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LSG Floor Report For House Joint Resolution Calendar- Thursday, August 3, 2017

HJR 38 By: Capriglione	Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation precious metal held in the Texas Bullion Depository.	Ways & Means	HJR 38 proposes a constitutional amendment authorizing the Legislature to exempt precious metal held in the Texas Bullion Depository from ad valorem taxation. The Legislature would be allowed to provide a definition of what constitutes "precious metal" for purposes relating to this amendment. The Legislative Budget Board does not anticipate a statistically significant burden regarding the overall distribution of a state tax or fee for individuals and businesses contingent on the passage of HJR 38. The Texas Bullion Depository provides storage space for precious metals of both individuals and institutions.	Will of the House Evaluated by: Ana Ramon 210-382-4295 Ana@Texaslsg.org
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LSG Floor Report For General Calendar- Thursday, August 3, 2017

HB 26 By: Larson	Relating to the regulation of groundwater.	Natural Resources	HB 26 deals with several sections of Chapter 36 of the Water Code regarding the permitting and amending permits for the construction of wells managed by Groundwater Conservation Districts (GCDs). The process of issuing permits and amendment permits have been delayed or impeded and this bill seeks to further regulate Groundwater Conservation Districts codifying the efficiency of permitting procedures into statute by: <ul style="list-style-type: none"> • Requiring that the GCDs rules on the date of a filed application be the only rules, by which, the application is determined. • Changes language of transport to export for the issuance of permits when water is being taken out of the district. • GCDs will not have a separate exporting permitting process which would merge exporting with operating permits, and make a GCD unable to deny a permit if the purpose is to export water outside of the district. • Permits that existed on August 17, 2017 will automatically be extended to the term no shorter than the original agreement and will be managed by the rules prior to the automatic extension. • Creates new regulations on a GCD to issue a moratorium on permits and amending permits by creating new compliances for hearing procedures, written findings to support the decision, a temporary moratorium can be issued for 5 business days after the notice has been posted, and that a decision will be issued 12 days after the hearing. • A moratorium can only be issued for 90 days and may not be extended. • A moratorium adopted by a GCD before 12/1/2017 may not be extended past 02/28/2018. • All permits approved by GCD on or before the effective date of this act are validated unless they are permits to export groundwater that are subject to litigation. 	Favorable Evaluated by: Ana Ramon 210-382-4295 Ana@Texaslsg.org
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			Notably, HB 26 also repeals the following Sections (f - q) of 36.122 within the Water Code. These sections deal with transfer (export) permits. Section (k) would allow a GCD to periodically review the amount of water transferred under the permit and that several factors be considered when renewing an application related to aquifer conditions, depletion, and subsidence. While these considerations are added into the HB 26 bill language it would not allow the GCD to have the same flexibility for reviewing conditions of the aquifer in relation to an already granted permit. While the bill is largely trying to work on streamlining the permitting process which is important for the Groundwater Conservation Districts, making sure that GCDs retain enough authority to oversee the health of both ground and surface water is essential.	
HB 27 By: Larson	Relating to the development of brackish groundwater.	Natural Resources	HB 27 amends portions of the water code to allow for permits for development in production zones for brackish water. The bill designates several of these production zones and a district may be formed to issue permits. If a person with a legally defined interest in groundwater sends a petition to the district than no later than 180th after the petition is filed. Projects included for these production zones may be a municipality to treat brackish water for drinking and electric generator to treat water to quality standards to meet the project's needs. Rules adopted by the district must include how applications will be processed, how much water can be withdrawn, creating permits to be no shorter than 30 years, the implementation of monitoring systems, and measuring the level of subsidence in the Gulf Coast Aquifer. An application by the permittee must include a well field design, requested max groundwater withdrawal, and number and location of monitoring wells. A report will also need to be submitted on proposed effects to the groundwater, what model of simulations is used, and supplying sufficient information for a reviewer. The district will submit a report to the Texas Water Development Board(TWDB), which will compare the findings of the application. The TWDB will also investigation what affects the projects are projected to cause. Once the report is returned to the counties a hearing may be held for the permit. Currently, the permit may be amending to be more compatible with production limits and approve a mitigation plan. To the extent available permits are required to be issued based on the level of brackish water within the groundwater production zone. Development of brackish groundwater will strengthen Texas' future water needs.	Favorable Evaluated by: Ana Ramon 210-382-4295 Ana@Texaslsg.org
HB 275 By: Ashby	Relating to extensions of an expired permit for the transfer of groundwater from a groundwater conservation district.	Natural Resources	HB 275 seeks to align the permitting renewal process for the transferring of groundwater out of a district with the operating permit renewal cycle. Adding subsections (j-1) and (j-2) to Chapter 36 of the Water Code would grant the transferring permit to not be shorter than the operating permit that is in effect of the time of the extension and for each additional term. An extended permit will be subject to the same conditions contained in the permit before its automatic extension. Combining the extension process of permits for transferring groundwater to the operating permit, will allow for a more streamlined approach to the permitting process for Groundwater Conservation Districts.	Favorable Evaluated by: Ana Ramon 210-382-4295 Ana@Texaslsg.org
HB 25 By: Davis, Sarah / Price / Guerra / Darby / Krause / et al.	Relating to reimbursement rates for Medicaid acute care therapy services; making an appropriation	Appropriations	Acute care therapy includes speech, physical, and occupational therapy. 148,293 Texans utilized acute care services in 2014, for treatment of many disabling conditions including, but not limited to, autism, cerebral palsy, dementia and Alzheimer's, strokes, and muscular dystrophy. As of 2016, chronic therapy services are only available to individuals under the age of 20. Conservative estimates indicate over 3,500 children are still waiting for care. HB 25 would appropriate additional dollars to HHSC for Medicaid acute care therapy services. 2018 Fiscal Year: \$34,180,000 from the economic stabilization fund and \$44,977,018 in federal funds 2019 Fiscal Year: \$35,995,000 from the economic stabilization fund and \$48,262,959 in federal funds	Favorable Evaluated by: Ana Ramon 210-382-4295 Ana@Texaslsg.org
HB 108 By:	Relating to the rate at which interest accrues in	Ways & Means	This bill helps individuals who are disabled veterans, disabled under social security, or who are 65 years and older. Currently these individuals can defer their property tax payment, however the deferral has an interest rate of 8% fixed in statue. This is not in line with current market interest rates. This bill would tie the interest rate to the five-year Constant Maturity Treasury Rate. The five-year	Favorable w/ concerns



