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LSG Floor Report For POSTPONED BUSINESS Calendar – Thursday, May 16, 2019

<p>SB 604 By: Buckingham Birdwell Sponsor: Paddie</p>	<p>Relating to the continuation and functions of the Texas Department of Motor Vehicles and to the operations of certain other entities performing functions associated with the department.</p>	<p>Transportation Vote: 8 Ayes 0 Nays 0 PNV 5 Absent</p>	<p>SB 604 is the sunset bill for the Texas Department of Motor Vehicles (TxDMV). The Texas Department of Motor Vehicles (TxDMV) created in response to a recommendation by the Sunset Commission in 2009 to issue vehicle titles and registrations, provide license plate services, regulate motor vehicle sales, and regulate motor carriers. Overall, the Sunset Commission determined that TxDMV has accomplished the stated goals by modernizing motor vehicle services and improving customer service for the public and motor vehicle industry. The commission also determined that TxDMV has new challenges that need attention and SB 604 provides for the implementation of certain recommendations.</p> <p>SB 604 continues operation of the TxDMV for 12 years until 2031 and establishes the following Sunset Commission Recommendations:</p> <ul style="list-style-type: none"> • Updates training requirements for Board members. • Requires the executive director to appoint a general counsel to the TxDMV board—this is something that statute was silent on and it will further protect the board from acting in the interest of the entities it governs. There is representation on the board of stakeholders for entities regulated by TxDMV; there is fear that if the general counsel reports to the board they might be influenced. • Eliminate requirement for a representative's license; this position used to hold more weight with financing deals, etc., but these functions have moved to the dealers. This position no longer needs as much regulation because there is no direct contact or influence on customer issues leaving the position without much need to be overseen. • Requires the board to clearly separate responsibilities for policy-making and appointment of department staff. • Requires the department to maintain a system for promptly responding to filed complaints with complaint investigation and resolution. SB 604 also requires TxDMV to keep track of complaint processes and periodically notify parties involved on complaint statuses. • Requires board to develop and implement policy to encourage negotiated rulemaking procedures and appropriate dispute resolution. The department must also collect data to study the effectiveness of the negotiation and dispute resolution procedures. • Creates salvage vehicle dealer licenses that allow license holders to buy and sell salvage and non-repairable motor vehicles, participate in auctions and wholesale auctions, buy and sell from other licensed salvage vehicle dealers, and acquire and repair over five salvage motor vehicles for operation on public highways per year. SB 604 authorizes the board to issue a cease and desist order for a person if it appears to the board that the person is violating laws related to salvage vehicle dealers. • Removes requirement for application of salvage vehicle dealers to include a classification endorsement as a new automobile dealer, a used automobile dealer, a salvage pool operator, a salvage vehicle broker, or a 	<p>Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>
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salvage vehicle rebuilder.

- Requires the board to establish education and training requirements for independent motor vehicle dealer applicants. A lot of people will move on to become an independent motor vehicle dealer without proper education on what they are getting into. People will get these licenses and end up with violations due to lack of information.
- Allows the department or the county tax assessor-collector to audit or investigate persons providing registration or titling service and access records necessary to do so.
- Allows departments to determine access to automated registration and titling systems and requires departments to implement a training program on the automated system and how to identify fraudulent activity within the system.
 - The training program will allow tax assessor-collectors to train employees on a practice titling and registration system, preventing mistakes made by the trainee and causing the tax assessor-collectors to work to revise mistakes made during training.
- Requires the board to establish standards for reviewing a contested case. The rules and policies must specify roles of personnel managing contested cases, specify appropriate conduct and discussion regarding proposals for decision issued by administrative law judges, specify limiting arguments in oral argument to evidence the contested case hearing held by the administrative law judge, address ex parte (one-sided) communications, and distinguish between using industry expertise versus representing/advocating for an industry.
- Requires TxDMV to establish a risk-based system to monitor and prevent fraudulent activity related to vehicle registration and titling.
- Authorizes the board to order individuals to pay refunds to buyers or lessees of motor vehicles if the board determines that they violated laws regarding sale or lease of motor vehicles.
- Requires county assessor-collectors to provide an electronic system for motor vehicle dealers to submit title and registration applications online in the name of the purchaser.
 - This is a point of concern for the tax assessor-collectors and the counties, as this has potential to be an unfunded mandate to small counties who do not use WebDealer. Additionally, there are current contracts and standards in place based on each county's requirements to prevent fraud. Requiring automatic access limits counties ability to weed out back actor dealerships. The Tax Assessor-Collector Association is not supportive of this and has actively worked to make this discretionary.
- Requires a county tax assessor-collector who awards a contract to a full-service deputy for the performance of registration and titling services to comply with standard state contracting practices (as if the county tax assessor-collector were a state agency) and to monitor and evaluate their performance to determine whether to renew or extend the contract or award a new contract. SB 604 differentiates between full service deputies and limited service deputies. Full service deputies are only used by 4 counties. Limited service deputies are used by the majority of counties and are a huge asset. In the originally filed bill, the counties were required to re-bid for both full and limited service deputies. Since limited service deputies often do this as a service to the counties and typically do not profit from this service. This is why they were removed from the requirement to go through a rebidding process.
- Requires TxDMV to coordinate with county tax assessor-collectors to develop, adopt, and implement criteria for the suspension or denial of access to the automated registration and titling system if a county tax assessor-collector suspects abuse, fraud, or waste by an employee or deputy.
- Renames the and transfers the authority of Automobile Burglary and Theft Prevention Authority to the

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			<p>Motor Vehicle Crime Prevention Authority. The Motor Vehicle Crime Prevention Authority must ensure that grant funds are used to help increase the clearance rate of such crimes and increase the number of persons arrested for those crimes.</p> <ul style="list-style-type: none"> Requires TxDMV, the Public Utility of Texas, the Texas Department of Transportation, the Department of Public Safety, and the Texas Commission on Environmental Quality to complete a study on the impact of the alternatively fueled vehicles industry on the state and options for collecting fees from owners of alternatively fueled vehicles to replace the loss of revenue from motor fuel taxes, and the desirability to establish fees for alternatively fueled vehicles. <p>SB 604 does not adopt the recommendations by the Sunset Commission to require the governor to designate a public member to serve as chair or require authorization for the board to file a complaint against a license holder for violations related to advertising.</p> <p>SB 604 implements policy that benefits the majority of Texans, however, SB 604 requires county tax assessor-collectors to provide an electronic system for motor vehicle dealers to submit title and registration applications online in the name of the purchaser. Some of the larger counties in Texas use private offices to contract out this work, so implementing this provision would leave Texans unemployed and counties left with the bill to implement this process.</p> <p>Many counties currently have standards and contracts in place for use of the WebDealer program. Many of these contracts include provisions that allow counties to prevent fraud from occurring from bad actor dealerships. Each county, who currently uses WebDealer, has the ability to authorize or deny access to program when they know fraud is occurring. Under the current version of SB 604, counties would no longer be able to deny access, thus forcing them to accept fraudulent documents from dealerships. Additionally, many smaller counties do not have dealerships in their counties, making the mandatory provision of the bill an unfunded mandate to them. They would need to train staff and obtain the property equipment to offer a program they would never use.</p>	
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LSG Floor Report For MAJOR STATE Calendar – Thursday, May 16, 2019

