle	Eliminates the ability of a citizen to file suit against the attorney general if the entity that has jurisdiction over where that citizen resides adopts a rule to prevent the enforcement of this statute. Also eliminates the attorney general's ability to determine if the suit is valid or not.	Favorable





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LSG Amendment Analysis on CSHB 400 – Favorable on the Amendment

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CSHB 400, as it has been brought to the House floor, is unfavorable. The legislation will make it more difficult for students to learn by raising the limit on class sizes, thus creating more crowded classrooms. Additionally, CSHB 400 makes significant changes to the employment and compensation rules set forth for Texas teachers, librarians, counselors, and nurses.

An amendment is expected to be brought to the floor that will provide temporary and immediate relief to school districts while mitigating some of the worst components proposed in CSHB 400. The LSG is favorable on the amendment, in its entirety, which we anticipate Rep. Larry Phillips to offer. Below is a breakdown of the changes the amendment would make to CSHB 400.

Issue	What CSHB 400 Would Do	What the Amendment Corrects
Class size limits	<ul style="list-style-type: none"> Permanently eliminates the 22:1 maximum student-teacher ratio for K-4 classes Sets only a district-wide average maximum of 22:1. Permanently eliminates the limit of 10 students per teacher for accelerated instruction for those students that fall behind and need greater attention 	<ul style="list-style-type: none"> Protects the existing 22:1 class-size limit, along with the current waiver process for school districts Directs the Education Commissioner to relax its waiver requirements, but only for the upcoming biennium Ensures parents are notified if their child’s class size exceeds the limit
Furloughs and salary reductions	<ul style="list-style-type: none"> Permanently eliminates minimum salary guarantees Authorizes unlimited salary reductions including unpaid furloughs; allows districts to cut pay disproportionately for teachers and to make permanent staff reductions; in effect, uses pay cuts and layoffs as a “solution” to the structural deficit in school funding Offers no safeguards to ensure any furlough or salary reduction process implemented by the district is transparent or fair 	<ul style="list-style-type: none"> Restores minimum salary guarantees Allows unpaid furloughs for up to six days so districts may budget for funding cuts the district is expected to lose per weighted student without having to sign off on irreversible layoffs Requires all school employees, including administrators, be subject to district furloughs and salary reductions Allows school employees and the public to weigh in on potential cuts or furloughs, so the community can come to a local decision on how best to fund their schools Creates a “sunset” on these changes for the biennium, to ensure drastic cuts made as a result of the budget and CSHB 400 are not permanent
Contract deadlines	<ul style="list-style-type: none"> Teachers would be notified about non-renewal of their contract on their last day of instruction 	<ul style="list-style-type: none"> Teachers would be notified about non-renewal of their contract 30 days prior to last day of instruction
Terminations	<ul style="list-style-type: none"> Reduces teachers’ due process rights in the case of a proposed mid-contract termination by depriving them of an impartial hearing before an independent examiner 	<ul style="list-style-type: none"> Maintains teachers rights to an impartial hearing of a proposed mid-contract termination