



Legislative Study Group

Texas House of Representatives

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LSG Floor Report For Postponed Business - Wednesday, May 20, 2009

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
SB 283 By Sen. Nelson/et al SP: Shelton	Relating to the membership and activities of local school health advisory councils.	Public Education	SB 283 clarifies that a parent member of a Local School Health Advisory Council (LSHAC) be appointed chair or co-chair of the Council. The bill also requires that LSHACs meet at least four times a year and annually submit to the school board a report including recommendations regarding the district's health curriculum, suggested modifications to previous recommendations and a detailed explanation of the Council's activities between submittal of reports.	Favorable Will Pate 512-391-1770 Will@TexasLSG.org
SB 865 By Sen. Harris SP: Jackson, Jim	Relating to child support enforcement.	Judiciary & Civil Jurisprudence	<p>SB 865 provides that in a proceeding under the child support review process to establish or enforce support obligations, the requirements imposed relating to those entitled to service of citation and relating to citation on the filing of an original petition in a suit do not apply to the extent of any conflict between those requirements and the provisions in the child support review process to establish or enforce support obligations.</p> <p>An obligor's resources include several forms of income including social security benefits other than supplemental security income. Some forms of assistance are not included in the obligor's resources including federal public assistance programs. In rendering an order of child support, the court shall make the findings required if several provisions are met including the amount of child support ordered by the court varies from the amount computed by applying the percentage guidelines under the application of guidelines to net resources and alternative method of computing support for children in more than one household.</p> <p>SB 865 requires the court to state the following in a child support order: the net resources of the obligor and obligee, the percentage applied to the obligor's net resources for child support, and if applicable, the specific reason that the amount of child support per month ordered varies from the amount computed as determined by application of guidelines to net resources and alternative method of computing support for children in more than one household. The bill deletes the court from stating the amount of child support if the percentage guidelines are applied to the portion of the obligor's net resources that does not exceed the amount provided by relating to the guidelines for the support of a child if applicable, that the obligor is obligated to support children in more than one household and certain facts about the children. The bill makes conforming changes.</p> <p>SB 865 set provisions for health insurance coverage to be paid by the obligor, if the obligor is responsible under a medical support order to pay the cost of health insurance coverage for only one child the reasonable cost is not to exceed 9% of the obligors annual resources; if the obligor is required to pay the cost of health insurance coverage for more than one child the reasonable cost is not to exceed 9% of the obligors annual resources for all children. The bill includes reasonable and necessary health care expenses, SB 865 adds vision and dental expenses that are not reimbursed by health insurance or are not otherwise covered by the amount of cash medical support ordered; and amounts paid by either party as deductibles or copayments in obtaining health care services for the child covered under a health insurance policy. SB 865 allows the court to retain jurisdiction to confirm the total amount of child support arrearages and render a cumulative money judgment for past-due child support as provided by confirmation of arrearages, if a motion for enforcement requesting a cumulative money judgment is filed. If a child for whom the obligor owes child support receives a lump-sum payment as a result of the obligor's disability and that payment is made to the obligee as the representative payee of the child, the obligor is entitled to a credit.</p>	Will of the House Evaluated by: Dawnetta Smith 512-391-1770 Dawnetta@TexasLSG.org