<p>SB 608 By: Watson Birdwell Buckingham Nichols</p> <p>Sponsor: Paddie</p>	<p>Relating to the continuation and functions of the School Land Board.</p>	<p>Land & Resource Management</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>The School Land Board (SLB) oversees the management, sales, and leasing of approximately 13 million acres of Permanent School Fund (PSF) land. The PSF generates revenue used to purchase additional land and make investments that assist with funding public education. The SLB is an independent entity within the General Land Office (GLO) chaired by the land commissioner.</p> <p>SB 608 provides statutory updates to the SLB that were recommended by the Sunset Commission, which include:</p> <ul style="list-style-type: none"> Continuation of the SLB for 12 more years Updating the process for government appointees to the SLB which includes a pre-approved list provided by the State Board of Education (SBOE), one of which would have to be a resident of a county with a population less than 200,000. HB 608 aligns the SLB with other land boards by eliminating the legacy appointment privilege for the Attorney General. Creating a collaboration, that currently does not exist, between the SLB and SBOE requiring them to hold an annual joint public meeting to discuss the allocation of the assets of the PSF and the investment of money in the fund Developing and implementing policies separating the GLO and SLB entities and their duties Requiring training for all members on basic functions and PSF investments processes Creating a feasible complaint process about the SLB made by whomever 	<p>Favorable Evaluated by: Donisha Cotlone (832) 496-4424 Donisha@TexasLSG.org</p>
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			<ul style="list-style-type: none"> Codifying statute with current SLB procedures, by setting a real estate investment cap at 15% (not including cash). Requiring reports of fees being paid by SLB to the legislature <p>SB 608 adopts all statutory recommendations given by the Sunset Commission. Other recommendations will be adopted through rules and in-agency procedural policies.</p>	
<p>SB 615 By: Buckingham Birdwell Hall Nichols Watson Sponsor: Paddie</p>	<p>Relating to the operations and functions of the Texas Windstorm Insurance Association and the sunset review date for and programs administered by the association; authorizing a fee.</p>	<p>Insurance</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>SB 615 amends the Insurance Code regarding the continuation function of the Texas Windstorm Insurance Association (TWIA). Provisions would be added to increase consumer transparency coupled with the extension of training of directors as well as increased accountability when making changes to TWIA policy. Changes included would be:</p> <ul style="list-style-type: none"> For rule adoption, TWIA would need the Commissioner of Insurance's approval of the proposal. The commissioner would have 30 days to make a ruling or, at the request of the association, call a public hearing for the rule. Members of the TWIA board of directors are appointed to represent the general public and cannot be associated with the receipt of money unless it is personal claim related with private property-casualty insurance industries. This is applicable to the stock or business interest in the same industry. A person serving on the board cannot be an applicable vote for decision making until the completion of the board mandated training program. All conflicts of interest regarding matters that may come to a vote by the board are required to be reported by the member. If a person is to receive coverage by TWIA, they must submit a denial of coverage from a private entity before application and every three years thereafter. An automatic renewal process would be established and contingent on if the applicant has a declination on file and information related to the insurability of property on file with TWIA. The ability to cancel the policy will continue to be available before renewal. Premium payment improvements include: the ability to pay in installments or with credit cards via a surcharge TWIA would be required to more transparent in its deadlines for supplemental payments and request of such would have no effect on the policyholder's ability to receive an appraisal. <p>Regarding full replacement via a claim: if the total amount of applicable coverage is equal to 80% of the value from the time of purchase, the coverage will be extended to the full cost of repair or replacement.</p>	<p>Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org</p>
<p>SB 616 By: Birdwell Sponsor: Paddie</p>	<p>Relating to the continuation and functions of the Department of Public Safety of the State of Texas, the conditional transfer of the driver licensing program to the Texas Department of Motor Vehicles, the abolition of the Texas Private Security Board, the transfer of the motorcycle and off-highway</p>	<p>Homeland Security & Public Safety</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>The Texas Department of Public Safety (DPS) is the agency that is responsible for law enforcement concerns such as human trafficking, transnational gangs, counterterrorism investigations, as well as border security. The DPS is also responsible for regulatory programs such as vehicle inspections, private security, and license to carry a handgun. The sunset commission focuses on measuring the proficiency of the agency as well as make recommendations for the future to ensure public safety. The sunset commission did not evaluate the agency's law enforcement functions such as patrol or criminal investigations, but did evaluate the administrative aspects of the agency. Based on the Sunset recommendations SB 616 does the following:</p> <ul style="list-style-type: none"> Require DPS to track and provide crime statistics as part as the border security mission- although border security is difficult to measure, DPS should annually report for each month that year statistics from the states border regions on border crimes. DPS should provide statewide crime statistics in this report in order to also provide a comparison to other crimes. 	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435- 9049 Santiago@TexasLSG.org</p>

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	<p>vehicle operator training programs to the Texas Department of Licensing and Regulation, and the regulation of other programs administered by the Department of Public Safety; imposing an administrative penalty; authorizing and repealing the authorization for fees.</p>		<ul style="list-style-type: none"> • Reconstitute the Private Security Board as an advisory committee- this would establish a private security advisory committee to advise DPS and the Public Safety Commission on matters related to regulating private security industries. • Deregulate 10 registrations for individuals and entities that do not directly provide private security services – this recommendation eliminates unnecessary layers of regulations for individuals that do not directly provide private security services. The company owners will apply for the company license and the company will be licensed. • Discontinue the regulation of private security salespersons and consultants- these individuals do not provide direct security services or threaten public safety. • Require individuals who provide private security services to obtain a license- They currently must obtain a registration. However, obtaining a license will continue DPS’ high level of regulation for entities engaged in private security operations. • Discontinue regulation of guard dog companies and trainers- existing criminal laws provide sufficient means to ensure animals are treated humanely and private certification opportunities offer trainers a way to demonstrate their qualifications. • Discontinue state regulation of telematics companies and service providers- This also includes removing the annual payment fee and regulatory functions will cease. • Require DPS to track and annually report regulatory information on its website- This requires DPS in statute to report information about the agency and agency programs in a clear and organized manner for the public to access. • Remove conflicting statutory definitions regarding convictions- this removes the inconsistent statutory definitions from private security, metal recycling entity and vehicle inspection programs. This aligns DPS’ criminal history evaluations with regulatory practices and reduces barriers to licensure. • Remove unnecessary subjective qualifications for applicants- this removes the requirement for employees who carry firearms to have “good moral character”. This requirement is subjective, and the agency does not evaluate an applicant’s character rather, the physical and mental attributes that the person brings to the job. • Authorize DPS to conduct fingerprint-based criminal background checks for all applicants and licensees • Authorize DPS to conduct fingerprint-based state and federal criminal background checks for all applicants and licensees for DPS’ regulatory programs. This allows the agency to establish in rule which applicants and licensees have to subject to fingerprint background checks. • Authorize DPS to establish flexible license renewal requirements- recommendation would instead clearly authorize DPS to stagger license renewals throughout the year and on a biennial basis for all of its regulatory programs, providing a single, clear approach to license renewal requirements. • Establish clear authority to receive, investigate, and resolve complaints-this clarifies DPS’ authority to act on complaints against licensees by consolidating investigative authority under DPS’ general statutes and promotes consistency between regulatory programs and improve transparency to licensees and the public. • Clarify the Public Safety Commission’s responsibility to take final enforcement actions for regulatory programs- statute would clearly make the Public Safety Commission responsible for taking all final enforcement actions for the regulatory programs under DPS’ jurisdiction. • Require DPS to establish a process to informally resolve complaints- this recommendation authorizes DPS to create an informal settlement complaint process for each of its programs. • Provide DPS a full range of sanctions to enforce regulations-this recommendation would provide DPS the authority to deny, revoke, suspend, probate, reprimand, or refuse to renew a license, registration, or 	
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			<p>certificate for conduct that violates statute or rule applicable to each regulatory program.</p> <ul style="list-style-type: none"> Remove restrictive fee authority from statute. This recommendation removes the fee cap for the metal recycling entity registration and eliminate the statutory fee amounts set for the vehicle inspection station and inspector certificates. Instead, DPS is authorized to set the fees for both of these programs as necessary to recover the costs of administering each regulatory program. Discontinue the regulation of precursor chemical and laboratory apparatus (PCLA's) sales and transfers- This recommendation removes the statutory requirement for individuals who sell, transfer, or purchase PCLAs to obtain a permit as well as the associated criminal penalties for transactions without a permit. Discontinue duplicative registration of peyote distributors-Federal law adequately regulates individuals engaged in peyote distribution through the DEA, therefore this recommendation removes the registration of peyote distributors from statute. Transfer the motorcycle and ATV safety training programs from DPS to the Texas Department of Licensing and Regulation (TDLR). TDLR's regulatory expertise in providing consumer and business services provides a more efficient administration and oversight of these programs and allows DPS to focus on its core law enforcement functions. Continue DPS for another 12 years - the agency is needed to provide statewide public safety services. Update the standard requirement related to commission member training-require DPS to develop a training manual that each commission member attests to receiving annually Eliminate 3 of DPS' required reports-This recommendation eliminates two reports on metal recycling entities — one on the number and registration status of these entities and another on the cost of regulating them — and a report on seized and forfeited aircraft. Continue DPS' 2 statutory committees-continue the motor vehicle inspection and metal recycling entities advisory committees for 12 years. <p>Additionally, SB 616 would adopt a new provision that will extend the non-commercial drivers' license from 6 years to 8. This is to also assist with the long wait lines and wait times experienced at some drivers' license offices. Continuing the Department of Public Safety for 12 years will require approximately \$1.3 Billion dollars annually. These appropriated funds will address all of the agencies responsibilities as well as adjust for the new recommendations.</p> <p>SB 616 addresses most of the sunset recommendations by taking into consideration the sunset report and makes all the respective changes to the DPS SB 616 extends the agency for 12 years and removes unnecessary regulations imposed on the agency.</p>	
<p>SB 619 By: Birdwell Buckingham Hall Nichols Watson</p> <p>Sponsor: Paddie</p>	<p>Relating to the sunset review process and certain governmental entities subject to that process.</p>	<p>State Affairs</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 5 Absent</p>	<p>SB 619 is the Sunset Safety Net Bill. SB 619 changes the sunset review dates for several state agencies to ensure their review cycles are closer to every 12 years. In addition, SB 619 categorizes state agencies which have similar functions to be reviewed in the same review cycle to be more efficient and relieve burdens on the commission. SB 619 also moves sunset review dates to decrease the amount of reviews done in a review cycle to improve manageability and to ensure the continued quality of the reviews. SB 619 also removes agencies for which it is no longer appropriate for them to have a sunset review.</p> <p>SB 619 changes the following agency or entity sunset dates to September 1, 2021:</p> <ul style="list-style-type: none"> Teacher Retirement System (previously 2025) Adds a sunset date for Anatomical Board of the State of Texas Texas Racing Commission (previously 2023) 	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

