



Legislative Study Group

Texas House of Representatives

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LSG Floor Report For General State Calendar (Postponed Business) – Monday, April 4, 2011

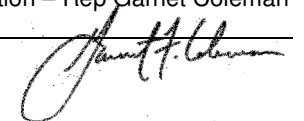
| Bill | Caption | Committee | Analysis & Evaluation | Recommendation |
|-----------------------------|--|-------------------------------|--|--|
| HB 716 By Rep. Miller | Relating to the taking of certain feral hogs and coyotes using a helicopter. | Culture, Recreation & Tourism | <p>Currently, the Parks and Wildlife Commission issues permits to hunters to shoot certain depredating animals from an aircraft such as feral hogs or coyotes. Feral hogs in Texas cause over \$400 million per year in damages and these animals can be found in every county in Texas. Coyotes, also found in almost every county in Texas, cause millions in damages to Texas property each year.</p> <p>HB 716 seeks to allow a landowner to contract hunters or observers to shoot feral hogs and coyotes from a helicopter on the landowner's property. All other rules pertaining to this action would be left to the decision of the Texas Parks and Wildlife Commission, to be made as soon as possible after the bill is passed.</p> | <p><u>Will of the House</u></p> <p>Evaluated by: David Kanewske 512-827-8756 david@texaslsg.org</p> |

OK for Distribution – Rep. Garnet Coleman

LSG Floor Report For General State Calendar – Monday, April 4, 2011

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|--|--|--|---|---|
| HB 109 by Rep. Brown | Relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site. | Transportation | HB 109 authorizes a county or municipality to designate an official to temporarily lower the speed limit at the scene of an accident, particularly during an investigation with an accident reconstruction site, unless it's a road or highway in the state highway system. HB 109 further allows an official to lower the speed limits without having to get permission or approval from the Texas Department of Transportation. However, an official has to follow any guidelines set and provide information regarding the accident to the Texas Department of Transportation. | Favorable Evaluated by: Cappreese Crawley 512-827-8756 cappreese@texaslsg.org |
| HB 213 By Rep. Rodriguez | Relating to the duties of a mortgage servicer of certain residential mortgage loans. | Pensions, Investments and Financial Services | HB 213 amends the Finance Code by adding a section that addresses residential mortgage servicers. HB 213 applies only to a loan secured by a first lien on residential real property that is not a federally related mortgage loan. Currently, those servicers do not have to be licensed in Texas and are not required to provide disclosures. HB 213 will allow for more transparency and ensure information for all homeowners by mandating disclosure procedures for mortgage servicers not federally regulated. Consumer advocates argue that, because servicers have not been held accountable to any higher agency, Texas has seen an increasing rate of foreclosures. Homeowners who were proactive in protecting themselves still fell victim to these service agencies because there was no one they could turn to for help. In 2010, there were over 300 consumer complaints to the Texas Attorney General from families who had paid their mortgage and insurance on time, had the receipts to prove it and were still receiving foreclosure notices. These individuals were told to go to a private attorney. HB 213 assists and protects homeowners by demanding better recordkeeping and notification procedures addressing matters concerning fees, payments and dispute matters. | Favorable Evaluated by: Kira Ruben 512-827-8756 kira@texaslsg.org |
| HB 245 By Rep. Gallego | Relating to limiting the liability of space flight entities | Judiciary & Civil Jurisprudence | HB 245 requires those who wish to participate in commercial space flights to complete a liability form. Since space flights are a high risk activity that may result in injury or possible death, private agencies participating in the creation of these flights would require protection from the possible risk associated with the flights. As a result of HB 245, those documents for limited liability will be placed in a separate packet for participants to make sure that they are aware of their risk for injury. In addition, HB 245 does not exempt space flight entities from liability in instances of gross negligence. | Favorable Evaluated by: Kimberly Willis 512-827-8756 kim@texaslsg.org |
| HB 252 By Rep. Hilderbran | Relating to eligibility for an exemption from ad valorem taxation of the residence homestead of a person. | Ways & Means | The goal of CSHB 252 is to eliminate the practice of claiming multiple homestead exemptions when paying property taxes. Under current law, identification is required but not proof of residence. This allows some homeowners to claim a homestead exemption in multiple counties, and for vacation home owners in Texas to claim the homestead exemption here even though they reside in other states. CSHB 252 amends the tax code to require that the license or identification presented have the property address on them, and that a vehicle registration or utility bill at the address be presented. CSHB 252 will have a positive fiscal impact as fraud is reduced, but because the number and values of falsely claimed homestead exemptions are unknown, the actual amount is impossible to estimate. While this bill takes steps to address a serious problem, there is concern that the new requirements could make it more difficult for some eligible homeowners to receive their exemption. Some individuals, like senior citizens, may not have a driver's license or state issued identification card. In tightening the requirements to root out fraudulent exemptions, the state should ensure that no eligible enrollees are unduly burdened. | Favorable with Concern Evaluated by: Jasie Boyd 512-827-8756 Jasie@texaslsg.org |
| HB 346 By Rep. Kleinschmeidt | Relating to the award of costs and attorney's fees in certain proceedings concerning mechanic's, contractor's, or materialman's liens. | Business & Industry | Currently in legal proceedings involving mechanic's, contractor's, or materialman's liens the court has the authority to determine whether costs and attorney's fees should be awarded to the winning party. This authority applies to cases concerning foreclosure on liens or enforcing claims against a bond to declare a lien invalid or unenforceable. HB 346 seeks to change the wording in section 53.156, Property Code, from "may award costs and reasonable attorney's fees" to "shall award costs and reasonable attorney's fees." This bill would essentially create a "loser-pays" system. It is a concern that this bill takes away the discretion of the courts for awarding costs and fees. | Will of the House w/ Concerns Evaluated by: David Kanewske 512-827-8756 David@texaslsg.org |