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LSG Floor Report For Major State Calendar - Wednesday, May 20, 2009				
<p>SB 1009 By Sen. Deull SP: Harper-Brown</p>	<p>Relating to the continuation and functions of the Commission on Jail Standards.</p>	<p>County Affairs</p>	<p>The Commission on Jail Standards (CJS) oversees 248 county jails in the state and has recently undergone a Sunset Review where certain modifications were suggested along with the recommendation that the agency continue until 2021 upon which it would be subject to another review. The agency's employment and board requirements would be updated to reflect current sunset language and to reflect the commonly held policies of other agencies. This bill includes board eligibility, prerequisite training, grounds for removal of a commission member, prohibition from also working for a county corrections trade association or as a lobbyist, requirements for the separation of management and policymaking functions, use of negotiated rulemaking and alternative dispute resolution, and a requirement for the CJS to use technology to best achieve its responsibilities.</p> <p>CJS would be required to create a complaints program in order to track and analyze complaints and provide information for tracking them through the process. The bill also requires the development of a list of risk factors when assessing county jails including compliance with mental illness measures including reports relating to infectious disease or pregnant inmates, recent turnover among sheriffs and jail staff, inmate escapes from the jail, the number and nature of inmate deaths at the jail, including the results of the investigations of those deaths and screenings policies, and their use in the inspection of county jail facilities, as well as a system for regular monitoring risk levels in county jail facilities.</p> <p>Risk-assessment plans would be required to be used in scheduling jail inspections and a plan for distributing useful information to jails, including the development of best practices. The CJS would be required to report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with mental illness screening, assessment, and reporting protocol requirement procedures. CJS must ensure that a jail's health service plan includes determining that the health of inmates are addressed, including determination of inmate pregnancy, pregnant inmates work assignment, mental health, nutrition, housing needs, and monthly reporting of inmate pregnancy rates.</p>	<p>Favorable</p> <hr/> <p>Evaluated by: Monica Webb 512-391-1770 Monica@TexasLSG.org</p>
<p>SB 1016 By Sen. Estes/ Hegar SP: Flynn / Gonzalez Toureilles / Hardcastle / Kolkhorst / McReynolds / et al.</p>	<p>Relating to the continuation and functions of the Department of Agriculture and the Prescribed Burning Board and the abolition of the Texas-Israel Exchange Fund Board; providing penalties.</p>	<p>Agriculture & Livestock</p>	<p>SB 1016 addresses Sunset recommendations relating to the Texas Department of Agriculture (TDA), Prescribed Burning Board and Texas-Israel Exchange Fund Board. The legislation authorizes the TDA for another 12 years, to continue the Prescribed Burning Board coordinating its Sunset date with that of the TDA, and eliminates the Texas-Israel Exchange Fund Board. SB 1016 gives the TDA more enforcement and penalty authority yet also requires clarification and standardization of testing, permitting, licensing and inspections. The bill authorizes the TDA Commissioner to appoint members of the Texas Agricultural Finance Authority (TADA) and other agricultural related boards instead of the Governor and specifies that boards include representation from affected industries, institutions and populations, including young farmers on the TADA. It further requires that TADA issue debt through the Texas Public Finance Authority instead of receiving a portion of the State's private activity bond authority.</p> <p>SB 1016 furthermore:</p> <ul style="list-style-type: none"> *Creates the Agricultural Loan Guarantee Program and allows for tiered loan limits, interest rate rebates, fixed interest rates and a certified lender's program. * Dissolves the Young Farmer Loan Guarantee Account, transfers those funds into the Texas Agricultural Fund Account, guarantees loans not to exceed ¾ of the fund balance, sets the maximum interest rate reduction at \$10,000 per year and imposes an administrative fee on guaranteed loans. * Replaces the Young Farmer Guarantee Program with two new programs for farmers between the age of 18 and 46; the Young Farmer Interest Rate Reduction Program and the Young Farmer (competitive) Grant Program. <i>(Continued on next page)</i> 	<p>Favorable</p> <hr/> <p>Evaluated by: Virg Parks 512-391-1770 Virg@TexasLSG.org</p>

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			<p><i>(SB 1016 continued from previous page)</i></p> <ul style="list-style-type: none"> * Requires the TDA to develop a complaint process regarding burning violations. It also requires that prescribed burn managers be insured and recertified every two years. * Gives the TDA authority to seek funding for cooperative agricultural research at agency discretion allowing the establishment of an advisory committee regarding activities and appropriations for cooperative research. * Eliminates certification of rose graders, the requirement to establish piece rates for agricultural commodities, the required registration of agricultural cooperatives, and the registration of cash produce dealers. * Changes the regulatory structure of the public weigher program so that business would be registered instead of individuals. * Combines two wine advisory committees into the Wine Industry Development and Marketing Advisory Committee and provides that the Commissioner select committee members that represent a cross-section of the industry. * Makes changes to the Produce Recovery Fund increasing the allowable claim from \$35,000 to \$50,000, allows producers to recover 80% of claims for product losses to an unlicensed dealer, and requires unlicensed dealers pay into the fund 1-1/2 times the amount of the claim. * Adds conforming language in the Structural Pest Control Act as needed to better integrate the program into the TDA regulatory structure and updates the agriculture code to reflect current agency and agricultural practices. 	
<p>SB 1569 By Sen. Eltife/ et al. SP: Strama/ Deshotel/ Harless</p>	<p>Relating to unemployment compensation modernization.</p>	<p>Business & Industry</p>	<p>Unemployment insurance is an important safeguard for both workers and employers. During good times, it ensures stability for workers and ensures employer flexibility in employment decisions. In bad times, it serves as an economic stabilization mechanism, keeping layoffs from creating a vicious cycle of rising unemployment. The Texas labor market is underserved by the State’s current unemployment system, which is ranked 50th in the nation based on the percentage of eligible workers served.</p> <p>SB 1569 would make three important changes to the current unemployment insurance system in Texas in order to draw down \$555 million in federal dollars. To start, for workers ineligible under the standard base period, it would authorize the use of an Alternative Base Period (ABP), which would count a worker’s last four completed calendar quarters for calculation of benefits rather than the first four completed calendar quarters of the last five completed calendar quarters.</p> <p>For making this common-sense change that would benefit young and low-income workers, Texas would receive one-third of its federal stimulus money for unemployment insurance. Next, SB 1569 would make two reforms to draw down the other two-thirds of its share of federal unemployment insurance money. The first of these qualifying reforms would be to allow for trailing spouses to collect unemployment insurance benefits while searching for work in the location of their spouse’s new job. The second would be to allow laid-off workers who have a history of working part-time to seek part-time work (20+ hours per week) and remain eligible to collect benefits while they search for a new job. Currently, part-time workers are automatically excluded from receiving benefits.</p> <p>During this economic crisis, job retention is critical, which is why Texas needs to take its unemployment insurance stimulus funds. Without the stimulus dollars, taxes on employers will rise sharply at exactly the wrong time, when Texas employers struggle to retain valuable workers.</p> <p>For Texas to compete during the coming recovery, the Legislature needs to give Texas workers and employers the crucial advantage this bill affords.</p>	<p>Favorable</p> <hr/> <p>Evaluated by: Patrick Yarborough 512-391-1770 Patrick@TexasLSG.org</p>