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SB 619 states that the sunset review of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation will not include a review of programs which were transferred to the department on or after September 1, 2016.

SB 619 adds into statute that, during the sunset review of the Department of Family and Protective Services (DFPS), the board shall evaluate the continued separation of DFPS from the Health and Human Services Commission and provide recommendations regarding the need to continue the separation.

SB 619 requires the Sunset Advisory Commission to conduct a special-purpose review of the performance of the Office of Inspector General focusing on its investigations and effectiveness. This review will be conducted alongside the review of other state agencies set to be abolished in 2023. This is not a full sunset review of the Office and the Office of the Inspector General will not be abolished simply because the partial review lacks an explicit recommendation for continuation.

SB 619 changes the following agency or entity sunset dates to September 1, 2023:


- Texas Invasive Species Coordinating Committee (previously 2021)
- Texas Juvenile Justice Board and Texas Juvenile Justice Department (previously 2021)
- Division of Workers' Compensation Texas Department of Insurance (previously 2021)
- Office of Injured Employee Counsel (previously 2021)
- Upper Guadalupe River Authority (previously 2021)

SB 619 changes the following agency or entity sunset dates to September 1, 2025:

- State Commission on Judicial Conduct (previously 2023)
- Judicial Branch Certification Commission (previously 2023)
- Texas Board of Criminal Justice and the Texas Department of Criminal Justice (previously 2023)
- Department of Information Resources (previously 2021)
- Angelina and Neches River Authority (previously 2023)
- Lower Neches Valley Authority (previously 2021)
- Public Utility Commission of Texas (previously 2023)
- Office of Public Utility Counsel (previously 2023)
- Sabine River Authority of Texas (previously 2021)
- Trinity River Authority of Texas (previously 2023)

SB 619 changes the following agency or entity sunset dates to September 1, 2027:

- Texas Education Agency (previously 2025)
 - Within the review of TEA, the Sunset Commission will select 3 regional education service centers to review which serve rural and urban areas across the state with diverse populations. The commission will review the agency's oversight of these education service centers.
- Expanded Learning Opportunities Council (previously 2023)
- Texas A&M Forest Service (previously 2023)
- Texas Civil Commitment Office (previously 2023)
- Texas Facilities Commission (previously 2021)

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			<ul style="list-style-type: none"> • Maternal Mortality and Morbidity Task Force (previously 2023) • Public Health Funding and Policy Committee (previously 2023) • Perinatal Advisory Council (previously 2025) • Department of State Health Services (previously 2023) • Department of Family and Protective Services (previously 2023) • State Use Program of Texas Workforce Commission (previously 2021) <p>SB 619 changes the following agency or entity sunset dates to September 1, 2029:</p> <ul style="list-style-type: none"> • Texas Emergency Services Retirement System (previously 2025) <p>SB 619 removes the following agencies or entities from Sunset Review:</p> <ul style="list-style-type: none"> • Regional Education Service Centers • Evaluation of State Procurement System (and related comptroller authority) • State Use Program of Texas Comptroller of Public Accounts • Intermunicipal Commuter Rail Districts <p>SB 619 changes definitions in statute to better reflect that some entities, which are not an agency, may be subject to the sunset review process. SB 619 also clarifies in code that the Sunset Advisory Commission is a legislative agency and when a public member participates on the commission, they are acting on behalf of the legislature. SB 619 limits a legislator’s term on the Commission to 2 terms and a public member’s term on the Commission to 3 terms. If an individual doesn’t serve a full term, the term is not counted towards their term limit unless they were present for all public hearings during which the state agencies were being discussed. SB 619 does not allow the Sunset Commission to discuss an agency’s cybersecurity practices during a public hearing and shall notify the agency of their findings or recommendations directly.</p> <p>SB 619 clarifies in code that the Sunset Commission will monitor legislation affecting agencies which have undergone a sunset review prior to the legislative session. When preparing drafts of legislation for the advancement of review recommendations, the Sunset Commission is required to notify the appointed members of the Commission of any amendments to the legislation which might impact the Sunset Commission’s recommendations.</p> <p>SB 619 clarifies in code that all communications (electronic or otherwise) regarding the review process are confidential between the Sunset Commission and the agency up for review.</p>	
<p>SB 7 By: Creighton Alvarado Bettencourt Buckingham Flores Hinojosa Huffman Kolkhorst Lucio Miles Nelson </p>	<p>Relating to flood planning, mitigation, and infrastructure projects; making an appropriation.</p>	<p>Natural Resources</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>To foster effective cooperation and organization among local governmental entities in flood resiliency projects statewide, SB 7 creates the Flood Infrastructure Fund (FIF) outside of the General Revenue Fund, with \$3.26 billion appropriated from the state Economic Stabilization Fund (ESF) contingent on a two-thirds majority in both chambers. The FIF would be used by the Texas Water Development Board (TWDB) only as provided by the bill which sets out certain legislative findings relating to the management of the fund.</p> <p>SB 7 authorizes money from the fund to be awarded to several eligible political subdivisions (defined as a district or authority created under certain provisions of the Texas Constitution, a municipality, or a county) for a single flood project. A ‘flood project,’ including drainage, flood mitigation, or flood control project can encompass planning, designing, approval acquisition, as well as construction of structural and non-structural components.</p> <p>The FIF would be restricted for grants and loans (at or below market interest rates) to eligible political subdivisions</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