<p>Murphy / Capriglione / Bonnen, Dennis / Darby / Turner / et al.</p>	<p>connection with the deferral or abatement of the collection of ad valorem taxes on certain residence homesteads.</p>		<p>Constant Maturity Treasury Rate is currently around 1.9%. Tying the interest rate to the five-year Constant Maturity Treasury Rate may reflect the market rate of interest. Additionally, it will make it more reasonable for the individuals who can take advantage of this option to do so, instead of being taxed out of their homes. Because the deferral of property tax places a lien on the property the property tax with interest is almost always collected. This will lower the amount of interest taxing bodies will be able to collect on property tax deferrals, however the taxing bodies will still be able to eventually collect the property tax they are due, and the benefits of allowing vulnerable individuals to stay in their homes outweighs these concerns.</p> <p>Concerns: While this bill was filed with good intentions there are some who are concerned it could fall prey to bad actors wishing to take advantage of the program. While this has the potential to help those in need it could be used by those who can pay but choose to defer if they qualify. Local taxing units are also concerned that with the repeal of a fixed rate it will be harder to plan for the implications of the bill.</p>	<p>Evaluated by: Nicolas Kalla 210-382-4295 Info@Texaslsg.org</p>
<p>HB 239 By: Capriglione</p>	<p>Relating to the exemption from ad valorem taxation of precious metal held in the Texas Bullion Depository.</p>	<p>Ways & Means</p>	<p>HB 239 would provide for an ad valorem exemption for the precious medals held in the Texas Bullion Depository. This would be available to an individual with precious metals in the depository and regardless if it's intended to produce income. The LBB can't quantify how much revenue could be lost without knowing the value of the precious metals. The depository is slated to be built in north Austin and run by a private vendor. One possible contributor to the depository is the University of Texas/Texas A&M Investment Management Co., this investment company manages billions of dollars in stocks, bonds and other assets for the UT and A&M systems. Estimates place they're holding around \$861.4 million in gold stored in a New York vault.</p>	<p>Will of the House Evaluated by: Ana Ramon 210-382-4295 Ana@Texaslsg.org</p>
<p>HB 215 By: Murphy / Guillen / Klick / Bonnen, Greg / Laubenberg / et al.</p>	<p>Relating to reporting and certification requirements by certain physicians regarding certain abortions.</p>	<p>State Affairs</p>	<p>HB 215 continues the state's focus on non-issues relating to women's reproductive health and requires more unnecessary reporting for healthcare providers. The type of reporting this bill requires is uncommon and will pressure physicians to report private medical information to the state. This bill would move the reporting be submitted to Health and Human Services Commission (HHSC) instead of the Department of State Health Services. How this information is reported will be determined by HHSC. The bill creates new reporting requirements for physicians who performed an abortion due to a severe abnormality during the third trimester of a pregnancy and abortions performed on women younger than 18 years of age.</p> <p>Third Trimester Reporting: Ending a pregnancy during the third trimester due to a severe fetal abnormality is both distressing and traumatic for the families involved. The conditions that constitute a severe abnormality and make life for the fetus impossible include: Anencephaly (fetus does not have a brain above the base of the skull, Renal agenesis (kidneys fail to materialize), Neural tube defects, lethal skeletal dysplasias, fetus not developed beyond the tailbone, and organs developed outside of the body cavity. These reporting requirements seem to be more aimed at the doctors performing them and less on the health of Texas families. These types of abortions are extremely rare and make up only one-tenth of one percent of the abortions in Texas.</p> <p>Younger than 18 years of age Reporting: HB 215 would require physicians who perform an abortion on women younger than 18 years of age to report required information to the HHSC. This information includes:</p> <ul style="list-style-type: none"> • How authorization for the abortion was obtained by the minor • whether the minors' legal guardians provided the necessary consent and where the consent was given 	<p>Unfavorable Evaluated by: Ana Ramon 210-382-4295 Ana@Texaslsg.org</p>



			<ul style="list-style-type: none">• If the minor obtained judicial authorization and in certain instances how the minor was informed of the judicial authorization. It would also require them to report whether the court forms were provided and whether the physician or someone working on behalf of the physician arranged the minors court appearance. <p>These provisions are not only burdensome but overtly target physicians providing abortions to minors in crisis. DSHS reported that out of the abortions performed in Texas only an estimated 1,200 of them were on a minor. Of those 1,200 only around 174 of these procedures were performed after the minor received a judicial bypass. This strongly indicates that not only are these procedures rare but the clear majority of them are performed with the consent of the minor's legal guardian. The committee substitute did add a provision that make the reported information confidential and not subject to open record requests.</p>	
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