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<p>SB 175 By Sen. Shapiro/ et al. SP: Branch</p>	<p>Relating to limitations on the automatic admission of undergraduate students to general academic teaching institutions.</p>	<p>Higher Education</p>	<p>SB 175 allows public higher education institutions to limit the number of students they automatically admit under the Top 10 Percent rule to 50 percent of their annual entering class. An institution which enacts this limitation must admit students based on GPA starting from the top percentile rank.</p> <p>An institution limiting the number of students admitted under the Top 10 Percent rule must provide information to each school district, for dissemination to high school junior-level students and their parents, notice of which percentile ranks of high school senior-level students are anticipated by the institution to be automatically offered admission under the Top 10 Percent rule the next school year. Passage of this bill violates the intent and spirit of the law and further abdicates the Legislature's responsibility for ensuring access to higher education for high-performing Texas students. At a time when legislators and other leaders are calling for "incentivizing" educational achievement, this bill removes the reward for academically accomplished students. This bill, in essence, breaks the state's side of a contract with Texas students – you perform well in high school and we will ensure you get access to quality Texas higher education institutions.</p> <p>The original legislative intent of the Top 10 Percent law has been proved. Because of a Supreme Court ruling in 1996, Texas was no longer allowed to use race as a factor in admissions. Adopted as a result in 1997, the Top 10 Percent rule provides students from across the state and across racial and ethnic and financial backgrounds the opportunity to attend a tier one institution of higher learning. Students admitted under the Top 10 Percent law receive better grades and graduate at higher rates. Racial and ethnic diversity at UT-Austin has improved with Hispanic enrollment increasing by 29 percent and African American enrollment growing by 32 percent.</p> <p>Various legislators, university presidents, organizations and individuals, have called for the curtailment of this law, because it is estimated that in two years 100 percent of entering freshmen at UT-Austin will be Top 10 Percent students. While their response is to simply do away with or severely curtail a law that has resulted in increased attendance of people of color at Texas' top universities, increased graduation rates and grades and increased geographical and income diversity, the core of the problem stems from a lack of priority on the part of the Legislature with regard to higher education. Simply preventing access to students in the top ten percent of their classes will do nothing to meet the demand for quality, top tier institutions of higher education in a state with a growing population. It will instead further contribute to the state's "brain drain," as top students leave Texas for out-of-state universities that have high rankings.</p> <p>USA Today and other statewide and national media outlets have editorialized in favor of Top 10 Percent laws. California has had a statewide law providing automatic admission to tier one universities for students in the top 12.5 percent. This law has served California well for 48 years.</p> <p>The problem in Texas does not have to do with the law itself, it is the fact that there are not enough slots for excellence available. The high demand for excellence in education has to do with the lack of supply. If the state were to place a higher priority on higher education it would provide more supply, keeping the best and the brightest in Texas, reducing "brain drain," and drastically increasing the human capital that is needed for a more prosperous state. The Legislature has already taken great strides towards this end this session with the passage of legislation that will foster the growth of more tier one universities.</p> <p>SB 175 is simply bad public policy which hurts Texas students, businesses and the future of our state.</p>	<p>Unfavorable</p> <p>Evaluated by: Will Pate 512-391-1770 Will@TexasLSG.org</p>
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<u>LSG Floor Report For Constitutional Amendments Calendar - Wednesday, May 20, 2009</u>				
SJR 11 By Sen. West SP: Thompson	Proposing a constitutional amendment authorizing the governor to grant a pardon to certain persons under specific circumstances.	Corrections	SJR 11 gives the Governor power to grant reprieves, commutations of punishment, and pardons, including a posthumous pardon for actual innocence; upon recommendation and advice of the Board of Pardons and Paroles, after conviction or successful completion of a term of deferred adjudication community supervision. SJR 11 makes conforming changes.	Favorable Evaluated by: Dawnetta Smith 512-391-1770 Dawnetta@TexasLSG.org
<u>LSG Floor Report For General State Calendar - Wednesday, May 20, 2009</u>				
SB 1850 By Sen. Shapleigh/ et al. SP: Naishtat	Relating to the establishment of a home- and community-based services workforce council.	Human Services	<p>Due the boom in the birth rate and aging population in Texas, public health and social services are expected to be a critical component in the wellbeing of these populations. With Baby Boomers expected to retire soon and the intent to maintain elderly and/or disabled persons in-home within their community, the need for personal care attendants will continue to grow at an unparalleled rate to approximately 4 million workers by 2016. However, Texas is currently unable to attract the necessary workforce of personal care attendants due to uncompetitive wages, (\$7.50 an hour) and offering of benefits (i.e. health insurance, paid time off). Thus, the demand for person care attendants will continue to exceed the supply as the aging population increases. Therefore, it is imperative that Texas recognize the need to enhance the compensation and benefits for those who provide an invaluable service to the elderly and persons with disabilities.</p> <p>SB 1850 proposes to establish a Home – and Community-Based Council, of 13 appointed members, to examine and identify workforce issues (i.e. recruitment, retention, benefits and fair wages) related to personal care attendants and make funding and policy recommendations geared to maintaining a stable workforce for people who provide services to the two of the most vulnerable populations. The bill requires that the Council submit an analysis of the data collected to HHSC and the Texas Legislature every-other even numbered year.</p>	Favorable Evaluated by: Katharine Ligon 512-391-1770 Katharine@TexasLSG.org
SB 1111 By Sen. Duncan SP: Legler	Relating to the liability of and legal fees for a court-appointed trustee of certain facilities.	Judiciary & Civil Jurisprudence	SB 1111 would require that a trustee of a nursing home, assisted living facility, or a person holding a controlling interest in a home not be held liable for civil damages for an action made in good faith in the official scope of his/her duties. The bill also entitles the trustee to payment for reasonable legal fees actually incurred while fulfilling his/her responsibilities. A trustee of a home, assisted living, or a person holding a controlling interest in a home may use the emergency assistance funds to pay for reasonable legal fees actually incurred by the trustee in fulfilling the trustee’s responsibilities. A court may order the department to disburse emergency assistance funds to the trustee to pay for reasonable legal fees actually incurred by the trustee in fulfilling the trustee’s responsibilities.	Favorable Evaluated by: Dawnetta Smith 512-391-1770 Dawnetta@TexasLSG.org
SB 1864 By Sen. Ellis SP: Hochberg	Relating to postconviction forensic DNA analysis.	Criminal Jurisprudence	<p>Under current statute a convicted person may make a motion for forensic DNA testing post-conviction if certain procedures are followed. SB 1864 eliminates provisions of DNA testing not available or available but not technologically capable of providing probative results; or through no fault of the convicted person, for reasons that are of a nature such that the interests of justice require DNA testing authorizing the motion to request forensic DNA testing.</p> <p>SB 1864 allows for DNA testing if the testing was not previously done or if newer testing techniques are available that can provide more accurate results. On completion of the testing the convicting court shall order any unidentified DNA profile to be compared with the DNA profiles in the CODIS DNA database established by Federal Bureau of Investigation. After examining the results of testing and any comparison of DNA profile the convicting court shall hold a hearing and make a finding as to whether the person would not have been convicted during the original trial.</p>	Favorable Evaluated by: Dawnetta Smith 512-391-1770 Dawnetta@TexasLSG.org

