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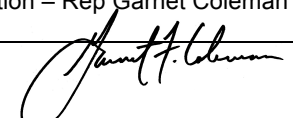
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<b>LSG Floor Report For Emergency Calendar – Friday, April 26, 2013</b>				
<b>Bill</b>	<b>Caption</b>	<b>Committee</b>	<b>Analysis &amp; Evaluation</b>	<b>Recommendation</b>
<b>HB 1025</b> By Rep. Pitts	Relating to making supplemental appropriations and reductions in appropriations and giving direction and adjustment authority regarding appropriations.	Appropriations	<p>HB 1025 spends \$874.9 million in All Funds for the current biennium and makes reductions and appropriations to certain state agencies. The supplemental bill provides increased funding for public education, the Department of State Health (DSH) disproportionate share hospital program, and agencies impacted by the 2011 wildfires, among other appropriations. While these expenditures are much needed, the additional \$500 million spent on public education still leaves last session’s cuts unrestored.</p> <p>Funding highlights include:</p> <ul style="list-style-type: none"> <li>➤ <b>\$500 million to the Texas Education Agency (TEA):</b> Additional funding comes from the Foundation School Fund for payments to decrease the remaining funding gap for public education.</li> <li>➤ <b>\$170 million to the Department of State Health (DSH):</b> Increased funding for DSH, taken from the Trauma Facility and EMS account, supports the interagency contract with the Health and Human Services Commission (HHSC) for the Medicaid disproportionate share hospital program.</li> <li>➤ <b>\$161 million to the Texas A&amp;M Forest Service:</b> To account for costs resulting from the 2011 wildfires in Bastrop County and Cass County, the bill appropriates \$171 million from the Rainy Day Fund. Increased funding will help to maximize supportive federal relief funds and reduce the overall costs related to the wildfires.               <ul style="list-style-type: none"> <li>• <b>\$161 million</b> - Texas A&amp;M Forest Service</li> <li>• <b>\$2.7 million</b>- Department of Public Safety (DPS)</li> <li>• <b>\$4.89 million</b>- Texas Parks &amp; Wildlife Department (TPWD)</li> </ul> </li> <li>➤ <b>\$51.5 million to the Texas Higher Education Coordinating Board:</b> <ul style="list-style-type: none"> <li>• <b>\$34.5 million</b>- For the Texas Research Incentive Program</li> <li>• <b>\$17 million</b>- Funds grants for graduate medical education (GME) programs to expand first-year residency positions.</li> </ul> </li> <li>➤ <b>\$39 million to the Texas Department of Criminal Justice (TDCJ):</b> This amount is directed towards correctional managed health care.</li> <li>➤ <b>\$19.5 million to the Texas Department of Criminal Justice (TDCJ):</b> This appropriation funds the purchase of the Jones County Secure Detention Facility. Originally, the facility cost over \$35 million to complete, but an unanticipated decrease in the prison population left the facility unused and placed a cost burden on the county.</li> </ul>	<p><b>Favorable</b></p> <p>Evaluated by:            Laura Welch            512-763-0031            Laura@texaslsg.org</p>

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<b><u>HB 1025 Prefiled Amendments</u></b>				
<b>Amendment by Phillips</b>	P. 2	#830930	This amendment reverses the current \$110 million reduction to the Texas Department of Transportation (DPS) and allows funds to be used for the New Maintenance Contracts strategy. These funds would support repairs to roads damaged during the transport process utilized for energy development and production.	<b><u>Will of the House</u></b>
<b>Amendment by Carter</b>	P. 3	#830937	<p>In light of the recent fertilizer plant explosion that occurred in West Texas last week, this amendment appropriates \$10 million to the Texas A&amp;M Forest Service for disaster relief efforts in McLennan County. Funding will be implemented in the upcoming biennium. The amendment directs \$3 million towards recovery efforts throughout the county and directs a maximum of \$1 million towards the reimbursement of local responders.</p> <p>Funding is supported through a \$10 million reduction in correctional managed health care under the Texas Department of Criminal Justice (TDCJ). Passage of this amendment will lead to increased health care costs at correctional facilities.