



# Legislative Study Group

## Texas House of Representatives

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### LSG Floor Report For General State Calendar (Postponed Business) – Tuesday, April 5, 2011

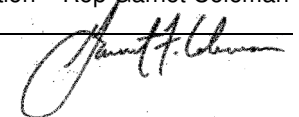
Bill	Caption	Committee	Analysis & Evaluation	Recommendation
<b>HB 1165</b> By Rep. Keffer	Relating to the exemption of certain electric cooperatives from certain regulations.	State Affairs	<p>H.B. 1165 amends the Utilities Code to establish that an electric cooperative that sells electricity at wholesale is not a gas utility or subject to regulation as a gas utility solely because it provides gas storage services for hire, if the gas storage facility is predominantly operated to support the integration of renewable resources. The bill prohibits such a gas storage facility from having a working gas capacity of greater than five billion cubic feet. The bill makes a conforming change to the definition of "gas utility" by excluding an electric cooperative or its subsidiary from the meaning of the term.</p> <p>HB 1165 bill also excludes an electric cooperative, or its subsidiary, that sells electricity at wholesale and that owns or operates an underground storage facility that does not have a working gas capacity of greater than five billion cubic feet and provides gas storage services to the public for hire. An exclusion can be made if the gas storage facility is predominantly operated to support the integration of renewable resources from the definition of "public utility" as that term is defined under the Public Utility Regulatory Act.</p>	<b>Favorable</b> Evaluated by: Lisa Mathews 512-827-8756 <a href="mailto:lisa@texaslsg.org">lisa@texaslsg.org</a>
<b>HB 310</b> By Rep. Tracy King	Relating to election procedures and qualifications of members of boards of directors for water supply or sewer service corporations.	Natural Resources	<p>Under current statute, the Water Supply Corporation (WSC) is required to establish written procedures for holding elections for the board of directors but does not specifically state the guidelines for such elections. HB 310 will allow an open elections process for anyone who wants to run for the board of directors, while prohibiting the practice of proxy voting.</p> <p>HB 310 lists the requirements an applicant must fulfill, materials that must be delivered to stakeholders in order to conduct the election, and the procedures for conducting the election in person, by mail or by direct delivery. If the board determines a person on the board of directors does not meet the qualifications, then the board will remove the member and fill the vacant position no later than the 60<sup>th</sup> day of determination. HB 310 creates clarity in the election process for board members for water supply or sewer service corporations, giving confidence to stakeholders and promoting transparent, fair elections for participants.</p>	<b>Favorable</b> Evaluated by: Mimi Tran 512-827-8756 <a href="mailto:mimi@texaslsg.org">mimi@texaslsg.org</a>
<b>HB 229</b> By Rep. Solomons	Relating to the duties of the county tax assessor-collector and voter registrar regarding exemptions from jury service.	Judiciary & Civil Jurisprudence	<p>HB 229 states that the county voter registrar can grant an exemption from jury service instead of the county tax assessor-collector. In addition, individuals who are seventy (70) years of age or older can file with the county registrar for permanent exemption. HB 229 requires that the county voter registrar retain a listing of the jury service exemptions so that those wanting to serve in the future may do so if they choose.</p>	<b>Favorable</b> Evaluated by: Kim Willis 512-827-8756 <a href="mailto:kimberly@texaslsg.org">kimberly@texaslsg.org</a>