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SB 1173 By Sen. Seliger SP: Fletcher	Relating to certain procedures for delivery of a warrant of execution and modifications or withdrawals of a warrant of execution.	Criminal Jurisprudence	Under current statute when a person is sentenced to death, the court clerk shall issue a warrant for the execution within 10 days. SB 1173 would require the commanding director of the Correctional Institutions Division of TDCJ to carry the sentence into execution as specified. The court clerk shall deliver the warrant to the sheriff in which the conviction was entered, who shall deliver the warrant to the director, together with the condemned person if the person has not previously received the warrant. The clerk of the court shall send a copy of the warrant by certified mail, return receipt requested to the attorney of record for the condemned person; the district attorney, criminal district attorney, or county attorney having felony jurisdiction for the county in which the judgment of conviction was entered, and the Attorney General. If the warrant is modified or withdrawn the clerk shall send the information by certified mail, return receipt requested to TDCJ for delivery to the condemned person and the same parties as above. The failure by a court to comply with the provisions does not invalidate a warrant of execution issued.	Favorable <hr/> Evaluated by: Dawnetta Smith 512-391-1770 Dawnetta@TexasLSG.org
SB 1106 By Sen. Van de Putte SP: Hopson	Relating to payment of claims to pharmacies and pharmacists.	Insurance	SB 1106 would require Health Management Organizations (HMOs) and their agents, including Pharmacy Benefits Managers (PBMs), to pay electronic claims made by pharmacies adjudicated affirmatively within 14 days, instead of the current 21-day requirement for all affirmatively adjudicated claims. For non-electronic, approved claims made by pharmacies, the current 21-day deadline for payment would remain in place. SB 1106 would also prohibit the use of extrapolation in audits by an HMO or an agent working on their behalf. As well, the bill requires that pharmacies be given at least 14 days notice for a scheduled audit.	Favorable <hr/> Evaluated by: Patrick Yarborough 512-391-1770 Patrick@TexasLSG.org
SB 1501 By West SP: Patrick	Relating to the eligibility of nonprofit organizations that partner with certain schools to receive grants for agricultural projects.	Agriculture & Livestock	Under current law, elementary and middle schools may apply for grants from the Texas Department of Agriculture (TDA) to develop agriculture demonstration projects. However, application for the grants require that an administrator or teacher to dedicate significant time to the process, time they often don't have. SB 1501 allows non-profit organizations to partner with schools and apply for the grants.	Favorable <hr/> Evaluated by: Virg Parks 512-391-1770 Virg@TexasLSG.org
SB 1976 By Sen. Whitmire/ et al. SP: Gallego	Relating to procedures for applications for writs of habeas corpus based on relevant scientific evidence.	Criminal Jurisprudence	Sets procedures related to certain scientific evidence. The bill applies to relevant scientific evidence that was not available to be offered by the convicted person at the person's trial; or discredits scientific evidence relied on by the state at trial. A court may grant a convicted person relief on an application for writ of habeas corpus if the person files the application appropriately that contains specific facts indicating that: relevant scientific evidence is available and was not available at the time of the trial because the evidence was not ascertainable through the exercise of reasonable diligence before or during the trial; the scientific evidence would be admissible under Texas Rules of Evidence at a trial held on the date of application; and the court finds that, had the scientific evidence been presented at trial; it is reasonably probable that the person would not have been convicted. Under certain statute a claim or issue could not have been presented previously in an original application or in a previously considered application if the claim or issue is based on relevant scientific evidence that was not ascertainable through the exercise of reasonable diligence on or before the date on which the original application or a previously considered application, as applicable, was filed.	Favorable <hr/> Evaluated by: Dawnetta Smith 512-391-1770 Dawnetta@TexasLSG.org
SB 1773 By Sen. Fraser SP: Elkins	Relating to the applicability of certain laws governing corporations to limited liability companies.	Business & Industry	Currently, there are no statutory guidelines for the courts regarding when the veil of a limited liability company (LLC) may be pierced. The courts, however, have recently applied corporate veil piercing standards to LLCs. In response to this, SB 1773 would extend the statutes applicable to corporate veil piercing to LLCs, which clarify the situation in statute for the courts and litigants.	Favorable <hr/> Evaluated by: Patrick Yarborough 512-391-1770 Patrick@TexasLSG.org

