



Chair, Rep. Garnet Coleman

Treasurer, Rep. Elliott Naishtat

LSG Floor Report for Postponed Business – Tuesday, April 28, 2015

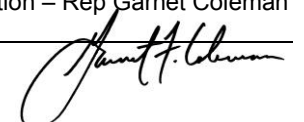
Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 1852 By Rep. Naishtat, et al.	Relating to certain assessments for children in the conservatorship of the Department of Family and Protective Services.	Human Services	<p>In 2014, there were a total of 5,231 children placed in adoptive homes and 16,961 children were placed in foster care. With this high number of children in conservatorship, it is important to ensure that their initial placement is most suitable to serve their needs in their vulnerable state. Conducting thorough assessments prior to a child’s placement will result in safe, appropriate, and secured placements for children.</p> <p>HB 1852 improves the initial process of placement by requiring a child to undergo a developmentally appropriate comprehensive assessment no later than the 45th day DFPS becomes the conservator of a child. This assessment will include a trauma screening and interviews with individuals aware of the child’s needs. Conducting thorough assessments prior to a child’s placement will result in safe, appropriate, and secured placements for children.</p>	Favorable Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org
HB 2493 By Rep. Parker, et al.	Relating to the self-directed and semi-independent status of the State Securities Board; authorizing fees.	Investments & Financial Services	The State Securities Board regulates the securities industry in Texas by registering securities offered or sold in Texas and overseeing the firms and individuals selling securities or providing investment advice to Texans. During the interim, opinion was given by the securities industry to the Legislature to make significant changes, including establishing the Board to function as a self-directed, semi-independent (SDSI) agency. Currently, there are eight state agencies that conduct themselves as SDSI. Allowing the Board to function as a SDSI agency will allow immediate changes be made, such as the high turnover rate that occurred between 2011-2013. Under SDSI the Board will have flexibility to obtain adequate levels of funding necessary to maintain an appropriate salary structure and career ladder for many of its complex, qualified professional positions, such as financial examiners and attorneys. HB 2493 allows the State Securities Board to be self-directed and semi-independent, in which statutory changes will be made to implement the SDSI status.	Will of the House Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org
HB 946 By Rep. Workman, et al.	Relating to painting and marking requirements for certain meteorological evaluation towers; creating an offense.	Agriculture & Livestock	HB 946 will contribute to the safety of low altitude pilots by requiring meteorological towers between 50 and 200 feet tall to be marked and painted in accordance with FAA standards. These meteorological towers are almost invisible to pilots and can be constructed in a matter of hours. Currently, towers below 200 feet in height are not required to be marked and have contributed to the deaths of several pilots. Under the bill, noncompliance in regards to marking the towers will result in a Class C misdemeanor for the owner, operator, or constructor. Should noncompliance result in the death or injury to a pilot, the penalty increases to a Class B misdemeanor. Unmarked towers are a danger to all low altitude pilots, including emergency medical service helicopters, Border Patrol agents, and firefighters. These servicemen and women provide necessary and valuable services and are often engaged in multiple tasks at once. Watching for these nearly invisible towers distracts them from the critical duties they are asked to perform.	Favorable Evaluated by: Cathryn Taub 512-763-0031 cathryn@texaslsg.org