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<p>Nichols Perry Taylor</p> <p>Sponsor: Phelan</p>			<p>for: flood projects; other costs associated with state or federal regulatory activities with respect to a flood project; or to achieve eligibility to enable a subdivision to qualify for benefits from a federal program.</p> <p>The bill requires eligible political subdivisions to apply for FIF assistance, complete with information regarding capture techniques and potential of retained water supply. SB 7 further authorizes TWDB to review and approve if the application meets the fund requirements, demonstrates sufficient cooperation with other affected subdivisions, and the applicant's tax/revenue stream is sufficient to meet obligations. The bill also provides for higher consideration of applications from counties with a median household income not greater than 85 percent of the state's median household income.</p> <p>SB 7 authorizes payments on loans made with respect to a flood project to be deferred for the earlier or either project completion or not to exceed 10 years. Further, the TWDB would act as a clearinghouse for information related to state and federal flood funding programs that exist outside the board.</p> <p>Contingent on enactment of SB 8 of the 86th Legislature, Regular Session, that requires TWDB to create a state flood plan, on the date TWDB adopts the initial state flood plan, the section of the bill specifying acceptable uses of the FIF would be stricken and the FIF would be limited to providing financing for flood projects included in the state flood plan, and it would be allowable to award several eligible political subdivisions funding for a single flood project.</p>	
<p>SB 8 By: Perry Alvarado Bettencourt Birdwell Buckingham Campbell Creighton Fallon Flores Hall Hancock Hinojosa Huffman Hughes Johnson Kolkhorst Lucio Menéndez Miles Nelson Nichols Paxton Powell Rodríguez Schwertner Seliger </p>	<p>Relating to state and regional flood planning.</p>	<p>Natural Resources</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>SB 8 will establish a watershed-based flood plan that brings all stakeholders together to plan for the future. This is incredibly important for the state of Texas given that the National Oceanic and Atmospheric Administration (NOAA) has cited over 1,100 flood events in the state since 2000, which have caused over \$800 million in damages, not including hurricane-related damages or flash flood events, with larger rainfall to be expected in the future. By creating a network of regional planning groups, the state can collaboratively address flood control planning among watersheds.</p> <p>SB 8 will require the Texas Water Development Board (TWDB) to prepare and adopt a comprehensive state flood plan that incorporates the regional flood plans no later than September 1, 2024, and before the end of each successive five-year period after that date. The state plan must: provide for orderly preparation for and response to flood conditions to protect against the loss of life and property; be a guide to state and local flood control policy; and contribute to water development when possible. The plan must also include: an evaluation of the condition and adequacy of flood control infrastructure on a regional basis; a statewide ranked list of ongoing and proposed flood control and mitigation projects and strategies necessary to protect against the loss of life and property from flooding and a discussion of how those projects and strategies might further water development, where applicable; an analysis of completed, ongoing, and proposed flood control projects included in previous state flood plans, including which projects received funding; an analysis of development in the 100-year floodplain areas as defined by the Federal Emergency Management Agency (FEMA); and legislative recommendations the TWDB considers necessary to facilitate flood control planning and project construction.</p> <p>TWDB will need to coordinate with the Texas Commission on Environmental Quality (TCEQ), the General Land Office (GLO), the Parks and Wildlife Department (TPWD), the Department of Agriculture (TDA), the State Soil and Water Conservation Board, and the Texas Division of Emergency Management (TDEM) to adopt guidance principles for the state flood plan to the reflect the public interest of the state. These guiding principles will need to be reviewed every 5 years to coincide with the five-year cycle for the adoption of a new state plan, and delivered to the governor, lieutenant governor, speaker of the house of representatives, and appropriates legislative committees and legislative</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>


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<p>Taylor Watson West Whitmire Zaffirini</p> <p>Sponsor: Larson</p>		<p>leadership.</p> <p>The board shall designate representatives from each flood planning region to serve as the initial flood planning group, who may then designate additional representatives to serve if necessary to ensure adequate representation from the interests in its region, including the public counties, municipalities, industries, agricultural interests, environmental interests, small businesses, electric generating utilities, river authorities, water districts, and water utilities. Additionally, the TWDB, TCEQ, the GLO, the TPWD, the TDA, the State Soil and Water Conservation Board, and TDEM shall each appoint a representative to serve as an ex officio member of each flood planning group. The board will be required to provide technical and financial assistance to the flood planning groups.</p> <p>For the purpose of consideration when preparing a regional flood plan, each group shall hold public meetings with to gather from interested parties' suggestions and recommendations as to issues, provisions, projects, and strategies. The regional flood plan must only use information based on scientific data and updated mapping while including a general description of the condition and functionality of flood control infrastructure in the flood planning region; flood control projects under construction or in the planning stage; information on land use changes and population growth; identification of the areas in the flood planning region that are prone to flood and flood control solutions for those areas; and an indication of whether a particular flood control solution meets an emergency need, may use federal money as a funding component and if it may also serve as a water supply. After a flood planning group prepares a plan, the group shall hold at least one public meeting for the purpose of feedback. Specific provisions of how these meetings shall be conducted are laid out in SB 8's provisions. Post-meeting, the TWDB will need to decide whether the plan satisfies certain requirements. If it does not, the TWDB must coordinate with areas that will be negatively impacted and adjust the plan as necessary until it satisfies the requirements and will no longer negatively impact the area.</p> <p>SB 8 will create the State Flood Plan Implementation Advisory Committee, for the purpose of oversight, and provides for its six-member composition and operation. This committee will be required to review the overall operation, function, and structure of the state flood plan and rules adopted by the TWDB at least semiannually. The committee will be able to provide feedback to the TWDB on any matter and to make recommendations as to what information should be posted on the TWDB website. The provisions related to the committee expire on September 1, 2021, and the advisory committee dissolved.</p> <p>SB 8 will require the State Soil and Water Conservation Board to prepare and adopt a plan describing the repair and maintenance needs of earthen dams which have become high hazard dams and to prepare and adopt a new plan before the end of the 10th year following the adoption of a plan. The regional planning groups will incorporate these projects as critical flood control planning in the State Flood Plan as overseen by the TWDB.</p> <p>The Legislative Budget Board estimated that the five-year net impact on general revenue-related funds for SB 8 to have a negative impact of (\$173,553,101) through the end of August 31, 2024.</p>	
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LSG Floor Report For GENERAL STATE Calendar – Thursday, May 16, 2019