</p> <p>As with all Texans across the state, the Legislative Study Group joins in the mourning of the lives lost and the damages incurred as a result of the fertilizer plant explosion in West, Texas. As we move forward in the process of recovery and rebuilding, the Legislature should focus on ensuring the local community receives the resources necessary to accomplish those efforts. Governor Perry and President Obama have declared a disaster area, which frees up necessary resources from the state and federal level. As with other natural and manmade disasters such as Hurricanes Ike and Dolly and the wildfires, this is the first step in the process. As is evidenced by the immediate declaration of disaster, the state will clearly ensure the community of West receives all of the resources necessary to recover and rebuild, and will follow the appropriate process to do so. Simply using this supplemental appropriations bill, which is intended to cover costs incurred from the previous biennium, to arbitrarily send funds towards recovery efforts is concerning. Lawmakers should follow the requests of local, state and federal agencies as they evaluate their expenses from the efforts and then go through the applicable procedures to ensure every need is met.</p>	<b><u>Unfavorable</u></b>
<b>Amendment by Bell</b>	P. 4	#830927	<p>This amendment appropriates \$12.7 million to the Department of Public Safety (DPS) for Intelligence purposes, such as counter terrorism and disaster preparedness. CSSB1 funding for this strategy was placed in Article XI.</p> <p>Bell's amendment takes funding from correctional managed health care under the Texas Department of Criminal Justice (TDCJ). Reducing the amount of this appropriation will result in an overall increase in health care costs in correctional facilities.</p>	<b><u>Unfavorable</u></b>
<b>Amendment by Phillips</b>	P. 5	#830935	This amendment maintains the \$161 million appropriation from the Rainy Day Fund and directs \$60 million of that amount to go to the Volunteer Fire Department Assistance account.	<b><u>Favorable</u></b>
<b>Amendment by Lavender</b>	P. 6	#830922	<p>This amendment simply includes Marion County in responder reimbursements for the 2011 wildfire, the largest in the history of East Texas. The Bear Creek Fire devastated both Cass and Marion counties, though Marion County was unintentionally excluded from the original bill.</p> <p>The fire lasted for two weeks, and in addition to the destruction of 66 homes, 17.3 million cubic feet of timber and 40,979 acres of land were destroyed in the fire. An estimated \$16 million is needed for recovery and reforestation efforts in Cass and Marion counties.</p>	<b><u>Favorable</u></b>
<b>Amendment by Phillips</b>	P. 7	#830933	Similar to amendment 830928 (Phillips), this amendment strikes the \$500 million appropriated to the Texas Education Agency (TEA) for public schools and appropriates it to the Texas Department of Transportation State Highway Fund for the repair and maintenance of roads damaged by increased use from energy production.	<b><u>Unfavorable</u></b>

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<b>Amendment by Farias</b>	P. 8	#830925	As written HB 1025, requires the Texas Education Agency to equally distribute funding per student in weighted average daily attendance (WADA) for FY 2012-2013, but limits the amount to \$72.50 per student. This amendment removes the per student cap.	<b><u>Will of the House</u></b>
<b>Amendment by Turner, Sylvester</b>	P. 9	#830931	This amendment removes the appropriation of \$19.5 million for the purchase of the Jones County Correctional Facility. More consideration should be made regarding the facility, its use, and the additional costs that will be incurred by the state following its purchase.	<b><u>Favorable</u></b>
<b>Amendment by Hughes</b>	P. 10	#830926	Increased fear following the murders of Kaufman County’s assistant prosecutor and a District Attorney and his wife has led to a desire for improved security measures for the state’s district attorneys. The amendment adds district attorney safety under the judiciary and moves \$2 million from its revenue shortfall appropriation. This one-time payment spends a maximum of \$7,500 per district attorney in the state for security measures.	<b><u>Will of the House</u></b>
<b>Amendment by Kacal</b>	P. 11	#830924	This amendment prioritizes the use of \$2 million from the Trusteed Programs within the Office of the Governor to be used for recovery efforts in the aftermath of the fertilizer plant explosion in West, Texas.	<b><u>Will of the House</u></b>
