



Chair, Rep. Garnet Coleman

Treasurer, Rep. Elliott Naishtat

LSG Floor Report for Major State Calendar – Monday, April 13, 2015

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 9 By Rep. Flynn, et al.	Relating to member contributions to the Employees Retirement System of Texas.	Pensions	<p>HB 9 creates actuarial soundness by changing contribution rates for members in the ERS of Texas. Member contributions, except for members of the legislature, increase to ERS from 7.5% to 9.5% for service rendered after August 31, 2015 and before September 1, 2017. Currently, the ERS can never reach actuarial soundness without changes and would be bankrupt by the year 2063. This creates a significant unfunded liability in the state of Texas because amortization rate is current infinite, meaning it can never be fully funded. Meanwhile, the Pension Review Board (PRB) requires that all state and local public retirement funds be actuarially sound with an amortization rate of 40 years or fewer, with 15-25 years being preferable.</p> <p>For service after September 1, 2017, the contribution rate is increased to the less of 9.5% or a percentage of the member’s annual contribution equal to the state contribution rate designated by the legislature. This would give the ERS an amortization rate of 34 years. If ERS increases membership, the amortization rate would be lower; if ERS lost employee membership (i.e. through state layoffs), the amortization rate would be higher. While this increases burden on ERS members, ERS has conducted regular surveys where overwhelmingly in surveys employees realize the need to invest in their retirement and are open to higher contribution rates. This bill would protect retirees and help the state fund the ERS more effectively with less of an unfunded liability going forward.</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>

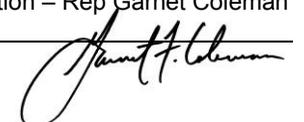
LSG Floor Report For General State Calendar – Monday, April 13, 2015

HB 903 By Rep. Capriglione, et al.	Relating to the investment of a percentage of the economic stabilization fund balance in excess of the sufficient balance.	Appropriations	Currently, economic stabilization fund investments have a return rate of .5%. This, in addition to 1.5% inflation, has resulted in the ESF losing value. HB 903 addresses this issue by establishing liquid, high-yield investments with returns equal to or greater than the 1.5% inflation rate. These investments will be made with all funds in excess of the ESF sufficient balance. The sufficient balance, currently at \$7 billion, is determined every biennium by the comptroller. Implementation of HB 903 is expected to yield about \$15 million for every \$1 billion invested. All funds generated are returned back to the ESF.	<p>Favorable Evaluated by: Tara Blagg 512-763-0031 tara@texaslsg.org</p>
HB 751 By Rep. Zerwas, et al.	Relating to the prescription and pharmaceutical substitution of biological products; amending provisions subject to a	Public Health	Biologics are an emerging class of medicine made by combining DNA material from living organisms to create modified cells, making them a very complex branch of medicine. Biologics have been found to be effective in a range of diseases, including multiple sclerosis, Crohn’s Disease, rheumatoid arthritis, HIV/AIDS, and many forms of cancer, extending people’s lives. Due to their successes, Congress created an expedited pathway for “biosimilars,” which are the generic forms of biologics. The FDA is working on approving different biosimilars, which requires they show the same clinical efficacy of biologics in clinical trial. FDA defines whether drugs, including biologics and biosimilars, meet requirements for “interchangeability,” meaning the generic has the same efficacy as the name brand.	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>