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<p>SB 16 By: Hancock</p> <p>Sponsor: Stucky</p>	<p>Relating to a student loan repayment assistance program for certain full-time peace officers in this state.</p>	<p>Higher Education</p> <p>Vote: 7 Ayes 1 Nays 0 PNV 3 Absent</p>	<p>This bill would create a loan repayment assistance program for Peace Officers that qualify. The program is for individuals who obtain a minimum of 60 credit hours at either a Community College or 4-year institution and go on to become a Peace Officer and serve at least one year or maintain full-time employment that could apply to the Coordinating Board for student loan assistance.</p> <p>SB 16 creates the Peace Officer Loan Repayment Assistance Program of an amount equal to the lesser of either \$4,000 or 20% of the total amount of assistance needed the applicant stated in the application to address the shortage of Peace Officers in the state. SB 16 prohibits the participation of current peace officers for this program and only pertains to future peace officers who want to participate after the effective date of September 1st, 2019.</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org</p>
<p>SB 1259 By: Huffman</p> <p>Sponsor: Klick Howard Thompson, Senfronia Button Noble</p>	<p>Relating to the prosecution of the offense of sexual assault.</p>	<p>Criminal Jurisprudence</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>SB 1259 states that if a health care services provider who, during an assisted reproductive procedure, uses human reproductive material which the donor did not expressly consent to use for the procedure it can be considered as an offense of sexual assault. For example, there have been instances of physicians using their own sperm to impregnate a patient during a reproductive procedure without the consent or knowledge of the patient. Under SB 1259 this would be considered sexual assault. This offense is a state jail felony. The statute of limitations for this particular sexual assault offense is 2 years from the date the offense is discovered or 3 years after the offense is committed. SB 1259 refers to the following definitions in statute:</p> <ul style="list-style-type: none"> • <i>human reproductive material</i> refers to a human spermatozoon or ovum or a human organism at any stage of development (from ovum to embryo). • <i>assisted reproduction</i> refers to intrauterine insemination, donation of eggs or embryos, in vitro fertilization, transfer of embryos, or intracytoplasmic sperm injection <p><i>donor</i> refers to an individual who provides eggs or sperm to a licensed physician to be used for assisted reproduction</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>SB 282 By: Buckingham</p> <p>Sponsor: Buckley Beckley Shine Bowers</p>	<p>Relating to the allocation of money associated with delays of transportation projects.</p>	<p>Transportation</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 4 Absent</p>	<p>When projects are delayed, TxDOT holds contractors accountable using financial penalties; however, communities do not always benefit from funds recovered by TxDOT. SB 282 requires TxDOT to establish a system for tracking liquidated damages and how they correlate with specific projects and districts where the projects were located in.</p> <p>Each year, TxDOT will determine how much money was retained in the previous year from liquidated damage and road user costs from projects in the district and allocate that money to transportation projects in that district or districts where the transportation project was located. SB 282 allows for locally collected money to provide for local needs, preventing the redistribution of revenue from financial penalties to projects in other parts of Texas.</p>	<p>Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>
<p>SB 2135 By: Powell</p> <p>Sponsor: Cortez</p>	<p>Relating to information a law enforcement agency is required to share with a school district about a person who may be a student.</p>	<p>Public Education</p> <p>Vote: 11 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>There is a lack of communication between law enforcement and school district superintendents, or the chief executive officers (CEOs) of school districts, regarding students who may have conducted a felony offense and is enrolled in a school district as the current 15.27 notice they receive does not include information for the level of detail they need to conduct a threat assessment to keep others safe. A 15.27 notice provides basic information about the student and what they were charged with, but not to the level of detail they would need to conduct a threat assessment or create appropriate safety plans for our campuses, staff, and/or student.</p> <p>SB 2135 creates a notice that includes details of an arrest or referral about students involved with felony offenses. SB 2135 allows for superintendents of school districts, CEOs of open enrollment charter schools, and CEOs of private schools to assess whether the student must be taken out of class and placed into a disciplinary alternative education program. SB 2135 allows the superintendent of a school district to conduct a safety plan or a threat assessment related to the student who may have been involved with involved with felony offenses.</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org</p>

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<p>SB 1415 By: Hancock</p> <p>Sponsor: Geren</p>	<p>Relating to the ownership, control, or operation of a franchised or nonfranchised dealer or dealership by certain motor vehicle manufacturers and distributors.</p>	<p>Licensing & Administrative Procedures</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 3 Absent</p>	<p>Current law states that a vehicle manufacturer cannot own an interest in a vehicle dealership. However, these laws are outdated, and dealerships have evolved significantly. For example, an unintended consequence of this law states that a manufacturer of Chevrolet vehicles cannot own a dealership that sells Harley Davidson's. This does not allow for the market to be flexible, and the laws need to be updated to maintain competition within the market. The current law prevents monopolies and promotes competition in vehicle servicing but has unintended consequences.</p> <p>SB 1415 amends the occupations code to apply that a manufacturer cannot own an interest in a vehicle dealership or performs duties as that of a dealership that sells the same type of vehicle as the manufacturer. SB 1415 sets out provisions to properly define a dealership, the types of vehicles in the state, and a manufacturer.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>SB 1575 By: Alvarado</p> <p>Sponsor: Krause</p>	<p>Relating to governmental immunity for and adjudication of claims arising from a local governmental entity's disaster recovery contract.</p>	<p>Judiciary & Civil Jurisprudence</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>During a natural disaster, federal and state funds are distributed in order to aid citizens in recovery from the disaster. The funds come from the federal and state governments to local municipalities and pass through these municipalities to go to the homeowners. State and federal agencies have immunity from claims relating to the administration of these grants, but the local governments do not. There are concerns that local municipalities are being held liable for the administration of these funds when the funds are just passing through the municipalities. The municipalities do not have any control over the administration of the grants and simply pass along the funds from the federal and state governments to the citizens.</p> <p>SB 1575 grants immunity from a suit for a municipality entering into a contract for disaster relief. SB 1575 allows the contracts to be considered a form of governmental function and therefore allows it to be immune from liability. SB 1575 also amends the Local Government Code to exempt municipalities when they enter into a contract that serves to expend state or federal funds for goods and services that benefit private citizens or their property. SB 1575 allows for municipalities to be safe from lawsuits that should not be applied to them for the distribution of funds when they do not have any control over that distribution and the funds simply pass through the municipality.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>SB 700 By: Nichols Watson</p> <p>Sponsor: Geren</p>	<p>Relating to retail public utilities that provide water or sewer service.</p>	<p>Natural Resources</p> <p>Vote: 11 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>SB 700 sets out provisions that would improve upon the approval process rate of retail public utilities, under the Public Utility Commission (PUC), that provide water or sewer service. SB 700 will update the three classes the water and sewer utilities are currently divided into, dependent on the number of taps and connections a utility has, and to provide for an additional class for a utility that has fewer than 500 taps or connections. Adding an additional class will create ease in the rate change application while keeping the rate case expense down for these utilities that have fewer customers to absorb the costs.</p> <p>SB 700 will allow the Texas Commission on Environmental Quality (TCEQ) to issue emergency orders with or without a hearing to do the following: compel a retail public utility that has obtained a certificate of public convenience and necessity to provide water or sewer service, or both, that complies with all statutory and regulatory requirements of TCEQ if necessary to ensure safe drinking water or environmental protection; and compel a retail public utility to provide an emergency interconnection with a neighboring retail public utility for the provision of temporary water or sewer service, or both, for not more than 90 days if necessary to ensure safe drinking water or environmental protection. During times when an emergency order is issued the PUC may, on an expedited basis, establish reasonable compensation for the temporary service required for an emergency interconnection and may allow the retail public utility receiving the service to make a temporary adjustment to its rate structure to ensure proper payment.</p> <p>SB 700 will require the PUC at the time it approves the acquisition of a nonfunctioning retail water or sewer utility service provider to determine the duration of the temporary rates for the retail public utility, which must be for a reasonable period, and rule on the reasonableness of the temporary rates if the PUC did not make a ruling before the</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