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SB 2105 By Sen. Uresti/ et al. SP: Gallego	Relating to limiting the liability of space flight entities.	Judiciary & Civil Jurisprudence	SB 2105 provides definitions for terms under Limited Liability for Space Flight Activities, and eliminates liability for space flight participants. The bill also creates an agreement and warning for space flight participants. A space flight entity is not liable to any person for a space flight participant injury or damages arising out of a space flight activity if the space flight participant signed the agreement and has given written consent. This section does not limit liability for an injury proximately caused by the space flight entity's gross negligence evidencing willful or wanton disregard for the safety of the space flight participant; or intentionally caused by the space flight entity.	Favorable <hr/> Evaluated by: Dawnetta Smith 512-391-1770 Dawnetta@TexasLSG.org
SB 1954 By Sen. Jackson, Mike SP: Legler/ Anchia/Smith, W/ etal	Relating to a temporary faculty license for chiropractic faculty.	Public Health	SB 1954 proposes to expand the current regulations related to obtaining and operating under a temporary chiropractic license. The bill would only permit a temporary license to be issued to a currently licensed chiropractor and have been for at least three years in which they are in good-standing from another state or Canadian province and are on active duty with the United States Armed Forces. The temporary license would be limited to faculty of the two chiropractic colleges in Texas in which the person would not be permitted to practice outside the setting of the colleges. The bill requires the Texas Board of Chiropractic Examiners to revoke the temporary license of the person if they no longer satisfy the requirements. Additionally, the temporary license is valid for one year in which a person may seek a permanent license.	Favorable <hr/> Evaluated by: Dawnetta Smith 512-391-1770 Dawnetta@TexasLSG.org
SB 1815 By Sen. Van de Putte SP: Deshotel	Relating to immunity from liability for doctors performing certain services at the request of the division of workers' compensation of the Texas Department of Insurance.	Business & Industry	This bill would extend immunity to doctors performing required medical examinations or independent evaluations for the Division of Workers' Compensation on par with the immunity of the Commissioner of Workers' Compensation. This bill explicitly states that this immunity does not apply to a doctor performing an examination for an insurance carrier or an injured employee.	Favorable <hr/> Evaluated by: Patrick Yarborough 512-391-1770 Patrick@TexasLSG.org
SB 1958 By Sen. Van de Putte/ et al. SP: Corte	Relating to including certain veterans service organizations as small businesses for the purpose of state contracting.	Defense & Veterans' Affairs	SB 1958 adds "veterans' service organizations" to the definition of "small businesses" for the purposes of state contracting. The bill defines "veterans' service organizations" as 501(c)(3) nonprofits that have a principal purpose of providing housing, substance abuse treatment, case management services and employment training to low-income veterans, disabled veterans and homeless veterans and their families; and employs veterans to provide at least 75 percent of the hours of direct labor by individuals required to produce the goods or provides services purchased by the state. This bill allows these organizations to bid on state procurement opportunities.	Favorable <hr/> Evaluated by: Will Pate 512-391-1770 Will@TexasLSG.org
SB 2121 By Sen. West SP: England	Relating to the persons entitled to redeem property after the foreclosure of a property owners' association's assessment lien.	Business & Industry	Oftentimes, when property owners' associations foreclose on a home for non-payment of association fees, it is due to an absentee homeowner. Since the fees are usually small, it may be in the interest of a mortgage lender with a lien to redeem the foreclosed property in order to retain its lien position. To that end, HB 2392 would authorize a lienholder of record to redeem property on behalf of lot owners in order to retain its lien position and have an opportunity to cooperate with the lot owner in setting workable terms of payment. HB 2392 would also require that a POA notify all lienholders of a property by certified mail of the date of a foreclosure sale, unless they are unreachable due to a lack of or incorrect contact information on the deed of trust. The bill would also require the redemption of property to take place before 180 days after notice of foreclosure sale is mailed by a POA.	Favorable <hr/> Evaluated by: Patrick Yarborough 512-391-1770 Patrick@TexasLSG.org
SB 2481 By Sen. Hegar SP: Darby	Relating to certain fees for future transfer of real property.	Business & Industry	Leaving in place current prohibitions on fees connected with future transfers of real property, SB 2481 would specifically authorize deed restrictions requiring the collection of unpaid fees and assessments for mandatory golf and country clubs on future transfers of real property.	Favorable <hr/> Evaluated by: Patrick Yarborough 512-391-1770 Patrick@TexasLSG.org

