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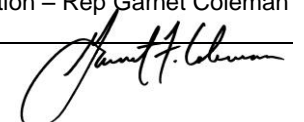
LSG Floor Report For General State Calendar – Thursday, April 18, 2013

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 788 by Rep. Smith	Relating to permitting of greenhouse gas emissions by the Texas Commission on Environmental Quality; limiting the amount of a fee.	Environmental Regulation	<p>Background: Under the Federal Clean Air Act, states have the authority to regulate facilities that emit air pollution, including greenhouse gases. However, in December 2010, Texas refused to take on the role of issuing greenhouse gas permits to facilities in the state. As a result, the Environmental Protection Agency (EPA) created a federal implementation plan for greenhouse gas permits so facilities could apply to the EPA directly for their greenhouse gas permits.</p> <p>HB 788 transfers the role of permitting for greenhouse gases from the EPA to the Texas Commission on Environmental Quality (TCEQ), putting Texas on par with other states that are regulating their own permits.</p> <p>HB 788 removes the TCEQ's authority to control air contaminants to protect against adverse effects related to <i>climatic changes, including global warming.</i></p> <p>HB 788 creates a section in the Health and Safety Code identifying which sources of emissions qualify as greenhouse gas emissions. The section also states the TCEQ must adopt rules to implement the permitting process, and to prepare and submit appropriate federal program revisions to the EPA for approval.</p> <p>HB 788 allows the TCEQ to impose fees if they are necessary to cover direct costs of implementing the permitting process for greenhouse gases.</p> <p>This bill specifies that the permitting processes under these provisions are not subject to the requirements for a contested case hearing under the Texas Clean Air Act, statutory provisions governing TCEQ, or certain provisions of the Administrative Procedure Act. HB 788 would put an end to contested case hearings. Although that may be conducive to expediting the permitting process, it could also prevent important voices from being heard, such as those of residents living near a soon-to-be-built project. This bill does, however, address concerns regarding long wait times and the need for a streamlined permitting process to expedite the development of Texas businesses.</p>	<p><u>Favorable with Concerns</u></p> <p>Evaluated by: Amanda Williams 512-763-0031 amanda.williams@texaslsg.org</p>

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<p>HB 915 By Rep. Kolkhorst</p>	<p>Relating to the administration and monitoring of health care provided to foster children.</p>	<p>Public Health</p>	<p>HB 915 strengthens oversight of foster children who have prescriptions for psychotropic medications. This bill enhances the monitoring process and encourages adequate advocacy on the child’s behalf.</p> <p>The bill increases involvement of the court and any court appointed advocates by reviewing the medical care provided to the child and determining whether the child is receiving appropriate care. This bill requires that foster children with prescriptions to psychotropic medications be seen <i>in person</i> by the prescribing physician at least once every 90 days.</p> <p>This bill requires Department of Family Protective Services (DFPS) to assist youths currently on psychotropic drugs to continue managing medication as they transition out of foster care.</p> <p>This bill promotes informed consent by requiring caregivers to complete a training program to fully understand the course of treatment and require consent from healthcare providers and caregivers of these children before any psychotropic medication is administered.</p> <p>Statute requires children to be assessed every 90 days by a doctor but does not require face-to-face visits after the initial evaluation to determine if the child should continue taking psychotropic medication.</p>	<p>Favorable Evaluated by: Han Bui 512-763-0031 Han@texaslsg.org</p>
<p>HB 1061 Rep. Branch</p>	<p>Relating to the repeal of the statutory authority for the State Medical Education Board</p>	<p>Higher Education</p>	<p>In conjunction with the constitutional amendment enabled by HJR 79, this bill removes an obsolete statute for the State Medical Education Board, which has no appointees and receives no program funding. The Board was originally established to promote the practice of medicine in rural areas of Texas but has not fulfilled this requirement in over 25 years.</p>	<p>Favorable Evaluated by: Torey Ian Powell 512-763-0031 torey@texaslsg.org</p>
<p>HB 220 By Rep. Price</p>	<p>Relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.</p>	<p>Criminal Jurisprudence</p>	<p>HB 220 gives judges the option to stack sentences for a person who commits a first degree felony of serious bodily injury, mental deficiency, or impairment to a child, elderly or disabled individual. This includes an owner, operator or employee of a group home, nursing facility, assisted living or other institutional care facilities.</p> <p>Current law allows for stacking of certain offenses arising from the same criminal episode, but does not include serious bodily injury, mental deficiency, or impairment to a child, elderly, or disabled individual. HB 220 simply allows harsher sentences for offenses relating to vulnerable populations.</p>	<p>Favorable Evaluated by: Muna Javaid 512-763-0031 muna@texaslsg.org</p>
<p>HB 252 By Rep. Larson</p>	<p>Relating to water shortage reporting by water utilities and providers of wholesale water supplies.</p>	<p>Natural Resources</p>	<p>HB 252 requires a public utility and the entities from which it obtains wholesale water or sewer service to project the future availability of water supply to meet the utility’s needs. This bill also requires the utilities to notify the Texas Commission on Environmental Quality (TCEQ) when water supply may be available for less than 180 days. With Texas’ current drought problems, this will help TCEQ to gather information and monitor water availability across the state more efficiently.</p> <p>Currently, self-reporting conditions regarding water availability to the TECQ is voluntary for public utilities and entities.</p>	<p>Favorable Evaluated by: Amanda Foster 512-763-0031 Amanda.foster@texaslsg.org</p>
<p>HB 2387 Rep. Menendez</p>	<p>Relating to the ad valorem taxation of certain tangible personal property located inside a defense base development authority.</p>	<p>Defense and Veterans Affairs</p>	<p>HB 2387 codifies commercial products that are in the process of being manufactured, assembled, or produced inside a defense base development authority and located in Texas for a temporary period of time as “interstate, international, or foreign commerce.” By codifying the status of these products, companies will no longer be subject to certain ad valorem taxes. As the Department of Defense prepares for a new round of Base Realignment and Closures (BRAC), this bill may attract commercial companies that provide hundreds of high paying jobs to displaced workers, and assist closed military bases struggling with the transition to civilian authorities by utilizing existing resources.</p>	<p>Favorable Evaluated by: Torey Ian Powell 512-763-0031 torey@texaslsg.org</p>

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<p>HB 570 By Rep. Alonzo</p>	<p>Relating to issuance of a magistrate's order for emergency protection.</p>	<p>Criminal Jurisprudence</p>	<p>HB 570 allows a magistrate to issue an order of emergency protection to a defendant <i>in person or electronically</i> for offenses involving family violence, sexual assault, aggravated sexual assault, or stalking. Protection orders may be issued while the defendant is in jail.</p> <p>Current law requires that the order be issued to the defendant in open court, which causes safety concerns. There are no alternative modes of issuance. Rural jurisdictions especially benefit from this bill because magistrates sometimes had to travel long distances to serve the order in open court. These protection orders are fundamental in preventing the offender from committing further acts of violence.</p>	<p>Favorable Evaluated by: Muna Javaid 512-763-0031 muna@texaslsg.org</p>
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