OK for Distribution – Rep. Garnet Coleman

<p>HB 2769 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 technology for certain organizations.</p>	<p>Energy Resources</p>	<p>In the 82nd session, legislation was passed establishing a pilot program offering loans to promote renewable and energy efficient technology for non-profit organizations & churches. HB 2769 extends this program two years to end on Dec. 31st, 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>Favorable Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>
<p>HB 861 By Rep. Dale, et al.</p>	<p>Relating to the prosecution of the offense of online solicitation of a minor.</p>	<p>Criminal Jurisprudence</p>	<p>Oftentimes when a sexual predator assaults a child, they first work to gain the child's trust through a process known as grooming. As part of this process they may engage the child in multiple exchanges over the internet which might become lascivious in nature before luring the child into an encounter of sexual assault. Our laws surrounding online solicitation of a minor were created to enable law enforcement to go after a predator in the process of grooming to prevent the assaultive offense. However, in the recent case of Ex Parte Lo a Texas appellate court struck down our statute for being overly broad and infringing on first amendment rights, opining that sexually explicit speech is protected speech. The court then suggested the statute be focused on conduct instead of speech.</p> <p>HB 861 brings current statute related to online solicitation of a minor into constitutional compliance by spelling out that a person commits an offense if they engage in online communication with a minor with the intent to engage in: indecency with a minor, sexual assault, aggravated sexual assault, sexual performance by a child, or possession or promotion of child pornography. The process of grooming can take days, weeks, even years, and have significant psychological impact on a child, resulting in lasting trauma. HB 861 is a better tailored law, which will enable law enforcement to go after a predator in the process of grooming instead of having to wait for an assaultive act to be committed. Without passage of such a measure, we cannot adequately protect child welfare and expose our most vulnerable to harmful communication and acts.</p>	<p>Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org</p>
<p><u>LSG Floor Report For Major State Calendar – Tuesday, April 28, 2015</u></p>				
<p>HB 2154 By Rep. Dutton</p>	<p>Relating to the functions and operations of the State Office of Administrative Hearings.</p>	<p>Jurisdiction & Civil Jurisprudence</p>	<p>HB 2154 implements SOAH Sunset Review recommendations by updating statutory provisions. SOAH serves as the state's independent centralized administrative tribunal to conduct unbiased contested case hearings and alternative dispute resolution proceedings for 62 state agencies and local subdivisions. Major provisions enacted under HB 2154 include:</p> <ol style="list-style-type: none"> (1) Authorizing SOAH to remand default cases back to referring agencies for informal disposition; (2) Continues SOAH tax hearings and removes comptroller approval; and (3) Grants SOAH primary scheduling authority for ALR cases, requiring an MOU with DPS. (4) Amends current interagency contracts and anticipated hourly usage and cost estimates. <p>The bill extends the Sunset review date until 2027. Enacting HB 2154 will provide SOAH with greater enforcement ability and financial resources to enhance the agency's function and operation.</p>	<p>Favorable Evaluated by: Shaina Pomerantz 512-763-0031 shaina@texaslsg.org</p>