<b>Amendment by King, Phil</b>	P. 12	#830920	The amendment reduces appropriations for Film and Music Marketing by \$26,270,594, or \$13,135,297 each fiscal year of the upcoming biennium. Funding for the Department of Public Safety (DPS) Traffic Enforcement strategy is increased by \$13,135,297 in FY 2014 and FY 2015.	<b><u>Will of the House</u></b>
<b>Amendment by Alonzo</b>	P. 13	#830905	This amendment allows the University of Houston to establish and facilitate the Texas Optometry Opportunities program out of unused and undedicated funds appropriated to the university for FY 2013.	<b><u>Favorable</u></b>
<b>Amendment by Alonzo</b>	P. 14	#830906	<p>This amendment adds directives for the Veterans Commission to establish at least one veterans resource center in an institution of higher education, in each of the 15 higher education regions, if funding is available. If funding is not adequate enough to establish a center in each region, the Veterans Commission will decide which regions will receive funding for establishment. Funding can be achieved through federal support and private donations.</p> <p>The centers will work in conjunction with the Veterans Commission, the Texas Higher Education Coordinating Board, the Texas Information and Referral Network, and the higher education institutions in the region to enhance the educational experience for veterans and their families. If funding is available, a program manager and a regional veterans resource counselor will be hired to support the implementation of the center.</p>	<b><u>Favorable</u></b>
<b>Amendment by Alonzo</b>	P. 20	#830908	This addition to the bill directs the Higher Education Coordinating Board to use \$1 million in General Revenue funds for FY 2013 to support public schools experiencing a shortage of teachers. Grants will be provided to students willing to teach bilingual education, English as a second language, or Spanish in public schools.	<b><u>Favorable</u></b>
<b>Amendment by Alonzo</b>	P. 21	#830909	<p>Similar to Amendment 830908, this addition to the bill directs the Higher Education Coordinating Board to provide \$1 million in grants for teacher candidate students who commit to teach bilingual education, English as a second language, or Spanish. General Revenue funds for FY 2013 will be used to support these grants.</p> <p>Students enrolled in Bachelor’s, Master’s, or Doctoral programs at the University of Texas at Arlington, the University of North Texas, the University of North Texas at Dallas, and the Texas Women’s University are eligible and must commit to teach full-time for two years. Of the grants provided, 80 percent will be awarded to Bachelor’s degree candidates and 20 percent awarded to Master’s or Doctoral candidates.</p>	<b><u>Favorable</u></b>

<b>Amendment by King, Phil</b>	P. 22	#830919	Senate Bill 1 funds appropriated to the Travis County Public Integrity Unit are transferred to the Office of the Attorney General. Currently the Travis County District Attorney oversees the Public Integrity Unit, which investigates allegations of misconduct among elected officials. This amendment is contingent on the passage of legislation (HB 3575 Fallon) giving the Attorney General jurisdiction to carry out the functions of the unit. The Public Integrity Unit has been successful in prosecuting lawmakers of both parties that violated the law, removing the agency is unnecessary.	<b><u>Unfavorable</u></b>
<b>Amendment by Cortez</b>	P. 23	#830921	The Health and Human Service Commission (HHSC) can use up to \$8.9 million of unused FY 2013 funds to pay deductible and coinsurance claims for ambulance services provided to individuals receiving both Medicaid and Medicare.	<b><u>Favorable</u></b>
<b>Amendment by Phillips</b>	P. 24	#830928	This amendment takes \$500 million from the Foundation School Fund for the Texas Department of Transportation Road Repairs in Energy Sectors. This is to repair roads and bridges damaged in the process of energy development and production.	<b><u>Unfavorable</u></b>
<b>Amendment by Phillips</b>	P. 25	#830929	This amendment transfers \$500 million from unencumbered funds to State Highway Fund 6 to repair roads damaged in the transport process of the development and production of energy.	<b><u>Will of the House</u></b>
