



Chair, Rep. Garnet Coleman

Treasurer, Rep. Elliott Naishtat

### LSG Floor Report for Postponed Business – Thursday, April 16, 2015

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
<b>HB 1680</b> Rep. Raymond, et al.	Relating to the continuation and functions of the Texas Health Services Authority as a quasi-governmental entity and the electronic exchange of health care information.	Human Services	<p>The Texas Health Services Authority (THSA) is a public nonprofit corporation created by the legislature in 2007 to promote the use of electronic records and health information exchanges (HIEs). HIEs are the secure method of transferring health records between physicians, hospitals, health care payers, and other health care providers involved in the care of a patient.</p> <p>HB 1680 contains the THSA Sunset recommendations and extends its expiration date to 2021. The bill removes any statutory code that involves THSA, its current expiration date, and any other information related to THSA and its functionality as of September 2015. Additionally, privacy and security standards and certifications will continue beyond the future ending date of THSA and will be adopted by the HHSC, granting authorization to the commission, requiring specified duties to take place. Lastly, the composition of the THSA board will be changed by number and type of members appointed to have broader representation.</p> <p>THSA originated with the intent to be a private sector entity, offering THSA several years more to develop revenue-producing sources to ensure a spot in the private sector.</p>	<b>Favorable</b> Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org
<b>Amendment To HB 1680</b>	By Rep. Collier	#840672	This amendment requires that one member of the advisory committee must be a Texas resident receiving publicly funded health services from one of the health and human service agencies. Requiring that a member of the committee be a recipient of the services offers a unique perspective of how patients are impacted by the Texas Health Services Authority and provide suggestions that may directly affect this population.	
<b>Amendment To HB 1680</b>	By Rep. Davis, S.	#840671	This amendment requires HHSC to ensure reasonable fees be charged for the certification process specified in the bill. The HHSC is permitted to revoke the designation or authority of a private nonprofit organization or entity to establish the process or offer certifications specified. By requiring certifications and fees, private nonprofits are held to fair standards.	
<b>Amendment To HB 1680</b>	By Rep. Raymond	#840668	This amendment changes language in Section 7 of the bill to match SB 219, reading as “the governor shall also appoint at least two ex officio, nonvoting members representing the health and human services agencies as state agency data resources,” excluding the indication of the department.	

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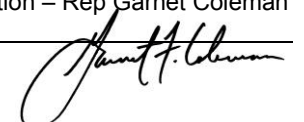
**LSG Floor Report For Constitutional Amendments Calendar – Thursday, April 16, 2015**

<p><b>HJR 73</b> By Rep. Geren, et al.</p>	<p>Proposing a constitutional amendment authorizing the legislature to permit professional sports team charitable foundations to conduct charitable raffles.</p>	<p>Licensing &amp; Administrative Procedure</p>	<p>HJR 73 is a constitutional amendment that will change the provision that places the current limitation on raffles conducted by professional sports team charitable foundations. It allows professional sports team charitable foundations to hold charitable raffles during each preseason, regular season, and postseason game; under current legislation only two charitable raffles per year are allowed. Millions of dollars are raised annually from these raffles to benefit countless youth organizations and charitable foundations that provide scholarships and services to Texas families. HJR 73, which is enabled by HB 975, requires the approval from voters for the constitutional amendment.</p>	<p><b><u>Favorable</u></b> Evaluated by: Shaina Pomerantz 512-763-0031 shaina@texaslsg.org</p>
<p><b>HJR 75</b> By Rep. Bonnen, D., et al.</p>	<p>Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect.</p>	<p>Ways &amp; Means</p>	<p>Currently Texas has homestead exemptions for the widows of disabled veterans who have died after 2009. HJR 75 is a constitutional amendment that is contingent on the passage of HB 992, and retroactively extends the exemption to widows of veterans that would have qualified for the exemption, but passed away prior to 2009. This bill would provide relief to families of those who have served our country.</p>	<p><b><u>Favorable</u></b> Evaluated by: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>