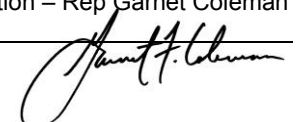
<p>Amendment To HB 2154</p>	<p>By Rep. Darby</p>	<p>841045</p>	<p>This amendment adds an exception to the provision that allows an administrative law judge to dismiss a defaulted contested case from the SOAH docket and remand it to the referring agency for an informal dismissal. Under current statute, the judge’s ruling can be overruled once remanded back to the agency, making the judge’s order nonbinding. The intent of this amendment is to preserve the administrative judge’s order, whereby judicial fact finding resides with SOAH and sanctioning is administered by the licensing board. This mirrors current practices between the medical board and SOAH.</p>	
<p>HB 31 By Rep. Bonnen, D., et al.</p>	<p>Relating to decreasing the state sales and use tax rate.</p>	<p>Ways & Means</p>	<p>Texas has not met critical funding needs in almost every major area, particularly for healthcare and education. The LSG does not recommend any tax cuts under these circumstances, but if we were to recommend one, it would certainly be a cut to the sales tax. The sales tax is a very regressive tax: poor and middle class Texans pay a higher rate than wealthy Texans. Therefore, of all the proposed tax reductions, HB 31 would do the least harm to the average Texas family. While it will almost assuredly result in cuts in critical funding, it will at least return the most money to needy Texans in the meantime.</p> <p>HB 31 would reduce the state sales tax from 6.25% to 5.95%, lowering sales tax revenue by an estimated \$2,660,000,000 for the 2016-17 biennium. While we may be able to afford this reduction in this current biennium when revenues are relatively high, we all know that not every biennium will have such a rosy financial outlook. Healthcare and Education make up the majority of the state’s budget and will be the first to get cut when – not if – we return to session with a budget shortfall. This bill makes that shortfall all the more likely and serious. Still, if we must reduce taxes, this is the least harmful path. This is bad public policy but is unfortunately the best option if some form of tax cuts must be enacted.</p>	<p><u>Will of the House with Serious Concerns</u> Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>
<p>HB 32 By Rep. Bonnen, D., et al.</p>	<p>Relating to the computation and rates of the franchise tax; decreasing tax rates; amending provisions subject to a criminal penalty.</p>	<p>Ways & Means</p>	<p>In response to a Texas Supreme Court opinion on school finance, the 79th Legislature in 2006 forced school districts to cut their tax rates by 1/3. But they also pledged to replace that money for our schools with funds from the new franchise tax, known as the margins tax. However, those funds never materialized at their projected rate, leaving a recurring structural deficit of \$10 billion. The franchise tax changed the taxable revenue from profits and director compensation minus debt, to 70% of total revenue minus the cost of goods sold & compensation. Overage of these funds from the 2006 levels went into the Property Tax Relief Fund (PTRF). The PTRF is used solely to help finance the Foundation School Program- the primary school finance funding formula. Last session, legislation was passed to exempt businesses making less than \$1,000,000 in total revenue. HB 32 further limits available revenue to the PTRF by cutting the franchise tax from 1.0% of taxable margin to .75% of taxable margin. For those taxable entities primarily engaged in retail or wholesale trade, the rate is dropped from .5% to .375%, and taxable entities with a total revenue of less than \$20,000,000 would be able to use the E-Z Computation with an effective tax rate of .331% instead of the current .575%. These tax cuts are calculated to cause a loss of \$2,559,867,000 for the 2016-17 biennium.</p> <p>This is a loss that Texas families cannot afford. This session, even with our budget surplus, we had a hard fought battle to pass the Pre-K program, and opponents of the Pre-K bill cited the fiscal note frequently in their reasons to stall, stop or amend the bill. With a tax cut of this magnitude, will General Revenue be able to afford to cover the cost to fund our schools? What would HB 1 have looked like with \$2.6 billion dollars less to work with? We should not take steps to reduce state revenue before meeting critical funding needs of Texans – and fulfilling the unmet promise from 2006 of creating a fair, equitable school finance system. Prioritizing cuts to a broken tax over investing in our school children is simply irresponsible.</p>	<p><u>Unfavorable</u> Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>