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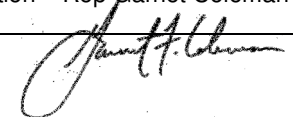
<p><b>HB 444</b> by Rep. Creighton</p>	<p>Relating to notification of applications for permits for certain injection wells.</p>	<p>Natural Resources</p>	<p>House Bill 444 will amend the Water Code to require that a copy of application for permit for injection wells be submitted to the Department of State Health Services and Groundwater Conservation districts. The injection wells are used to dispose of industrial and city waste. The executive director will submit a copy of the application for permit for an injection well to the appropriate groundwater conservation district (GCD) in which it is proposed in.</p> <p>Prior to hearing, testimonies in a contested case regarding an application, a record of the proceeding is required. Documentation must include: a copy of each draft permit proposed by the executive director was provided to the appropriate GCD and notice of the contested case was mailed to the appropriate GCD.</p>	<p><b>Favorable</b> Evaluated by: Mimi Tran 512-827-8756 <a href="mailto:mimi@texaslsg.org">mimi@texaslsg.org</a></p>
<p><b>HB 571</b> by Rep. Huberty</p>	<p>Relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality; providing penalties.</p>	<p>Natural Resources</p>	<p>House Bill 571 makes changes to the Water Code by addressing the regulation and standards of “aggregate production operations” by the Texas Commission on Environmental Quality (TCEQ). The term “aggregate production operation” (APO) is defined as the site from which aggregates are being or have been removed or extracted from the earth.</p> <p>HB 571 proposes that the APO shall be registered by the responsible party (operator, lessor, or owner responsible for overall function and operation of the APO) no later than the 10<sup>th</sup> business day before the first day of extraction activities and will submit an annual renewal for registration for the extraction activities to continue. TCEQ will conduct a physical annual survey to identify all active APOs in Texas, and to ensure that each APO operation in Texas is registered with the commission.</p> <p>HB 571 goes on to say that TCEQ may contract or receive assistance from government entities to conduct the annual survey. The commission will inspect each APO for compliance of environmental laws and rules at least once every 3 years. The inspector is conducted by one or more inspectors trained in the regulatory requirements. When a complaint is made, an investigation is conducted and will be considered meeting the annual survey requirement. TCEQ will set an annual registration fee that will not exceed \$1,000. Registration fees collected will be placed in the water resource management account. The commission may fine between \$5,000-\$10,000 each year that the APO that is operating without being registered. Total fines may not exceed \$25,000 for APO’s operating 3+ years without being registered.</p>	<p><b>Favorable</b> Evaluated by: Mimi Tran 512-827-8756 <a href="mailto:mimi@texaslsg.org">mimi@texaslsg.org</a></p>
<p><b>HB 610</b> by Rep. Zerwas</p>	<p>Relating to the method of delivery of certain notices sent by the Texas Commission on Environmental Quality.</p>	<p>Natural Resources</p>	<p>Currently, any time there is a new permit or other new announcements issued by the Texas Commission on Environmental Quality (TCEQ) paper notifications are delivered to all state senators and state representatives, unless otherwise requested. House Bill 610 changes provisions in the Water Code about notices sent by the Texas Commission on Environmental Quality (TCEQ). TCEQ will use electronic means to provide notice to a state senator or representative, unless otherwise requested.</p>	<p><b>Favorable</b> Evaluated by: Mimi Tran 512-827-8756 <a href="mailto:mimi@texaslsg.org">mimi@texaslsg.org</a></p>
<p><b>HB 645</b> by Rep. Orr</p>	<p>Relating to the information required to be include on a form for an application for an exemption from ad valorem taxation of property owned by a charitable organization.</p>	<p>Ways &amp; Means</p>	<p>HB 645 is a procedural change to the tax code without any substantive impact. Current law requires that an application for a property tax exemption include the driver's license, personal identification certificate number, or social security number of the applicant. HB 645 amends the code so that charitable organizations who apply for the exemption may use their federal tax ID rather than furnish sensitive personal information that is unnecessary.</p>	<p><b>Favorable</b> Evaluated by: Jasie Boyd 512-827-8756 <a href="mailto:jasie@texaslsg.org">jasie@texaslsg.org</a></p>