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			<p>application was filed. Allowing for such rate to remain in effect for a reasonable period of time will allow for the new owners to continue making repairs and investments in the non-functioning utility.</p> <p>SB 700 clarifies that to ensure that retail customers receive a higher quality, more affordable, or more reliable water or sewer service the regulatory authority may adopt specific alternative ratemaking methodologies for water and sewer rates if it allows for more timely and efficient cost recovery. In addition, appropriate alternative ratemaking methodologies are the introduction of new customer classes, the cash need method, and phased and multi-step rate changes. System improvement charges may also be adopted and may be periodically adjusted to ensure timely recovery of infrastructure investment. The PUC will be required to establish a schedule that requires all utilities that have implemented a system improvement charged approved by them to make periodic filings with the PUC to modify or review base rates charged by the utility.</p> <p>SB 700 updates the gallonage comparison in public notice of new water rates to more closely align with what is considered normal residential use to ensure that customers have an accurate comparison on their bill. SB 700 changes from the TCEW to the PUC the entity that a Class A utility may apply for an amendment of certificate of convenience and necessity (CCN) held by a municipal utility district (MUD) to allow the utility to have the same rights and powers under the certificate as the MUD.</p>	
<p>SB 494 By: Huffman Sponsor: Walle</p>	<p>Relating to certain procedures applicable to meetings under the open meetings law and the disclosure of public information under the public information law in the event of an emergency, urgent public necessity, or catastrophic event.</p>	<p>State Affairs</p> <p>Vote: 11 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>After Hurricane Harvey, the Senate State Affairs committee was asked to study the interactions between intergovernmental agencies. The interim report that came out of this study noted that local governments struggled to comply with the Public Information Act (PIA) and the Texas Open Meetings Act (TOMA). SB 494 allows for local governmental bodies to suspend certain provisions of PIA and TOMA during times of emergency or disaster. The bill specifies that catastrophic situations which constitute such an emergency include times of fire, flood, earthquake, hurricane, tornado, power failure, epidemic, and civil disturbance, among others.</p> <p>TOMA requires governmental decision-making to be publicly accessible and was intended to improve governmental transparency by making certain meetings of governmental bodies open to the public. Notices of the meeting are required to be posted at least 72 hours before the scheduled time of the meeting. In a time of emergency, however, current law allows for the notice to be provided only two hours ahead of time. There were concerns that even this special provision did not allow sufficient allowance for practical communication and decision-making within local governmental bodies at the time of Hurricane Harvey. Because of this, SB 494 lowers the time requirement and allows for just a one-hour notice before meetings of a governmental body if the governmental body elects to enact such a suspension period during which certain provisions TOMA are waived due to the emergency. Any emergency meeting that is called under this provision must only encompass decisions and discussion of matters directly related to the emergency at hand as specified in the meeting notice and agenda.</p> <p>Current law states that a governmental body is required to grant access to certain information on governmental action if an appropriate request is made by a citizen. PIA laws require that a request for information must be fulfilled "promptly" or within a reasonable time and without delay. However, the governmental body only has 10 days to request a decision from the OAG regarding a desire to withhold information. If the governmental body misses this window of time, they waive their right to request any such decision.</p> <p>Under SB 494, a governmental body can suspend certain provisions of PIA if appropriate notice is given to the Office of the Attorney General within a day after the suspension has gone into effect. The notice must also be granted to the public at the beginning of and for the entirety of the suspension period during which certain provisions PIA are</p>	<p>Favorable, with Concerns Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

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			<p>waived due to the emergency. The PIA suspension period may not last for more than seven consecutive days. If the governmental body determines it to be necessary, it may take one extension of seven days for a total of 14 consecutive days of suspension of PIA laws. For a PIA request made during the suspension period, the day after the suspension period will be considered for administrative purposes as the day that the PIA request was received. That is, the 10-day window for requests to the OAG for exceptions will only begin on the first day after the suspension period has ended.</p> <p>The OAG must update their website with each notice received from the governmental body regarding the PIA suspension period and must keep all such notices on their website for one year. The OAG is also required to create a form for the notices whose content must include descriptions of the catastrophe as well as the start and end dates of the initial or extended suspension period. The OAG may also request the addition of any other information deemed to be necessary to the notice.</p> <p>There are concerns that the provisions of this bill are too vague and do not allow for appropriate oversight of a governmental body's choice to suspend TOMA and PIA rules. SB 494 only requires the governmental body to notify the OAG of a decision to institute the suspension period and does not require permission for such a waiver of the Acts. This combined with some vagueness in the bill's definition of a "catastrophe" that necessitates a suspension period may allow for misuse of the considerations of SB 494.</p> <p>SB 494 was intended to allow local governments flexibility to act quickly during times of emergency or disaster, but does not include a bad faith clause or other solution to prevent a local government from utilizing a TOMA/PIA suspension period with questionable intentions. However, the Office of the Attorney General retains the right to rescind a government's suspension of TOMA/PIA if the provisions are misused. Additionally, the only course of action for any violation of PIA provisions, including the ones in this bill, is the informal complaint process. Because the original Act doesn't have many enforcement elements built in, there are few avenues of recourse against governments who misuse the PIA suspension allowances of SB 494.</p>	
<p>SB 1584 By: Hughes Sponsor: Paul</p>	<p>Relating to satisfaction of continuing education requirements for certain insurance adjusters.</p>	<p>Insurance</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>SB 1584 would allow continuing education credits received by insurance claim adjusters for claims certification. The continuing education would have to be equivalent or more in time required by Texas Department of Insurance (TDI), issued by a state or national claims association, content of the training would have to be available for review by TDI electronically, and the association would have to be approved by TDI.</p> <p>SB 1584 would allow for flexibility for claims adjusters to maintain certification and best practices in the field. This would allow for more efficient practice in cases involving tropical storms and hurricanes, where up to date training and competency in the field is crucial when engaging a high-risk population involving natural disasters.</p>	<p>Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org</p>
<p>SB 935 By: Hancock Sponsor: Shine Martinez Fischer Darby Cortez</p>	<p>Relating to reimbursement of federal military treatment facilities under the workers' compensation system.</p>	<p>Business & Industry</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>SB 935 states that any federal military treatment facility must provide reimbursement for the medical services for injured employee at the same rate that they charge for treating the same injury. The bill also exempts such facilities from certain sections of Texas statute which will allow for such reimbursements to be exempt from certain provisions of the Texas law that regulates worker's compensation.</p> <p>SB 935 requires for the Commissioner of Texas Workforce Commission to establish any rules necessary for implementing these provisions including requirements for processing medical bills for an injured employee as well as requirements for a separate medical dispute resolution process specifically for this particular situation.</p>	<p>Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org</p>

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<p>SB 891 By: Huffman</p> <p>Sponsor: Leach Holland</p>	<p>Relating to the operation and administration of and practice in and grants provided by courts in the judicial branch of state government; imposing a fee; creating a criminal offense.</p>	<p>Judiciary & Civil Jurisprudence</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>The judicial system in Texas needs to be periodically modified to maintain its efficacy and uniformity across the state. There have been concerns that more courts need to be created and certain procedures need to be updated in order to maintain the judicial branch of government working properly and avoid backlogs, as well as adapt to the population growth in the state.</p> <p>SB 891 addresses these concerns and consequently creates the following district courts:</p> <ul style="list-style-type: none"> • the 455th Judicial District, composed of Travis County • the 456th Judicial District, composed of Guadalupe County • the 457th Judicial District, composed of Montgomery County • the 466th Judicial District, composed of Comal County • the 467th Judicial District, composed of Denton County • the 468th Judicial District, composed of Collin County and • the 471st Judicial District, composed of Collin County <p>SB 891 also creates the following county courts:</p> <ul style="list-style-type: none"> • the County Court at Law of Chambers County • the County Court at Law No. 3 of Comal County • the County Court at Law No. 3 of Ellis County • the County Court at Law of Gillespie County • the County Court at Law No. 9 of Hidalgo County • the County Court at Law No. 10 of Hidalgo County • the County Court at Law No. 2 of Liberty County; and • the County Court at Law No. 2 of Rockwall County <p>SB 891 also sets out provisions for judicial administration that include but are not limited to:</p> <ul style="list-style-type: none"> • transferring the requirement to publish a court cost to the Office of Court Administration • allow for the citation by publication in a free online database • allow clerks to post official notices by electronic display • Change funding provision for travel expenses to the Judiciary section of the Comptroller • Provide funding for a study to be used to determine new courts that are needed <p>Additionally, SB 891 provides certain local requests made by counties to change certain jurisdictions and allow certain counties to have additional district attorneys. SB 891 makes local administration and procedural changes to certain county courts.</p> <p>SB 891 ensures that the judicial system in Texas will provide uniformity through civil processes and procedures.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>SB 1742 By: Menéndez</p> <p>Sponsor: Johnson, Julie</p>	<p>Relating to physician and health care provider directories for certain health benefit plans.</p>	<p>Insurance</p> <p>Vote: 5 Ayes 0 Nays 0 PNV 4 Absent</p>	<p>SB 1742 adds language to the Insurance Code to require insurance providers to clarify and edit online directories for physician/specialist availability. Online directories now would have to list service providers in a manner that would clearly distinguish if they are “in network” or status to the insurance company, what plan the physician/specialist would be covered under, and what services are possible to be provided by that physician/specialist. Additionally, this information would be electronically searchable by specialty.</p> <p>SB 1742 would enable more consumer transparency for consumers to make informed decisions as well as avoid surprise billing when choosing a provider of healthcare services.</p>	<p>Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org</p>