<b>Amendment by Creighton</b>	P. 26	#830941	This amendment requires all state agencies receiving funding in the supplemental bill or the 2011 General Appropriations Act (GAA), to submit a report on the federal funding used during FY 2013 and FY 2014. The report must be submitted to the comptroller, the Legislative Reference Library, the state auditor, and the Legislative Budget Board.	<b><u>Will of the House</u></b>

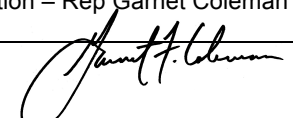
**LSG Floor Report For Constitutional Amendments – Friday, April 26, 2013**

<b>HJR 87</b> by Rep. Muñoz, Jr.	Proposing a constitutional amendment authorizing a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body for which the unexpired term is 24 months or less	Urban Affairs	HJR 87, which is enabled by HB 1372, amends the Texas constitution and resolves that a municipality is not required to operate under state guidelines for filling a governing body vacancy if they already have policies in place via charter amendment. If passed, HJR 87 must be submitted to Texas voters through an election.  Statute requires a municipality go through special elections when filling governing body vacancies with more than a two year term. This process can be taxing for a municipality that holds more than one special election in a year to fill vacancies. The bill allows a charter amendment substitution for a special election when filling a vacancy for an unexpired term of 2 years or less.	<b><u>Favorable</u></b> Evaluated by: Nena Chima 512-763-0031 nena@texaslsg.org
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**LSG Floor Report For General State Calendar – Friday, April 26, 2013**

<b>HB 654</b> By Rep. Cortez	Relating to the ability of a tenant representative to serve as a commissioner of a local housing authority.	Urban Affairs	HB 654 abolishes the 2 year term limit for a Housing Authority <i>Tenant</i> Commissioner. Currently, the state holds no term limits on any other Housing Authority Commissioner. This bill seeks to create equality among all commissioners by holding Tenant and Housing Authority Commissioners to the same standard.	<b><u>Favorable</u></b> Evaluated by: Nena Chima 512-763-0031 nena@texaslsg.org
<b>HB 897</b> By Rep. Zerwas	Relating to instruction in cardiopulmonary resuscitation and the use of automated external defibrillators in secondary education curriculum.	Public Education	HB 897 requires students in the 7 <sup>th</sup> through the 12 <sup>th</sup> grade to receive CPR and Automated External Defibrillator (AED) instruction at least once before graduating in both public and open-enrollment charter schools. The training must be developed by the American Heart Association or The American Red Cross or follow nationally recognized evidence-based guidelines.  Although HB 897 seeks to educate students on how to provide CPR, the bill is an unfunded mandate with very explicit guidelines. School districts have to allocate funds for the program which includes the cost of instructors, classroom materials, and CPR and AED equipment; all with consideration for the size of the district and school. Statute currently gives school districts more flexibility for instruction elements relating to CPR and AED.	<b><u>Favorable with Concerns</u></b> Evaluated by: Nena Chima 512-763-0031 nena@texaslsg.org

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<p><b>HB 916</b> By Rep. Orr</p>	<p>Relating to the amount of a chargeback for unemployment compensation benefits paid to a person who is partially unemployed.</p>	<p>Economic &amp; Small Business Development</p>	<p>HB 916 protects employers that are not under the Shared Work Unemployment Compensation Program from being obligated to pay an unjust chargeback for benefits compensated to an employee that continued working for an employer when the employee’s unemployment benefit year began. HB 916 is necessary because in a number of instances, Texas Workforce Commission disproportionately charges the current and former employers without regard to the actual loss of wage incurred by the employee from the respective employers.</p> <p>Currently, there is no chargeback protection in place for the concurrent employer when the employee files for unemployment compensation from their former employer.</p>	<p><b>Favorable</b> Evaluated by: Yvonne Okonkwo 512-763-0031 yvonne@texaslsg.org</p>