**LSG Floor Report For General State Calendar – Thursday, April 16, 2015**


<p><b>HB 975</b> By Rep. Geren, et al.</p>	<p>Relating to charitable raffles conducted by certain professional sports team charitable foundations; providing penalties.</p>	<p>Licensing &amp; Administrative Procedure</p>	<p>HB 975 allows professional sports team charitable foundations to hold charitable raffles during each preseason, regular season, and postseason game; under current legislation only two charitable raffles per year are allowed. Millions of dollars are raised annually from these raffles to benefit countless youth organizations and charitable foundations that provide scholarships and services to Texas families.</p> <p>Under HB 975 raffle participants must be 18 years or older, winners are randomly selected and can receive no more than 50% of the gross proceeds collected from the sale of the tickets. Sports team charitable organizations must be a qualified nonprofit in order to participate and use no more than 10% of gross proceeds for advertisement, printing, and other reasonable operating costs. Employee compensation is not eligible under this bill, nor may any of the proceeds be given to the sports team for any of its corporate operating costs. The bill also provides criminal penalties for any unlawful infractions committed against the provisions under this bill. HB 975 is</p>	<p><b><u>Favorable</u></b> Evaluated by: Shaina Pomerantz 512-763-0031 shaina@texaslsg.org</p>
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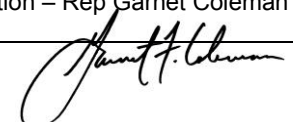
			contingent on the passage and voter approval of HJR 73.	
<b>HB 992</b> By Rep. Bonnen, D., et al.	Relating to the exemption from ad valorem taxation of the total appraised value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.	Ways & Means	Currently Texas has homestead exemptions for the widows of disabled veterans who have died after 2009. HB 992 retroactively extends the exemption to widows of veterans that would have qualified for the exemption, but passed away prior to 2009. This bill would provide relief to families of those who have served our country.	<b>Favorable</b> Evaluated by: Nakia Winfield 512-763-0031 nakia@texaslsg.org
<b>HB 1690</b> By Rep. King, P., et al.	Relating to the prosecution of offenses against public administration, including ethics offenses.	General Investigating & Ethics	<p>This bill transfers the authority to conduct certain criminal investigations of public officials from the Public Integrity Unit to the Texas Rangers. While HB 1690 strives to increase accountability and integrity in Texas by proposing changes to how public integrity crimes are prosecuted, this bill misses the mark. The bill charges the Texas Rangers with investigating the public integrity complaints, currently handled by the Public Integrity Unit under the Travis County DA's office who generally delegate to other agencies unless there is a conflict of interest (for example, HHSC OIG), and puts the prosecution of public officials in the district and county courts where the public official was originally elected.</p> <p>Proponents of the bill say moving the investigating of public integrity complaints to the Texas Rangers, with prosecution at in local county and district courts, will eliminate the bias against public officials because they are a statewide agency. The main concern is that the current Public Integrity Unit, in Travis County, is biased against Republicans. However, there have been 21 elected officials indicted during the PIU's existence; 15 have been Democrats and only 6 have been Republicans.</p> <p>The bill allows the Texas Rangers the option to delegate investigation to another DPS unit if there is a conflict of interest, but it does not require them to recuse themselves nor does it allow the accused to request Texas Rangers recuse themselves. The same applies for District Attorneys and Prosecutors, but the accused MAY request their prosecutor recuse him/herself. Even if an official requests recusal of the prosecutor, the burden of proof is very high to get a prosecutor knocked off a case, meaning the official may not succeed if he/she cannot show a due process violation. There are also concerns that a DA who is friends with the official on trial will not recuse him-/herself and the official will not want that person recused either, nor potentially will a judge, so all protections to a fair trial are decimated. Similarly, the law permits prosecutors to recuse themselves if they perceive a conflict of interest, but does not require them to do so. This could create an additional layer of conflict of interest.</p> <p>Prosecuting in the home counties of public officials raises the concern of holding a trial on "home field advantage," where all those the official has campaigned with and all those the official may have given favors to in the past reside. Another problem with putting the prosecution back in the home counties of the officials rests in statewide officials who have been in office many years. If someone was elected from 'County X' 15 years ago, but has held a statewide position and therefore lived, worked, and voted in Travis County for the past 15 years, is 'County X' really home? This bill would contend it is, but the individual's peers are just as likely to be in Travis after that many years.</p>	<b>Unfavorable</b> Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org