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<p>SB 962 By: Nichols</p> <p>Sponsor: Zerwas</p>	<p>Relating to the determination of the sufficient balance of the economic stabilization fund for the purpose of allocating general revenue to that fund and the state highway fund.</p>	<p>Appropriations</p> <p>Vote: 15 Ayes 0 Nays 0 PNV 12 Absent</p>	<p>SB 962 extends the Proposition 1 sunset date by 10 years. Proposition 1 was approved by 80% of Texas voters in 2014 to provide funds for constructing, maintaining, and acquiring rights-of-way for public roadways other than toll roads. The 83rd Legislature created a sufficient balance committee to determine a minimum balance of the Economic Stabilization Fund (ESF) before transfers to the State Highway Fund (SHF) may occur.</p> <p>SB 962 extends the following provisions of the Government Code:</p> <ul style="list-style-type: none"> • Relating to the determination of the ESF sufficient balance to December 31, 2034. • Relating to the adjustment of allocations of oil and gas production tax revenues to the ESF and SHF through September 1, 2035. • Relating to the Comptroller determining whether the balance of the ESF is less than the sufficient balance are extended until December 31, 2034. • Relating to Comptroller actions if the sum of the fund are less than the sufficient balance are extended until December 31, 2034. • Relating to Comptroller actions if a sufficient balance has not been adopted are extended until December 31, 2034. <p>If not extended Proposition 1 would expire in 2024. Extending these provisions will allow the sufficient balance of the ESF and allocation of money to the ESF and SHF to continue operating as they are. As Texas continues to grow so do the state's transportation needs. SB 962 will allow the state to continue responding to the needs of our growing highway system by providing funding security.</p>	<p>Favorable Evaluated by: Brittany Sharp (210) 748-0646 Brittany@TexasLSG.org</p>
<p>SB 31 By: Zaffirini Birdwell Creighton Huffman Hughes Lucio Nelson Perry</p> <p>Sponsor: Smithee Guillen</p>	<p>Relating to establishing a guardianship abuse, fraud, and exploitation deterrence program.</p>	<p>Judiciary & Civil Jurisprudence</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>As the elderly population in Texas grows, so does the concern for exploitation and abuse of the elderly who need guardians in order to function on a daily basis. Recent studies funded by the 84th legislation have found that courts have the proper funds to monitor these guardianships and safeguard the elderly population from abuse.</p> <p>SB 31 amends the Government Code and requires the Office of Court Administration (OCA) to create a guardianship abuse, fraud, and exploitation deterrence program. The program must offer support to the courts that have jurisdiction over these guardianship cases by engaging compliance specialists who review and report guardian deficiencies as well as maintain an electronic database to monitor inventories and claims required to be filed by the guardian of an estate. The database must also include annual reports filed to the court by the guardians, and any other reports requested by the courts. SB 31 allows a court to apply to OCA for participation in the program if the court finds the need within their jurisdictions. SB 31 also allows the administrative director of the OCA to notify the State Commission on Judicial Conduct if the OCA has reason to believe that a judge has failed to act on fraud or abuse of an elderly.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>SB 201 By: Huffman</p> <p>Sponsor: Oliverson</p>	<p>Relating to increasing the criminal penalties for certain offenses committed in a disaster area or an evacuated area.</p>	<p>Criminal Jurisprudence</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>SB 201 allows for an enhanced penalty for the following offenses if they are committed in an area which is a disaster area or subject to an emergency evacuation order:</p> <ul style="list-style-type: none"> • arson • burglary of a vehicle • criminal trespassing <p>Currently, assault, robbery, burglary, and theft are all offenses which may be enhanced under the same circumstances. SB 201 states that if the offense of burglary of a vehicle, criminal trespassing, or theft is punishable as a Class A misdemeanor, the confinement may be increased to a minimum of 180 days. If arson or theft is punishable as a first-degree felony, it may not be enhanced under this statute.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

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			<p>SB 201 repeals a section of the code which allows for “elements of necessity” to be a defense when a theft occurs in a disaster or evacuated area. This provision is unnecessary as there is already a necessity defense within Penal Code which would grant the individual innocence and they would never be prosecuted for the offense in the first place.</p> <p>The changes in SB 201 relate to the increased vulnerability of residents already impacted by a disaster.</p>	
<p>SB 1153 By: Hancock Sponsor: Smithee</p>	<p>Relating to the Texas Life and Health Insurance Guaranty Association.</p>	<p>Insurance</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>SB 1153 would amend the Insurance Code to create a precautionary measure for consumers if or when insurance companies becomes insolvent and unable to provide compensation to the enrollees with unpaid claims. This is called the Life and Health Insurance Guaranty Association Act (LHIGA). LHIGA currently does not include the financial compensation of health maintenance organizations (HMOs) and does not equitable take into account long-term care coverage compensation. Additionally, provisions are included for the acceptable use for teleconferencing and updating of meeting criteria to meet and address consumer needs as needed, meetings will be available on the association’s website for public viewing. Compensation from an insolvent company is not covered in the case that the recipient receives it from a structured settlement, a structured settlement with the transfer of beneficiary, or relating to Medicaid or the children’s health insurance program (CHIP). SB 1153 would create inclusion of HMOs and enrollees with long-term care options to provide compensation for consumers who participate in these plans. This creates more consumer protections for the event of a health insurance company becoming insolvent.</p>	<p>Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org</p>
<p>SB 1232 By: Creighton Sponsor: Goldman</p>	<p>Relating to the delivery of alcoholic beverages by the holder of a wine and beer retailer's permit.</p>	<p>Licensing & Administrative Procedures</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 4 Absent</p>	<p>Currently, licensed retailers can deliver beer and malt beverages that less than 5% alcohol to a customer’s home. However, they cannot deliver any alcoholic beverage above 5%. This means they can deliver beer, but cannot deliver certain wines.</p> <p>SB 1232 amends the Alcoholic Beverage Code in order to allow the licensed retailers to apply for a local cartage permit. Under this permit, a retailer is allowed to deliver alcoholic beverages to residences that have more than 5% alcohol. SB 1232 does not allow for breweries to make these deliveries for off-premise consumption. SB 1232 allows for the expansion of delivery services for retailers who apply for this license.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>SB 68 By: Nelson Sponsor: Schaefer</p>	<p>Relating to strategic fiscal reviews of state agencies and programs.</p>	<p>Appropriations</p> <p>Vote: 15 Ayes 0 Nays 0 PNV 12 Absent</p>	<p>SB 68 would establish a process by which the Legislative Budget Board (LBB) would conduct strategic fiscal reviews of agencies under sunset review. SB 68 requires the LBB to submit a report of the review by September 1 of every even-numbered year to the Governor, Lieutenant Governor, Speaker of the House, and members of the Senate Finance and House Appropriations committees. This report will have recommendations regarding the funding of agencies and programs to be considered by the legislature during the legislative appropriations process.</p> <p>Additionally, SB 68 would exempt all information prepared while conducting the review or preparing the report from public disclosure law as audit working papers until the LBB has completed the review. SB 68 will allow the legislature to better understand how funds are being used and whether they are being used effectively and efficiently. This allow legislatures to make more informed decisions when it comes to funding state agencies and programs. Currently, this bill would encompass river authorities, this is unnecessary as river authorities do not receive state appropriations and are already reviewed by the LBB.</p> <p>Rep. Larson is expected to offer an amendment on the floor that would narrow the strategic fiscal reviews to entities that receive state appropriations. This amendment will avoid unnecessary and duplicative reviews of entities that do not receive appropriations.</p>	<p>Favorable Evaluated by: Brittany Sharp (210) 748-0646 Brittany@TexasLSG.org</p>