<p><b>HB 2058</b> By Rep. Allen</p>	<p>Relating to the administration of a high school equivalency examination.</p>	<p>Public Education</p>	<p>HB 2058 allows students under the age of 18 to take a high school equivalency (HSE) examination online. This bill helps students who are enrolled in programs that administer online HSE or general educational development (GED) exams.</p> <p>This bill impacts programs like Job Corps or juvenile justice court ordered programs that address the needs of teens at risk of dropping out of school by giving them an opportunity to gain a HSE or GED online before they reach adulthood.</p>	<p><b>Favorable</b> Evaluated by: Nena Chima 512-763-0031 nena@texaslsg.org</p>
<p><b>HB 2439</b> By Rep. Parker</p>	<p>Relating to the review of certain contracts by the state auditor</p>	<p>Government Efficiency &amp; Reform</p>	<p>HB 2439 stipulates that at least three major state agency contracts that provide services for Texas residents and are valued at a minimum of \$1 million must be reviewed for efficiency and effectiveness by the State Auditor under the annual audit plan.</p>	<p><b>Favorable</b> Evaluated by: Nena Chima 512-763-0031 nena@texaslsg.org</p>
<p><b>HB 2763</b> By Rep. Hunter</p>	<p>Relating to the regulation of professional employer services; authorizing fees.</p>	<p>Business &amp; Industry</p>	<p>HB 2763 brings statute in line with industry practice by updating the language dealing with professional employer organizations (PEOs) – formerly, “staff leasing services companies.” PEOs provide ongoing employment services to businesses like administering benefits, payroll, HR and staff training - not staff like a staffing agency. The bill outlines the activities of a PEO and a PEO’s relationship with their client business and the employees receiving their services. It addresses the licensure process, the scope of the agreements or contracts between PEOs and their client businesses, and their authority to administer benefit plans and other employer functionality. The functions of this bill are overseen by the Texas Commission of Licensing and Regulation.</p>	<p><b>Favorable</b> Evaluated by: Kristen Macaluso 512-763-0031 kristen@texaslsg.org</p>
<p><b>HB 3068</b> by Rep. Menendez</p>	<p>Relating to debit card surcharge.</p>	<p>Investments and Financial Services</p>	<p>HB 3068 prohibits a merchant from creating a surcharge to a consumer for the use of their <i>debit card or store value card</i>. However, it creates exemptions for certain governmental entities. Currently, there are protections against surcharges for customers who use <i>credit</i> cards. This bill seeks to give equal consumer protection to both credit card and debit card users.</p>	<p><b>Favorable</b> Evaluated by: Natalie R. Powell 512-763-0031 Natalie@texaslsg.org</p>
<p><b>HB 3309</b> By Rep. Crownover</p>	<p>Relating to the composition and use of money in the oil and gas regulation.</p>	<p>Energy Resources</p>	<p>Background: The responsibility to protect groundwater from oil and gas activities was recently transferred from TCEQ to the Railroad Commission. Since then, half of the fees charged for oil drilling permits – about 2.8 million biennially – have been sent into the general revenue.</p> <p>HB 3309 re-routes those fees directly to the Oil and Gas Regulation and Cleanup Fund (OGRCF). One hundred percent of the drilling permit fees are intended for groundwater protection, but since statute does not specify where the fees are kept, this bill clarifies the accounting process to ensure the fees are used for their intended purpose.</p>	<p><b>Favorable</b> Evaluated By: Kristen Macaluso 512-763-0031 kristen@texaslsg.org</p>



<p><b>HB 1394</b> by Rep. King, Susan</p>	<p>Relating to the sunset review of certain powers and duties performed by the Department of State Health Services</p>	<p>Public Health</p>	<p>HB 1394 requires the Sunset Commission to determine if the Department of State Health Services (DSHS) is effective in providing the public with resources to promote better understanding of healthcare benefits and coverage available in Texas. This bill also requires the review of DSHS regarding standards for maintaining privacy and security of patient’s healthcare information. The Sunset Advisory Commission is required to submit a report to the legislature on its findings by September 1, 2015.</p>	<p><b>Favorable</b> Evaluated by: Han Bui 512-763-0031 Han@texaslsg.org</p>