LSG Floor Report For General State Calendar – Tuesday, April 28, 2015



<p>HB 599 By Rep. Anchia, et al.</p>	<p>Relating to the duties of a magistrate to inform an arrested person of consequences of a plea of guilty or nolo contendere.</p>	<p>Criminal Jurisprudence</p>	<p>HB 559 adds to the <i>Miranda</i> warning, requiring a magistrate to notify a non-citizen defendant that pleading guilty or “no contest” to a misdemeanor offense may affect that defendant’s immigration status and result in deportation. For felony proceedings, this admonishment is already required. HB 559 provides uniformity to ensure that defendants understand the consequence of their pleas in all criminal cases, upholding fair due process. This is critical to properly administering justice in misdemeanor cases because defendants are rarely assigned court-appointed counsel and would have no way to know that what might appear on its face to be a favorable plea bargain could dramatically jeopardize a life with their family, the opportunity to be naturalized, and have other life-altering implications. HB 559 closes a gaping loophole to equitable due process by enabling non-citizens to make informed pleas.</p>	<p>Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org</p>
<p>HB 364 By Rep. Dutton</p>	<p>Relating to the child support obligation of an obligor during the obligor’s confinement in jail or prison.</p>	<p>Juvenile Justice and Family Issues</p>	<p>HB 364 forbids a court from finding a non-custodial parent in contempt for failure to pay child support, if one of the following reasons prevented payment: (1) The unpaid child support was accrued while the non-custodial parent was imprisoned; an exception is permitted if the cause for imprisonment is based on an act of family violence committed against the child or parent/guardian listed in the child support order, and (2) The non-custodial parent did not have sufficient resources to make the payment</p> <p>An order of contempt is a serious matter that is at the court’s discretion, but it is imperative the court has all the necessary evidence available to avoid the mistake of imposing the punishment of jail upon someone who does not deserve it.</p>	<p>Favorable Evaluated by: Shaina Pomerantz 512-763-0031 shaina@texaslsg.org</p>
<p>HB 3373 By Rep. Miller, D.</p>	<p>Relating to the liability of reimbursing employers under the Texas Unemployment Compensation Act.</p>	<p>Economic & Small Business Development</p>	<p>The Texas Unemployment Compensation Act currently classifies many political subdivisions as reimbursing employers, requiring a reimbursement for benefits to be paid when an employee voluntarily leaves or is discharged for misconduct. HB 3373 states that under Texas Unemployment Compensation Act reimbursing employers are not liable for paying reimbursements for benefits for employees in such instances. Additionally, a reimbursing employer may contest reimbursements billed by the Texas Workforce Commission. The bill removes the confusion and financial burden that employers have faced in such situations.</p>	<p>Favorable Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org</p>
<p>HB 3052 By Rep. Bonnen, D.</p>	<p>Relating to the allocation of state hotel occupancy tax revenue to certain barrier island coastal municipalities.</p>	<p>Ways & Means</p>	<p>The Village of Surfside Beach experiences a high rate of beach erosion and excessive amount of seaweed that necessitates aggressive and ongoing prevention projects. These projects, along with cleaning and maintenance from the over 100,000 annual visitors, cost Surfside Beach approximately \$270,000 in 2014 alone. With a year-round population of only 590, maintenance and safety costs are a hardship on city funds. Other coastal cities have offset this problem by receiving a small portion of hotel occupancy funds. HB 3052 expands the definition of “eligible coastal municipalities,” to include the Village of Surfside Beach, and thus make it eligible to receive 1% of hotel occupancy funds. This bill would put Surfside in equal standing with other costal destinations.</p>	<p>Favorable Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>
<p>HB 2753 By Rep. Villalba</p>	<p>Relating to the names of certain businesses.</p>	<p>Business & Industry</p>	<p>HB 2753 lowers the standard by which the secretary of state’s office may make a name availability determination when a business entity files to transact business in Texas. Currently, a filing entity’s name may not be “deceptively similar” or identical to a business already in operation in the state unless consent is granted from the operating business. This bill lowers the “deceptively similar” standard to “distinguishable.” This might allow a filing entity to choose a name that actually is deceptively similar, impairing a local company’s ability to protect its trademark. Under the bill, the distinguishable standard and consent requirement would not apply if the filing entity produces a final judgment from a competent court of jurisdiction establishing their right to the name.</p> <p>Administratively, HB 2753 facilitates more expeditious filings and smoother mergers and acquisitions undeterred by bumped filings by employing a slackened standard. Texas has long offered a business friendly climate to both our unique homegrown businesses and to the many that incorporate elsewhere but proudly headquarter or operate here. Our current laws balance the needs of both in naming and developing their brands, which in business is everything. If we allow our unique businesses to flourish by allowing them the latitude to protect their brands, we can continue to provide healthy competition to stoke the market. This bill does not improve public policy.</p>	<p>Unfavorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org</p>