<p>SB 936 By: Hancock</p> <p>Sponsor: Hernandez</p>	<p>Relating to a cybersecurity monitor for certain electric utilities.</p>	<p>State Affairs</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 4 Absent</p>	<p>SB 936 will create the Cyber Security Monitor position to coordinate ongoing efforts across all utilities in Electric Reliability Council of Texas (ERCOT). A framework will be established to guide the collaboration between the Public Utility Commission (PUC), Texas electric utilities, and ERCOT to secure critical electric infrastructure from cyber threats and attacks.</p> <p>The PUC will be required to choose, and ERCOT will contract with, an independent expert to fill the position to manage a comprehensive cybersecurity outreach program for monitored utilities, to meet regularly with monitored utilities to discuss emerging threats, best business practices, and training opportunities, to review self-assessments voluntarily disclosed by monitored utilities of cybersecurity efforts, to research and develop best business practices regarding cybersecurity, and to report to the PUC on monitored utility cybersecurity preparedness.</p> <p>An electric utility, municipally owned utility or electric cooperative that operates solely outside of ERCOT will be able to opt-in to participate in the cybersecurity program or to opt-out. The PUC will be responsible for adopting rules establishing procedures for a non-ERCOT utility to provide notice of the fact for opting-in or out, and to establish a mechanism to require those that do participate will need to contribute to the costs incurred by the independent organization in relation to the program.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>SB 1324 By: Taylor</p> <p>Sponsor: Turner, Chris</p>	<p>Relating to the filing of a degree plan by students at public institutions of higher education.</p>	<p>Higher Education</p> <p>Vote: 11 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>Students in high school can attain college credit by enrolling in dual credit courses through a public junior or community college. However, these students would be better equipped to use their earned school credit hours (SCH) when they pursue a postsecondary education if they filed a degree plan.</p> <p>SB 1324 will require students taking dual credit courses from a community college to file a degree plan with the community college after completing 15 SCH of dual credit. Additionally, SB 1324 will require institutions of higher education to conduct formal advising that emphasizes the students transition to a four-year university degree program or field of study when a student has earned 15 SCH.</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org</p>
<p>SB 443 By: Hancock</p> <p>Sponsor: Murphy</p>	<p>Relating to the period for which a property owner may receive a residence homestead exemption from ad valorem taxation for property that is rendered uninhabitable or unusable as a result of a disaster.</p>	<p>Ways & Means</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>Currently, the residential homestead property tax exemption period is two years for a residence rendered uninhabitable or unusable by a disaster, including wind or water damage, and if located within a qualified declared disaster zone. The code as it stands also specifies that the repairs or construction must begin within one year of vacancy of the affected property and that the owner must intend to return and occupy as the owner's primary residence.</p> <p>SB 443 would extend the exemption period to 5 years for these properties under repair and would permit mandated repairs to be initiated within 5 years to maintain exemption eligibility. This would address concerns recognized in the wake of Harvey, where residents (many over the age of 65) were, and still are, at risk of losing this exemption because of the high demand for construction and repair services. This, coupled with labor shortages, have prevented many residents from being able to initiate timely repairs.</p> <p>This extension could reduce property values and local tax revenue causing additional pressure on the state's share of the school funding formula. While the fiscal impact is impossible to estimate given the unpredictable nature of future disasters and the extent of properties affected, the impact is not expected to be significant.</p> <p>SB 443 would become effective September 2019 or upon a two-thirds majority in both Legislative chambers.</p>	<p>Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org</p>

<p>SB 1450 By: Hancock</p> <p>Sponsor: Paddie</p>	<p>Relating to the delivery of alcoholic beverages from certain premises to ultimate consumers; authorizing a fee; creating an offense.</p>	<p>Licensing & Administrative Procedures</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 4 Absent</p>	<p>There are currently no specific permits or certification processes that certify the delivery of alcohol by a third party although this is allowed by the Texas Alcoholic Beverage Commission (TABC). The TABC allows for third parties to be hired for the delivery of alcoholic beverages to consumer’s homes but without proper licensing and certification, this cannot be done.</p> <p>SB 1450 creates a consumer delivery permit. SB 1450 allows for a holder of mixed beverage permits to deliver or have delivered by a third party an alcoholic beverage if the holder of the mixed beverage holds a food and beverage certificate and the delivery of the alcohol is made as a part of the delivery of food prepared by the holder of the mixed beverage permit. SB 1450 requires for the alcohol to be beer, ale, wine or any alcoholic beverage that is delivered sealed in a container that is not larger than 375 mL.</p> <p>With the consumer delivery permit, the retailer can contract with a third party to deliver the alcohol to the approved areas by statute. The areas cannot be in a dry county. SB 1450 also creates an annual fee for the permit in order to provide funding for trainings and to implement a program that verifies that the delivery drivers have completed the training program.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>SB 1679 By: West</p> <p>Sponsor: González, Mary</p>	<p>Relating to eligibility of certain children for free prekindergarten programs in public schools.</p>	<p>Public Education</p> <p>Vote: 13 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>Research has shown the importance of having access to attend a full-day high-quality pre-K program is for a child. When children attend pre-K their school readiness significantly increases as well as their 3rd grade literacy outcomes. Currently, families who are deemed eligible to enroll their 3 year old in pre-K must re-establish their eligibility to attend 4 year old pre-K the following session. Often families who are required to prove they are eligible endure loops such as completing time intensive paperwork and compile a lengthy list of documents. Requiring families to prove eligibility in consecutive years is an unnecessary obstacle to pre-K enrollment.</p> <p>SB 1679 establishes that a child who is eligible for enrollment at the age of 3 in a free pre-K class will remain eligible for enrollment in pre-K the following school year. SB 1679 breaks barriers down for families who have children that meet the requirements for free pre-K.</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org</p>
<p>SB 1211 By: Hancock</p> <p>Sponsor: King, Phil Patterson Harless Parker Hernandez</p>	<p>Relating to regulation of mergers and consolidations of power generation companies.</p>	<p>State Affairs</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 4 Absent</p>	<p>The Public Utility Commission (PUC) currently reviews mergers and acquisitions of power generation companies within the Electric Reliability Council of Texas (ERCOT) due to the utilities code preventing a power generation company from owning more than 20% of the total installed generation capacity. The purpose of this is to prevent any sort of manipulation of prices through a conglomeration. The utilities code triggers the PUC to review all mergers and acquisitions to ensure that they do not exceed the 20% and requires “incremental” reviews targeting transactions that involve more than 1% of the “total electricity for sale” in the state. As the number of mergers and acquisitions have increased over the years several issues have come to light that has contributed to the growing backlog and increased use of agency resources. To address this, SB 1211 will change the review trigger from 1% to 10% as some of these transactions are made up passive investors, which have no ability to control the delivery of electricity, and of filings from companies being overly cautious even though the 20% limitation is not implicated. SB 1211 also stipulates that if the PUC does not issue an order before the 121st day after the date the commission receives a request for approval then the request is considered approved by the commission.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>