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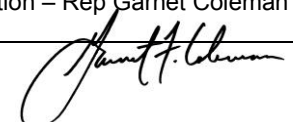
			Without requirements for recusal, and coupled with the potential for long-time officials being tried in an area they may not have lived in for 20 years, there are too many problems with this bill for LSG to stand behind. This attempted solution just trades one problem for another. It is impossible to avoid all corruptions in the system, and this system is no different.	
<b>HB 643</b> By Rep. Harless	Relating to the procedures for discharging bail in certain criminal proceedings.	Corrections	Current law requires that a defendant and surety have an affirmative defense to bond forfeiture when a defendant was not charged timely. This defense applies when the defendant was arrested but not formally charged until over a year after being admitted on bail. However, there are cases where no criminal charges are ever filed and the defendant has limited ways to get liability when prosecution may never go forward. HB 463 adds clarifying language to make clear that a motion to discharge a bond may be filed by the defendant, prosecutor or surety.	<b>Favorable</b> Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org
<b>HB 896</b> By Rep. Hernandez	Relating to creating a criminal offense regarding the breach of computer security.	Criminal Jurisprudence	In 2011, the Penal Code was amended to address the growing threat of organized hacking by making certain related offenses state jail felonies. The bill inadvertently removed the intention of committing a cybercrime to “obtain a benefit” as a basis for punishable offense, making computer hacking cases harder to prosecute on the basis of fraud, harm, or other mal intent alone. HB 896 restores the intention of the 2011 bill by stipulating that it is a punishable offense to commit a breach of security to obtain a benefit: data, a file, or other information stored on a computer, network, or system.  It further clarifies that a person commits an offense by intentionally accessing a governmental or business entity’s system if they are doing so in violation of a clear prohibition publicized by the entity or in violation of a contract. It provides an affirmative defense for agents contracting with the owner of a computer, network, or system, who are assessing that entity’s security or providing a security-related service. Rampant acts of data and identity theft and other cybersecurity attacks pose serious challenges to Texas government, businesses, and families, warranting immediate attention and action.	<b>Favorable</b> Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org
<b>HB 1769</b> By Rep. Zerwas	Relating to requirements for assisted living facility license applicants.	Human Services	New assisted living facilities must first undergo a life and safety inspection and then a health inspection prior to receiving a license to operate. Following the life and safety inspection, the health inspection can only be conducted after the new facility admits 1 to 3 residents and submits a written notice to DADS indicating that the facility is ready for a health inspection. In 2014, new facilities waited over a month, on average, before DADS was able to complete the second inspection and grant licensure. This process has created undue burden on the facilities and has left families of individuals awaiting a placement in a state of uncertainty.  HB 1769 provides an option for a new assisted living facility in good standing to request an initial license that would preclude an on-site health inspection. Obtaining this initial license would prohibit DADS from requiring residents to be admitted to the new facility before a license to operate is issued and would require the applicant with the initial license to perform the prescribed requirements detailed in the bill. Offering an alternative option for the process of obtaining a license allows new assisted living facilities to operate efficiently and focus on how to best serve their clients.	<b>Favorable</b> Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org
<b>HB 1771</b> By Rep. Raney, et al.	Relating to the donation of sick leave by state employees.	State Affairs	HB 1771 stipulates the conditions under which state employees may donate sick time to a colleague. An employee may donate any amount of their accrued sick leave to another employee in the same agency if the receiving employee has exhausted their own sick leave, including any hours eligible to be drawn from a sick leave pool. The employees are prohibited from giving or receiving gifts or recompense for the sick leave exchange. This will encourage cooperation and comraderie among employees allowing them to help one another in their time of need.	<b>Favorable</b> Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org