<p><b>Amendment to HB 1394</b></p>	<p>By Rep. King, Phil</p>	<p>#830992</p>	<p>This amendment requires the DSHS to submit a report to the legislature on the cost of an attorney ad litem or guardian ad litem appointed by the state, court costs and court reporter fees involved with the judicial bypass process for minors seeking an abortion. The amendment asks the report to “detail” out the amount of fees and court costs the state spends, yet does not ensure confidentiality nor privacy protection for the minor, judges, attorney ad litem, nor guardian involved in these cases. Family law cases in general have high court violence associated with them. Judges that grant these judicial bypass waivers have testified to the Legislature that any reporting mechanism could potentially expose these judges to all sorts of threats and acts of violence. The report must be submitted by January 1, 2014.</p>	<p><b>Unfavorable</b></p>
<p><b>HB 1790</b> By Rep. Longoria</p>	<p>Relating to certain procedures for defendants who successfully complete a period of state jail felony community supervision.</p>	<p>Criminal Jurisprudence</p>	<p>HB 1790 allows a judge who places a defendant on community supervision for a state jail felony to review the defendant’s record after completion of two-thirds of their supervision and consider modifying their record to a class A misdemeanor instead of a felony. This modification would not apply to defendants whose offense involved improper sexual activity by employees of a correctional facility, a DWI with a child passenger, failure to comply with sex offender registration, family violence, or any crime involving direct physical harm or force.</p> <p>Offering an individual the opportunity to receive a reduced offense level conviction may help offenders reintegrate into society and reduce recidivism.</p>	<p><b>Favorable</b> Evaluated by: Muna Javid 512-763-0031 muna@texaslsg.org</p>
<p><b>HB 858</b> by Rep. Lucio</p>	<p>Relating to methods used by an animal shelter to euthanize a dog or cat.</p>	<p>Environmental Regulation</p>	<p>HB 858 eliminates the method of administering compressed carbon monoxide when euthanizing a dog or cat in animal shelters. This bill addresses strong concerns relating to the ethical and humane treatment of these animals when they undergo the carbon monoxide procedure, as well as the health risks the employees face while administering the gas.</p> <p>Currently, animal shelters have the authority to administer both sodium pentobarbital, also known as lethal injection, as well as compressed carbon monoxide. Studies show that administering a lethal injection is more effective, less painful for animals, and poses low to no risk for employees administering the drug to animals.</p>	<p><b>Favorable</b> Evaluated by: Amanda Williams 512-763-0031 amanda.williams@texaslsg.org</p>
<p><b>HB 2311</b> By Rep. Kacal</p>	<p>Relating to an animal identification program.</p>	<p>Agriculture and Livestock</p>	<p>HB 2311 authorizes the Texas Animal Health Commission (TAHC) to develop and implement an animal (livestock) identification program that is <i>no more stringent</i> than a federal animal identification program for the purpose of disease control and traceability. TAHC may adopt rules to require the use of identification as part of the program and may vote to adopt rules to provide for a program that is <i>more stringent</i> only for the control of a <i>specific</i> disease or animal emergency management.</p> <p>HB 2311 repeals provisions creating <i>criminal</i> penalties for noncompliance. Existing <i>administrative</i> penalties will remain in statute. Changes made by HB 2311 will not affect TAHC rules of an animal identification program if implemented prior to the effective date of this bill.</p> <p>Currently, the TAHC is authorized to develop and implement an animal identification program that is consistent with the US Department of Agriculture’s National Identification System. However, the statute is outdated because that specifically named program no longer exists. HB 2311 provides an exemption from identification for livestock on their way to slaughter. The classification of a program as <i>no more stringent</i> than a federal program may be concerning due to the unpredictable future of federal animal identification programs.</p>	<p><b>Will of the House</b> Evaluated by: Katherine Little 512-763-0031 Katherine@texaslsg.org</p>

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