



Representative

Desk

LSG Floor Report For General Calendar- Tuesday, March 14, 2017

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 1197 By: Paul	Relating to the training period for a temporary insurance agent's license	Insurance	This bill would extend the training period for those seeking a temporary insurance agents license from 14 days to 30 days. To obtain a temporary license, the applicant must complete 40 hours of training within 30 days of the date from the date they submit their application. This bill allows for the applicant to complete their required 40 hours within a month as opposed to the previously stipulated 14 days.	Favorable Evaluated by: Elizabeth Hann 210-382-4295 Elizabeth@Texaslsg.org
HB 1073 By: Smithee	Relating to provisional permits for certain insurance agents.	Insurance	This bill is essentially adding a subchapter (G) of the code that gives a person the authority to utilize a provisional work license in the case that their license is still pending. It gives provisional authority to those wishing to practice as life insurance agents and begin work, given they pass the required background checks, before their license is issued while their application is pending. There is some concern that the applicant could receive a temporary license with the possibility that their application is ultimately denied. This provision could open the door for those who are not qualified to receive a work license to legally obtain a provisional one, which makes them eligible to work in the meantime.	Favorable with Concerns Evaluated by: Elizabeth Hann 210-382-4295 Elizabeth@Texaslsg.org
HB 744 By: Farrar	Relating to recovery of attorney's fees in certain civil cases.	Judiciary & Civil Jurisprudence	This is essentially a clean-up bill that clarifies the defendants by which a plaintiff may obtain recovery of attorney's fees. Texas follows the "American rule" that litigants bear their own costs or fees <i>unless</i> a statute or contract between parties authorize recovery. Section 38.001 of the Civil Practice and Remedies Code is the statute in Texas law that pertains to attorney fee recovery. In 1985, the legislature amended this section so that a person was permitted to recover an attorney's fees from an "individual or corporation" rather than a "person or corporation" to avoid the Code Construction's Act's definition of "person" that could be read to include a government entity. At the time of this amendment, limited liability companies (LLCs) did not exist. As such, the unintended consequence of this amendment	Favorable Evaluated by: Serena Ahmed 210-382-4295 Serena@Texaslsg.org

			<p>from 1985 has been that if a defendant is a LLC or partnership business entity, then plaintiffs who succeed in a breach of contract action cannot recover attorney’s fees. This is because the definition of corporation refers to incorporated entities, and does not include other business entities, i.e., partnerships and LLCs. HB 744 addresses the concern of the legislature that recovery of attorney’s fees could be sought from government entities by adding a subsection to explicitly address that this section does not authorize the attorney fee recovery from the state, a state agency or institution, or a political subdivision of the state, <i>while also</i> fixing the current unjustified situation where LLCs and partnerships are not held to the same equal accountability standard as other legal business entities under the law in situations of a breach of contract. Additionally, this legislation explicitly addresses that it does not prevent person’s from recovering attorney’s fees if other statutes authorize that recovery. Without this amendment, contracting parties would have to specifically stipulate the recovery of attorney’s fees, and future litigation will likely continue over this subject. This bill proposes a small clarification now to mitigate the continuation of this problem later.</p>	
<p>HB 799 By: Murr</p>	<p>Relating to the persons authorized to conduct an inquest in certain counties.</p>	<p>Judiciary & Civil Jurisprudence</p>	<p>Under this bill, when a justice of the peace (JP) or county judge is not available to conduct an inquest into a person's death in the county, they may request a justice of the peace of another county to conduct the inquest. Counties with populations that are greater than one million are required to have a medical examiner, who would conduct death inquests. Otherwise, the responsibility falls on the justice of the peace or the county judge. Such justices of the peace or county judges may or may not have had experience with death inquests, and all the emotional toil that this may have on a person’s mental health. Sometimes it also just that the JP or county judge is not in town at the time of death or deaths occur. HB 799 is a small, but necessary change that serves the betterment to our JPs, county judges, and constituents. Additionally, this bill addresses how the justice of the peace requested to conduct the inquest may, no later than the fifth day, transfer all the related information of the inquest after it’s conducted. The justice of the peace requested to conduct the inquest is not eligible for any compensation other than mileage used to conduct the inquest.</p>	<p>Favorable Evaluated By: Serena Ahmed 210-382-4295 Serena@Texaslsg.org</p>