OK for Distribution – Rep Garnet Coleman



<p>HB 2400 By Rep. Bohac, et al.</p>	<p>Relating to the sale of a new motor vehicle to certain manufacturers or distributors; imposing a tax.</p>	<p>Ways & Means</p>	<p>Currently, Texas law requires the payment of sales tax at the point of sale of a vehicle. While this was originally intended for the sale of a vehicle to an end user, current statute provides that a car manufacturer who sells its cars to the related dealership and as part of the company's standard relocation and distribution practice would then be subject to the sales tax on each transfer. HB2400 clarifies existing code to allow for this transaction to be tax exempt.</p>	<p>Favorable Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>
<p>HB 2115 By Rep. Phillips</p>	<p>Relating to the initial inspection period for motor vehicles purchased by certain commercial fleet buyers.</p>	<p>Transportation</p>	<p>Rental car companies purchase vehicles in and out of state to meet the demands of travel and tourism in Texas. Currently, new passenger cars and light trucks purchased in state undergo an initial inspection good for two years. HB 2115 expands eligibility for the two-year initial inspection to include new cars purchased out-of-state by rental car companies, making it easier for the companies to maintain their fleets on a more synchronized timeline. This will save the rental car companies an administrative burden without causing the state to lose out in vehicle inspection or registration fees for the longer timeframe.</p>	<p>Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org</p>
<p>HB 1550 By Rep. Zerwas, et al.</p>	<p>Relating to the administration of epinephrine by pharmacists.</p>	<p>Public Health</p>	<p>HB 1550 allows pharmacists to administer epi pens to individuals having a severe, often life-threatening allergic reaction without fear of civil liability. Currently, pharmacists risk their license if they administer this life-saving measure. When a person has an allergic reaction and does not have an epi pen on their person, they often assume that a pharmacist will have the epinephrine they need and find the nearest pharmacy when a hospital is not close by. This is particularly true for parents of young children who may have an allergic reaction to something while out of the house. Allowing pharmacists to administer epi pens can save people's lives in the case of an emergency, especially in rural areas where hospitals are spaced out.</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>
<p>HB 1887 By Rep. Muñoz, Jr., et al.</p>	<p>Relating to the establishment of a regional center for public safety excellence in the Rio Grande Valley.</p>	<p>Homeland Security & Public Safety</p>	<p>HB 1887 authorizes the establishment of a regional center for public safety excellence in the Rio Grande Valley. The center will provide education and training to law enforcement personnel, including specified trainings within the bill. South Texas College will administer the regional center in partnership with other school districts and political subdivisions in the Rio Grande Valley. The center is permitted to accept gifts and grants from public and private sources in addition to appropriated funds from the legislature. It is estimated that in the next ten years, the Rio Grande Valley will need 22% more certified police officers; this will help the area by offering increased educational and training opportunities for law enforcement personnel.</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>
<p>HB 606 By Rep. Davis, S.</p>	<p>Relating to a study on the benefits of prenatal surgical procedures to treat birth defects.</p>	<p>Public Health</p>	<p>HB 606 requires HHSC to conduct a study on the benefits of prenatal surgery, including three specified surgical procedures, to treat birth defects. This study must include the average and predicted costs for Medicaid patients, private insurance patients, and people paying without any insurance. Prenatal surgery costs and postnatal surgery costs will be included in the study for comparison purposes. It must include survival, long-term outcomes, and quality of life achieved in prenatal versus postnatal surgeries. This study will give HHSC much needed information on the benefits and challenges associated with prenatal and postnatal surgeries, potentially leading to the improved quality of life of many children with birth defects.</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>
<p>HB 737 By Rep. Aycock</p>	<p>Relating to the creation of regional emergency communications districts; authorizing the issuance of bonds; authorizing a fee.</p>	<p>Special Purpose Districts</p>	<p>Currently, 9-1-1 emergency services are delivered by two entities funded in different methods:</p> <ul style="list-style-type: none"> • Emergency service districts funded by services fees on telephone bills paid by a district service area, and • Regional planning commissions funded by such fees only after the fees are collected and appropriated to a state agency. <p>HB 737 authorizes populations of at least 425,000 composed of counties and municipalities that are designated as Central Texas Council of Governments to create a regional emergency communications district (ECD). This hybrid entity will operate under the same governing and financing authority as emergency service districts, but coordinated by local council of governments. This new model will offer a more efficient transition to a digital 9-1-1 system and is intended to result in state savings of approximately \$450,000 annually for the next 5 years.</p>	<p>Will of House Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org</p>