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	criminal penalty.		<p>Texas law, however, does not yet recognize the existence of biosimilars. Legislation is necessary to authorize biosimilar substitution for a biologic, which would cut down on patient cost for these expensive drugs while delivering the same efficacy.</p> <p>HB 751 updates substitution laws so that, along with other generic drugs, patients have access to biosimilars when it is medically warranted. The bill limits biosimilar substitution to only those biosimilars that have been approved by the FDA. Communication between the pharmacist and prescribing physician is required to help the physician stay informed to the exact biologic or biosimilar prescribed as this is a complex area of medicine and will help the specialist best treat the patient.</p>	
HB 225 By Rep. Guillen	Relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of a suspected overdose and a defense to prosecution for certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia for defendants seeking assistance for a suspected overdose.	Criminal Jurisprudence	<p>Drug overdoses surpass car crashes as the leading cause of injury deaths in the United States. While often these deaths are preventable with prompt medical attention, peers or bystanders witnessing an overdose often avoid seeking medical attention for fear of police involvement and potential criminal charges. HB 225 is a “good Samaritan” law, which provides an affirmative defense for a first responder who may be in possession of a small amount of a controlled substance or paraphernalia, but who contacts EMS on behalf of an individual experiencing a possible overdose, remains on scene for EMS arrival, and cooperates with EMS and law enforcement.</p> <p>The abuse of opioids, or prescription pain relievers such as hydrocodone, oxycodone, codeine, and morphine, is the leading cause of overdose deaths. HB 225 expands access to opioid antagonists such as Naxolone, which are used to treat opioid overdoses. It allows a health care professional to prescribe and dispense an opioid antagonist to an affected individual or a third party acting in their best interest for a legitimate purpose. Health care professionals and third parties acting with reasonable care are granted amnesty from civil or criminal liability for outcomes resultant from dispensation and administration of opioid antagonists. In the interest of saving lives, persons may be found to be in possession of opioid antagonists without a prescription.</p> <p>The bill requires a pharmacist to counsel an affected person or their third party regarding overdose recognition and prevention and proper use of the opioid antagonist. It requires any agency supplying these drugs to EMS to do the same. It further allows HHSC and criminal justice agencies to issue grants for education regarding drug overdose recognition and prevention and for opioid antagonist dispensation projects.</p> <p>Abuse of prescription painkillers is a national epidemic often affecting those with chronic injury, a mental health disorder, and veterans. The mortality rate in Texas for overdoses increased by 78% between 1999 and 2010. HB 225 prioritizes saving lives over arresting individuals for petty drug charges. While concerns have been raised that this bill does not provide an affirmative defense for the overdosing individual or second or third responders, it is a necessary first step to removing a barrier to immediate treatment and preventing fatality.</p>	Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org
HB 767 By Rep. Smith, et al.	Relating to cardiac assessments of participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.	Public Education	<p>HB 767 seeks to offer a preventative measure of early detection of heart abnormalities by mandating school districts to require students to receive an electrocardiogram (ECG) before the student’s first and third year of participation in UIL athletics. Currently, student athletes involved in UIL athletics must undergo a physical examination before participating in sport activities. Despite these exams, some student athletes have suffered from sudden cardiac arrest leading to sudden death because of undiagnosed heart abnormalities. When a child collapses and suffers from cardiac arrest less than 8% survive, requiring an ECG would help to identify these health issues and save lives. Professionals and school districts that administer, evaluate, or rely on an ECG are protected from liability in the case of injury or death of a student. Student athletes that wish to opt out of the ECG are allowed to do so if a written request claiming financial or religious reasons is provided. This bill encourages a safe practice that ensures the good health of student athletes before they are exposed to the straining conditions of school athletics that increase an individual’s heart rate.</p>	Favorable Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org

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<p>HB 376 By Rep. Simmons</p>	<p>Relating to the additional tax imposed on land appraised for ad valorem tax purposes as open-space land if a change in use of the land occurs.</p>	<p>Ways & Means</p>	<p>HB 376 looks to close a loophole that exempts companies from paying the rollback property taxes owed on land converted from agricultural use. Currently, if an entity owns agricultural land, and sells it to the city, the city can change the use of the land and sell it to another entity, and no back taxes are owed because the change in use occurred while the land was in possession of the nontaxable political subdivision. When entities take advantage of loopholes, counties & school districts can miss out on millions of dollars of rollback property taxes. Valid concern has been raised that some cities will look to use this loophole as an economic development tool based upon an actual occurrence.</p>	<p>Favorable Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>
<p>HB 3332 By Rep. Clardy</p>	<p>Relating to the authority of certain public hospitals to construct certain facilities and to provide certain services.</p>	<p>Public Health</p>	<p>HB 3332 allows hospital projects statewide, rather than only hospitals in certain areas of Texas. Further, nursing homes, assisted living facilities, and multiunit senior housing facilities are added to the properties that may be considered a “hospital project,” which provides the statutory change needed to allow public hospitals to participate in the Nursing Facility Upper Payment Limit Supplemental Payment Program. This program, implemented by HHSC, helps to increase federal dollars under the Medicaid program for non-state governmental entities operating long-term care facilities.</p> <p>Qualified hospitals are permitted to provide nursing facilities or other long-term care facilities or services for elderly and/or disabled people and hospitals are given the authority to operate, lease, or manage long-term care facilities or services. This bill expands purview of hospitals to operate a continuum of care up to and including long-term services so that patients are getting the treatment they need without having to unnecessarily transfer to new systems, benefitting vulnerable elderly and disabled people across the state.</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>
<p>HB 456 By Rep. Gutierrez</p>	<p>Relating to a prohibition on the use and possession of e-cigarettes on school property.</p>	<p>Public Education</p>	<p>HB 456 prohibits the use of smoking, using, and possession of e-cigarettes by students on campus and at school related or sanctioned events on or off school property. E-cigarettes are an increasing trend among youth. These products have claimed to be a “healthy” alternative to traditional cigarettes, yet nicotine, propylene glycol and/or glycerin compose the major ingredients in the products. Because of its fairly new existence, e-cigarettes have not been adequately studied for potential harmful effects and have caused the public health community to raise significant concern that these products may not be a safe alternative. Prohibiting the use of e-cigarettes on school campuses and events will help to deter students from the continued use of this potential unsafe product.</p>	<p>Favorable Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org</p>
<p>HB 599 By Rep. Clardy</p>	<p>Relating to energy savings performance contracts entered into by public institutions of higher education.</p>	<p>Higher Education</p>	<p>HB 599 is a simple legislative cleanup. Currently, to engage in an energy savings performance contract on a college campus, authority needs to be granted by the Higher Education Coordinating Board (HECB). HB 599 transfers that authority from HECB to the State Energy Conservation Office, who are more equipped to make suggestions related to energy conservation.</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>

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