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<p><b>HB 1853</b> By Rep. Button, et al.</p>	<p>Relating to the removal of a tenant's personal property after a writ of possession has been issued in an eviction suit.</p>	<p>Business &amp; Industry</p>	<p>HB 1853 allows a municipality, at its own expense, to provide a container to a landlord or property owner for use in the eviction process. Should an evicted tenant fail to remove their belongings from a rental unit following a writ of possession, the owner or landlord could place them in a closed container instead of leaving their belongings out on the curb as is current practice. It further allows the municipality to dispose of contents left in the container after a reasonable timeframe, if the tenant fails to reclaim their items.</p> <p>This bill protects landlords or property owners, who might be exposed to fines if items are left on the curb for too long. It encourages kempt streets and neighborhoods. And it potentially deters theft of an evicted party's belongings and shields their possessions from poor weather conditions. This positive measure could be strengthened by explicitly defining a reasonable timeframe before disposal of items and by requiring signage be placed on the containers notifying citizens that removal of another's items is a punishable offense.</p>	<p><b>Favorable</b> Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org</p>
<p><b>HB 1926</b> By Rep. Kacal, et al.</p>	<p>Relating to the governance of certain municipal power agencies; providing authority to issue bonds.</p>	<p>State Affairs</p>	<p>HB 1926 establishes alternate governance for certain Municipal Power Agencies. The bill states the conditions that would allow joint power agencies to generate and sell power to themselves. Should two or more public entities wish to create a Municipal Power Agency, it must be governed by a board of directors responsible for management, operation and control of the company's property. The bill stipulates the appointment process and qualifications of the directors as well as the rules for construction contracts, competitive bids, rates and charges, revenue bonds and public securities.</p>	<p><b>Will of the House</b> Evaluated by: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>
<p><b>HB 1914</b> By Rep. Bonnen, D.</p>	<p>Relating to the frequency with which the Board of Pardons and Paroles considers the eligibility of certain inmates for release on parole.</p>	<p>Corrections</p>	<p>HB 1914 extends the current parole review from 1-5 years to 1-10 years for an inmate serving time for aggravated sexual assault or a life sentence for capitol felony. Currently inmates can come up for parole between the first and 5<sup>th</sup> anniversary of their last parole denial. It is currently common practice for these parole reviews to come up every 3 years and this is very hard on the families of the victims who often have to travel and relive their assaults or family deaths by testifying every 3 years. HB 1914 would allow the option for the parole hearing to be heard up to once every 10 years instead.</p>	<p><b>Will of the House</b> Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>
<p><b>HB 1925</b> By Rep. Geren</p>	<p>Relating to the transfer of the Texas Farm and Ranch Lands Conservation Program to the Parks and Wildlife Department.</p>	<p>Culture, Recreation &amp; Tourism</p>	<p>HB 1925 transfers the Texas Farm and Ranch Lands Conservation Program from the General Land Office (GLO) to the Parks and Wildlife Department (TPWD) and makes necessary changes related to the transfer. In addition to the transfer, the Conservation Program is required to prioritize applications that protect highly productive agricultural lands susceptible to development, including subdivision and fragmentation. Conservation is a core mission of both the conservation program and TPWD; this transfer will align the program with the agency whose mission is most similar.</p> <p>HB 1925 also restructures the counsel charged with overseeing the conservation program. Four new members are added to the counsel and both the governor-appointed member who is from a state institution of higher education and the commissioner of the GLO positions are removed.</p>	<p><b>Favorable</b> Evaluated by: Cathryn Taub 512-763-0031 cathryn@texaslsg.org</p>
<p><b>HB 2769</b> By Rep. Rodriguez, E.</p>	<p>Relating to the date of expiration of a certain pilot revolving loan program established under the loanstar revolving loan program to provide for energy efficiency measures and renewable energy</p>	<p>Energy Resources</p>	<p>In the 82<sup>nd</sup> session, legislation was passed establishing a pilot program offering loans to promote renewable and energy efficient technology for non-profit organizations &amp; churches. HB 2769 extends this program two years to end on Dec. 31<sup>st</sup>, 2017 instead of the current expiration date on Dec. 31, 2015. Utility bills are often some of the largest expenses for non-profit agencies and places of worship. This bill would help to alleviate those costs, allowing these organizations to focus their funds on serving the community.</p>	<p><b>Favorable</b> Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>

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	technology for certain organizations.			
<b>HB 2848</b> By Rep. Crownover, et al.	Relating to the amount and allocation of the annual constitutional appropriation to certain agencies and institutions of higher education.	Higher Education	HB 2848 provides increases in allocations to the following public universities and university systems to account for growth and increased funding needs: Midwestern State University; University of North Texas System; Stephen F. Austin University; Texas State University System; Texas Tech University System; Texas Woman’s University; University of Houston System; Texas A&M University System; and Texas State Technical College System Administration. The funding increases are contingent on general appropriations being approved in the final budget bill. Additionally, HB 2848 increases constitutional appropriations limits to the above universities and university systems, plus Texas Southern University. Increases in funding would help state universities provide the best value to Texas students, benefitting higher education across the state.	<b>Favorable</b> Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org
<b>HB 3633</b> By Rep. Herrero	Relating to reimbursement for the costs of legal services provided to an indigent defendant in a criminal case.	Criminal Jurisprudence	Under the 6 <sup>th</sup> Amendment of the U.S. Constitution and under the Texas Fair Defense Act, criminal defendants have the right to effective counsel regardless of their ability to pay. Currently, some indigent defendants can be ordered to pay all or some of the costs of their legal counsel based upon a judge’s determination that they are able to do so. However, under statute, indigent defendants placed on community supervision can also be ordered to pay but without a similar finding being required of a judge. HB 3633 aligns statute to require a judge to first assess a defendant’s ability to pay in either scenario before ordering payment. It further caps the amount that is to be repaid to the actual costs to the county for providing legal services either by a public defender’s office or by other court-appointed counsel. In addition to ensuring that a low-income defendant is not overcharged for services, the bill prevents them from being doubly-charged under both statutes.  HB 3633 encourages consistency in our court practices, promoting an overall fairer criminal justice system. We have made great headway as a state since passage of the Fair Defense Act, including increasing indigent defense service by 45% and expanding public defender services from 7 to over 155 counties. HB 3633 supports such progress towards constitutional compliance for low-income citizens by ensuring that indigent defendants are only ordered to pay when able.	<b>Favorable</b> Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org

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