



Chair, Rep. Garnet Coleman

Treasurer, Rep. Elliott Naishtat

LSG Floor Report for Postponed Business – Thursday, March 26, 2015

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 900 By Rep. Isaac, et al.	Relating to a clarification of the law governing eligibility of certain events for funding under the Major Events trust fund.	Economic & Small Business Development	HB 900 adds ESPN or ESPN affiliates, NASCAR, and Ultimate Fighting Championship (UFC) as site selection organizations. This allows the organizations to become eligible to receive funding from the Major Events Trust Fund. The fund can be used to pay for the improvement or construction of facilities, acquiring necessary equipment, and various other costs relating to the preparations for hosting eligible events. Major events such as the Super Bowl and NCAA Final Four tournament games have contributed to increased tourism and positive economic impact for local communities and Texas.	Favorable Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org

LSG Floor Report for Major State Calendar – Thursday, March 26, 2015

HB 550 By Rep. Price, et al.	Relating to the provision of health and human services in this state, including the powers and duties of the Health and Human Services Commission and other state agencies, and the licensing of certain health professionals; clarifying certain statutory provisions; authorizing the imposition of fees.	Human Services	<p>HB 550 creates necessary substantive changes to clarify statutes governing health and human service agencies. The substantive changes are provisions that come as a result of the consolidation of health and human service agencies by HB 2292 in 2003, that combined 12 agencies into four departments, making up the Health and Human Services Enterprise. In this consolidation, many items were not changed to reflect the new department transformation, which created fundamental flaws in the statutes. This bill clarifies these flaws through 12 major provisions.</p> <p>The <u>12 major provisions</u> are as follows:</p> <ol style="list-style-type: none"> 1. Proper designation of authority. The bill specifies the authority and responsibility of each department, clearly designating the responsibilities based on current law and practice. 2. No new rulemaking authority. In many occasions language is changed to reflect rulemaking, such as changing board to Executive Commissioner; clarifying the relationship of rulemaking between the Executive Commissioner and the agencies; and specifying when rule adoption is enacted by the Administrative Procedures Act and when rule adoption can be enacted by the Executive Commissioner. 3. Separation of MHMR. The consolidation in 2003 transferred mental health and intellectual disability services from MHMR to DSHS and DADS, but statute was not updated to reflect this transfer. Whereas, chapters regarding the authority DSHS on mental health services remain, new chapters are created to clarify the authority of DADS on intellectual disability services. 4. New language. Functions of the Texas Commission on Alcohol and Drug Abuse and the Department of Aging are recodified in their respective codes. 5. Removal of advisory committees. All advisory committees that were abolished by the Executive Commissioner or by Government Code will finally be removed from statute. 6. Removal of dedicated funds. Dedicated funds that existed before 1995 that were abolished by previous legislation and those funds 	Favorable Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org
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OK for Distribution – Rep Garnet Coleman

		<p>that were not preserved through the biennial funds consolidation process are removed from statute.</p> <p>7. Removal of dedicated account interest. Interest on dedicated accounts is directed to general revenue.</p> <p>8. Removal of fee caps and setting license renewal periods. Statute is updated to reflect removed fee caps and clarify license periods at two years according to the Health and Safety Code.</p> <p>9. State Office of Administrative Hearings (SOAH) hearings. It is specified that SOAH conducts hearings for DSHS and HHSC can refer matters to SOAH.</p> <p>10. Unconstitutional administrative penalty provisions. Language removes a previous unconstitutional requirement, requiring a person to pay the full administrative penalty before being allowed judicial review. Language now complies with the constitutional requirement of access to judicial review.</p> <p>11. Updates person first respectful language. Language is updated to person first respectful language (ex: “person with epilepsy”).</p> <p>12. Code cleanup. Obsolete language is updated to correct agency names and statutory citations. Mental health and intellectual disability chapters are updated to remove duplicated language and outdated terminology.</p> <p>During the committee hearing an amendment was adopted that included four clarifications, two of which fell under the 12 major provisions (proper designation of authority and separation of MHMR). Below are the two that fell outside of the existing provisions:</p> <p>1. Human Resources Code Outline. There will be an outline in the Human Resources Code that will detail the circumstances of which the state ombudsman or the ombudsman designee has access to residents of long-term care facilities.</p> <p>2. Technical Correction. A technical correction is made to the citation of a provision repealed in the Health and Safety Code.</p> <p>The 2003 consolidation of the HHS agencies required provisions to reflect the new organizational structure, however no changes have been recommended until now. The provisions made in HB 550 are essential to provide an accurate, updated and transparent clarification that will now truly reflect the entire transformation. Therefore, these substantive statutory changes are necessary in creating a clearer and consistent understanding of access to health services for Texans.</p>	
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