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SB 2284 By Sen. Lucio SP: Lucio III	Relating to the issuance of grants by the Texas Water Development Board for water and wastewater system improvements in economically distressed areas.	Natural Resources	SB 2284 allows the Economically Distressed Areas Program (EDAP) of the Texas Water Development Board (TWDB) to fund up to 100% of water and wastewater infrastructure improvements in economically distressed areas, including but not limited to colonias. Grants may not constitute over 50% of the project funds but maybe combined with any type loan, not just those secured through EDAP. These funds are not used to upgrade or remodel existing facilities that are adequate in providing safe drinking water and removing sewage. EDAP funds are intended to assist communities to access basic water and wastewater services.	Favorable <hr/> Evaluated by: Virg Parks 512-391-1770 Virg@TexasLSG.org
SB 517 By Sen. Harris SP: Jackson, Jim	Relating to the application of the child support guidelines in a suit affecting the parent-child relationship.	Judiciary & Civil Jurisprudence	Under current statute child support guidelines to net resources is adjusted every six years as necessary to reflect inflation. SB 517 would adjust the guidelines based on the percentage change in the consumer price index during the 72-month period preceding March 1 of the year of the adjustment.	Favorable <hr/> Evaluated by: Dawnetta Smith 512-391-1770 Dawnetta@TexasLSG.org
SB 493 By Sen. Nelson/ et al. SP: Rose	Relating to benefits and services for children in the conservatorship of the Department of Family and Protective Services.	Human Services	Current statute requires the Family Court to hold a placement review hearing every six months until the foster child in the permanent managing conservatorship (PMC) of the state becomes an adult. The placement hearing and report seeks to ensure that each child with PMC-parental rights not terminated is in the most appropriate and least restrictive placement for their needs and for a child over 16 years old, is provided transitional to adult living services. SB 493 seeks to ensure placement stability and permanency, which affects education, social, and emotional development, for children with PMC designation whose parental rights are not terminated. The bill requires DFPS to identify a permanent placement with either the biological parent's if appropriate or an appropriate individual appointed to be the PMC (i.e. relative, current foster parent or their current caregiver) in which these steps are to be included in the placement review hearings. Furthermore, when the court orders PMC without termination, the bill permits the court to order DFPS to continue to provide services the biological parents for no more than six months from that hearing if determined reunification with the parent is in the child's best interest and the has not been placed with another individual seeking PMC of the child. In an effort to increase resources for educational opportunities for children in the conservatorship of DFPS, SB 493 extends the existing tuition and fee exemptions for higher education until the child's 25th birthday. The bill extends these exemptions apply to children, if they were in DFPS custody: (1) on the day of their 18th birthday; (2) on or after their 14th birthday, if the child was eligible for adoption at that time; and (3) the day preceding their date of adoption or placed in the managing conservator of an adult other than their parent. Additionally, the TEA and the Texas Higher Education Coordinating Board must develop outreach programs to inform children in grades 9-12, who are in DFPS custody of the higher education tuition and fees exemption.	Favorable <hr/> Evaluated by: Katharine Ligon 512-391-1770 Katharine@TexasLSG.org
SB 713 By Sen. Carona/ et al. SP: Sheffield	Relating to a prohibition on the disclosure and use of certain information recorded or collected by a transponder used to electronically assess or collect a toll.	Transportation	This bill would prohibit the use of vehicle speed information recorded or collected by a transponder utilized by toll authorities from being disclosed to a peace officer or law enforcement agency of the state for the purpose of prosecuting the operator of the vehicle on which the transponder was placed or be used in a prosecution of the operator of the vehicle on which the transponder was placed.	Favorable <hr/> Evaluated by: Monica Webb 512-391-1770 Monica@TexasLSG.org