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| <p>HB 371 By Rep. Hochberg</p> | <p>Relating to prohibiting deferred adjudication community supervision for certain defendants convicted of murder.</p> | <p>Criminal Jurisprudence</p> | <p>HB 371 states that in cases of death, a judge cannot give deferred adjudication for crimes that resulted in the death of an individual. Under current law, there is a phrase known as “misdemeanor murder” which states that a person can get their murder conviction deferred; however, a defendant cannot be granted deferred adjudication for DWI’s. It was mentioned several times during testimony that a person who drives under the influences due to bad judgment could not be granted adjudication, but a person who engages in a known act resulting in a person’s death has a possibility of receiving deferred adjudication. It is also important to understand that a jury cannot grant deferred adjudication, it is left to the discretion of the judge.</p> <p>During testimony, a father recounted the tragic incident of how his son was violently murdered leaving a club with friends. He indicated that his son was in the process of breaking up a bar fight when one of the individuals stabbed him several times resulting in his death. The suspect was given deferred adjudication and sentenced to probation. Although the suspect was given probation, he did not comply with the guidelines of that supervision, which means he is still living freely. HB 371 will ensure that incidents like these do not occur again, especially when the intent to seriously harm is the case.</p> | <p>Favorable Evaluated by: Kimberly Willis 512-827-8756 Kimberly@texaslsg.org</p> |
| <p>HB 377 By Rep. McClendon</p> | <p>Relating to the expenditure of money from the general revenue fund for rail projects.</p> | <p>Transportation</p> | <p>HB 377 allows the Texas Department of Transportation to spend money from the general revenue fund to implement rail projects without the need for a line-item appropriation, if the money is received from the Texas economic development bank fund or appropriated to the Texas rail relocation and improvement fund. This simple change in law brings state statute in line with existing funding mechanisms for the agency.</p> | <p>Favorable Evaluated by: Cappreese Crawley 512-827-8756 cappreese@texaslsg.org</p> |