<p>HB 872 By Rep. Raymond</p>	<p>Relating to the reactivation of a peace officer license; authorizing fees.</p>	<p>Homeland Security & Public Safety</p>	<p>HB 872 allows a former peace officer with at least 10 years of experience and in good standing as an officer to return to law enforcement without having to go through the police academy again. The officer is still responsible for continuing education and passing a reactivation exam, as well as completing a supplemental in-person or online peace officer training course of no more than 120 hours. This will help fill vacancies in law enforcement agencies where former peace officers may be discouraged from reapplying due to current stringent requirements.</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>
<p>HB 1701 By Rep. Villalba</p>	<p>Relating to the approval period for a proposal for an award of a grant from the Texas Enterprise Fund.</p>	<p>Economic & Small Business Development</p>	<p>HB 1701 requires the Lieutenant Governor or Speaker of the house of representatives to approve a proposal from the Texas Enterprise Fund 31 days after the receipt of the proposal, as opposed to the current deadline of 91 days. Changing the deadline eliminates the potentially unnecessary delay that may turn away potential economic business for Texas, but it could also impede the ability of the Speaker or Lieutenant Governor from doing their due diligence before approving a particular proposal.</p>	<p>Will of the House Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org</p>
<p>HB 1277 By Rep. Ashby</p>	<p>Relating to requirements for annexation of certain commercial or industrial areas by a general-law municipality.</p>	<p>Land & Resource Management</p>	<p>Currently, a general-law municipality may annex land without consent from any landowners or registered voters in an area under certain circumstances. Owners and voters can petition for disannexation, but it is a long and burdensome process. HB 1277 stipulates that municipalities may annex commercial or industrial land only after obtaining written consent to annexation by a majority of the owners of said property. Since most industrial or commercial land has been purposefully built outside of a municipality, the annexation process would be more balanced if consent were obtained prior to annexation.</p>	<p>Favorable Evaluated by: Cathryn Taub 512-763-0031 cathryn@texaslsg.org</p>
<p>HB 1843 By Rep. Aycock</p>	<p>Relating to providing training academies for public school teachers who provide reading instruction to students in prekindergarten through grade three.</p>	<p>Public Education</p>	<p>In 2013, 37% of 4th grade students were at “below basic” levels in reading and only 28% were “at or above proficient” levels. There are a variety of reasons attributable to low reading proficiency rates in elementary students, however teacher quality is believed to improve these skills. All students, especially those who do not have proficient reading and comprehension skills, will be better served with evidence-based and innovative tools.</p> <p>HB 1843 requires the development of literacy achievement academies for training on necessary, effective instructional practices for reading curriculum for pre-k through 3rd grade teachers. The commissioner will specify the criteria for teachers allowed to attend the academy, prioritizing teachers at school districts with 50 percent or more of the students enrolled are educationally disadvantaged. The bills allows a teacher attending the literacy achievement academy to receive a stipend and regional education service centers must assist the development and operation of literacy achievement academies, if requested by the commissioner.</p> <p>HB 1843 carries an approximately \$20 million fiscal note for development and maintenance of the academies, plus teacher stipends. It is believed that the creation of these academies would significantly assist students to achieve better proficiency levels in reading which would allow for greater achievement in all subjects, a cost-saving method for the state with reduced dropout and grade retention rates.</p>	<p>Favorable Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org</p>