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<p>SB 783 By Sens. Shapiro SP: Morrison</p>	<p>Relating to the Texas emerging technology fund, including transfers between the fund and the Texas Enterprise Fund.</p>	<p>Technology, Economic Development & Workforce</p>	<p>SB 783 would prohibit the governor from transferring funds between the Emerging Technology Fund (ETF) and the Texas Enterprise Fund without authorization from the Legislature. SB 783 would also require the governor's office to issue to the Legislature and the public a detailed report about the number and size of grants, the identity of grantees and various metrics of the program's success. SB 783 would also authorize the governor to contract with a private vendor to administer aspects of the selection and award process for grants, in order to avoid hiring more FTEs for the program's administration.</p> <p>As well, SB 783 would adjust the fund's resource allocations, increasing from 50% to 60% the amount set aside for encouraging collaboration between business and research entities in commercialization of technologies and decreasing allocations for the attainment of research superiority from 33.33% to 30% and for research award matching from 16.67% to 10%.</p> <p>While the provision barring the transfer of funds between the Emerging Technology Fund (ETF) and the Texas Enterprise Fund without legislative approval and providing detailed annual reports on the ETF's activities are smart, other aspects of the bill raise concerns. The amount set aside for encouraging collaboration between business and research entities is already 50% of the ETF's budget, so reducing the amount set aside for encouraging the development of cutting edge technology through research superiority and research award matching seems hard to justify. The most important role a fund like the ETF can play is to spur innovation in research institutions, so reducing this role of the fund from 50% to 40% does not make sense in light of the mission of the fund, which is to spur high-tech development through long-term planning and collaboration between the public and private sectors. As well, authorizing the office of the governor to hire private contractors to evaluate grant applications seems to be privatizing a core State responsibility that should be administered in the State's interest by public employees.</p>	<p>Favorable w/ Concern</p> <hr/> <p>Evaluated by: Patrick Yarborough 512-391-1770 Patrick@TexasLSG.org</p>
<p>SB 1383 By Sen. Carona SP: Smith, Wayne</p>	<p>Relating to the creation and administration of the Texas Local Participation Transportation Program.</p>	<p>Transportation</p>	<p>This bill would create the Texas Local Participation Transportation Fund as a dedicated account in the General Revenue Fund composed of legislative appropriation, gifts and grants, interest and earnings received from investments of money in the fund and money repaid by a local project sponsor under a loan made under these provisions. Money from the State Highway Fund may not be transferred in the fund and it may only be used for the administration of the program not to be appropriated for any other purpose. This bill would provide that use of dedicated revenue may not be used for general governmental purposes and that interest on investments may not be credited back to the General Revenue Fund.</p> <p>The Comptroller would be authorized to solicit and accept gifts and grants to the fund of which would be used in the same in the same manner as other money in the fund and would be subject to the stipulation of the donor or granting entity. The Comptroller would also be authorized to adopt rules and guidelines relating to the Comptroller's responsibilities under these provisions. The Comptroller would be required to administer a program to encourage local project sponsors to participate in the delivery of eligible projects by providing the sponsors financial assistance from the fund.</p> <p>The Comptroller would be required to develop a process for certifying the eligibility of projects nominated by local project sponsors for financial assistance from the fund and for certifying that a project promotes economic development and diversification in the area in which the project is located. In the process a local project sponsor must submit</p> <ol style="list-style-type: none"> 1. A request for certification that would include the anticipated impact of the project on local economic development and diversification. 2. A proposed schedule for the development and completion of the project and an estimate of when the project would be open to traffic. 3. Sufficient information to determine that the applicant is a local project sponsor eligible to receive funding. <i>(Continued on next page)</i> 	<p>Favorable</p> <hr/> <p>Evaluated by: Monica Webb 512-391-1770 Monica@TexasLSG.org</p>

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4. A specific description of the project, including project limits and connections with other transportation facilities.
5. Identification of the scope of work to be completed and a detailed estimate of total project costs, developed after coordination with the department concerning the scope and design criteria of the project.
6. Documentation demonstrating that the project is included in the unified transportation program approved by the Texas Transportation Commission and any applicable transportation plan for the area in which the project is located.
7. Evidence that a copy of the request for certification submitted to the Comptroller was also submitted to the Texas Department of Transportation (TxDOT).
8. A proposed plan for funding the project that would not require receiving more than 50% of the total project cost from the fund and that would identify the contribution of local sources to the total project cost.

The bill defines total project cost as the estimated costs of planning, environmental assessment, regulatory permitting and compliance, design, construction, construction oversight and inspection, right-of-way acquisition, utility relocation, program management, legal services, financial advisory services and financing only to the extent that financing costs related to the securitization of amounts received from the fund.

To determine the amount contributed by local sources to the total project cost a local sponsor would be authorized to include, as applicable, funds on hand, ad valorem taxes, local option taxes or fees dedicated to the project, economic development grants, other project-specific gifts and grants, and if the project is planned as a toll facility, toll revenues.

In the administration of the program, the Comptroller would be authorized to prepare an annual report projecting the availability of funding based on the estimate of future deposits to the fund and of money to be repaid the fund by local project sponsors under a loan provided under these provisions. The Comptroller would also establish guidelines for disbursement from the fund that link disbursements with proposed project development and completion schedules required to be submitted by local sponsors.

If a proposed project has been certified by the Comptroller to promote economic development and diversification in the project area then the Comptroller would be required to issue the certification to the local project sponsor to being negotiations with TxDOT. The certification must identify the maximum total funds available for the project in consideration of the total project costs and the availability of money in the fund.

TxDOT must first certify that the project is consistent with the unified transportation program and any applicable transportation plan for the area in which the project is located and that the project is authorized to be effectively integrated with the state highway system before funds may be disbursed by the Comptroller. After these provisions are met, the Comptroller may make disbursements from the fund to a local sponsor in the form of a grant or loan. The Comptroller would be prohibited from making disbursements from the fund for a project until there is a signed agreement for a pass through-toll project.

An agreement negotiated for a pass-through toll agreement receiving funding under these provisions must prescribe the roles and responsibilities of the parties for all significant work to be performed and provide that a local project sponsor is required to meet state design criteria, construction specifications, and contract administration procedures unless TxDOT grants an exception.

The Comptroller would be required to impose and collect from the local project sponsor an application fee in an amount sufficient to cover the costs incurred by the Comptroller in administering these provisions.

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