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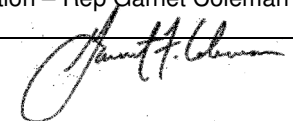
<p><b>HB 675</b> by Rep. Lucio III</p>	<p>Relating to football helmet safety requirements in public schools.</p>	<p>Public Education</p>	<p>HB 675 relates to the safety of public students playing football by assuring quality football helmets. Currently, there is no statute for reconditioning helmets or keeping records. HB 675 requires that football helmets used by public schools be reconditioned every 2 years after the first 10 years of use and be retired after 16 years of use. HB 675 also requires that a record be kept of the age of the helmets and the dates of reconditioning; this record will be made available to parents of students participating in football. The University Interscholastic League (UIL) may make rules that must be approved by the TEA commissioner to implement quality assurance and record keeping.</p> <p>Most football helmet manufacturers recommend helmets be reconditioned each year, making HB 675 a modest requirement for UIL and schools. Football helmets protect players, in the case of HB 675, developing youth, from head injuries and most often concussions. Once a player has a concussion, they are 4 times more likely to sustain a second one with less impact required and longer time to recover. Besides the confusion, blurred vision, memory loss, and unconsciousness from a concussion, one university study in 2007 found that of 595 retired N.F.L. players who had sustained 3 or more concussions from football, 20.2% had depression; 3 times the rate of players who had not sustained concussions. For short and long-term effects, it is crucial to protect developing youth; HB 675 takes a step in that direction by requiring public schools to use football helmets that have been reconditioned, are no older than 16 years, and keeps parents informed on the safety of the equipment being used.</p>	<p><b>Favorable</b> Evaluated by: Ashley Reeder 512-827-8756 <a href="mailto:ashley@texaslsg.org">ashley@texaslsg.org</a></p>
<p><b>HB 690</b> by Rep. Martinez Fischer</p>	<p>Relating to the punishment for the offense of graffiti.</p>	<p>Criminal Jurisprudence</p>	<p>HB 690 stems from recent acts of defacement on historical buildings in San Antonio. Historical buildings within the city of San Antonio have served as tourist attractions for years, as well as serving as economic engines for the city. Individuals who spoil structures with graffiti cost the city money as well as ruin the structures being tagged. Currently, individuals found guilty of vandalizing certain kinds of buildings are subjected to a state jail felony. HB 690 seeks to expand that list to include historical buildings.</p>	<p><b>Favorable</b> Evaluated by: Kimberly Willis 512-827-8756 <a href="mailto:Kimberly@texaslsg.org">Kimberly@texaslsg.org</a></p>
<p><b>HB 755</b> by Rep. Cook</p>	<p>Relating to eligibility of certain dependents for coverage under the state employee benefits program.</p>	<p>Pensions, Investments and Financial Services</p>	<p>HB 755 expands the definition of a covered dependent for the Texas Employees Group Benefits Program managed by the Employees Retirement System of Texas. Currently, in order for the dependent to get coverage, he or she must be enrolled by their 25<sup>th</sup> birthday. No person over the age of 25 would be able to enroll and begin receiving coverage in the system.</p> <p>HB 755 changes that law so that a dependent that would otherwise age out of the system could begin their coverage beyond their 25<sup>th</sup> birthday, if they are completely dependent on their guardian for sustained medical coverage. HB 755 requires the continuation of coverage for the dependent under the Consolidated Omnibus budget Reconciliation Act (COBRA) of 1985. According to a statement from the director of benefits from ERS (Employees Retirement System), they expect that only three to four participants a year will be affected.</p>	<p><b>Favorable</b> Evaluated by: Kira Ruben 512-827-8756 <a href="mailto:kira@texaslsg.org">kira@texaslsg.org</a></p>
<p><b>HB 849</b> by Rep. Miller</p>	<p>Relating to notice of an application for a permit to dispose of oil and gas waste in a commercial disposal well; creating an offense.</p>	<p>Natural Resources</p>	<p>HB 849 attempts to create a public notice process for the disposing of oil and gas waste in a commercial disposal well; however, the notices and accountability measures described in the bill do too little and would, in fact, include no enforcement language for anyone who failed to follow any of the notification proposals.</p> <p>HB 849 requires that an applicant must give notice of an application for a permit to dispose of oil and gas waste in a commercial disposal well to numerous groups. If a company wants to dispose of oil and gas waste on a person's property, however, then both the company (applicant) and the property owner ("owner of record") must make certain notifications. Specifically, the applicant must notify:</p> <ul style="list-style-type: none"> <li>• The appropriate county commissioners court</li> <li>• Appropriate Groundwater Conservation District, and</li> <li>• Each property owner ("owner of record") of each surface tract that adjoins the land on proposed location of the project</li> </ul> <p>The property owner is then required to notify each surface lessee or purchaser of the property, and is required to publish notice of the application in each newspaper that circulates in the appropriate county. However, if the property owner fails to notify, it doesn't matter.</p>	<p><b>Unfavorable</b> Evaluated by: Mimi Tran 512-827-8756 <a href="mailto:mimi@texaslsg.org">mimi@texaslsg.org</a></p>

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			<p>A failure to follow the notification provisions will not invalidate any permit issued by the railroad commission.</p> <p>Finally, anyone who owns part of the land on which the company wants to dump oil and gas waste has a right to request a public hearing about the process. However, the railroad commission is not required to hold more than one public hearing on an application regardless of the number of persons who request a hearing or how controversial a permit request may be. There is also no language in the bill specifying how accessible the public hearing must be, or how the public is to be notified of such a hearing.</p> <p>The disposal of these oil and gas waste materials could pose a serious health risk to the lessee/purchaser of the property. The notification process should be taken seriously and designed to maximize public input, not fulfill the bare minimum of quasi-accountability.</p>	
<b>HB 942</b> by Re. Dukes	Relating to an exemption for school districts from security for court costs and appeal bond.	Judiciary & Civil Jurisprudence	Under current law school districts may be required to pay for bonds or costs associated with civil suits. HB 942 gives school districts the same exemption from paying court fees in civil suits that other governmental entities have. HB 942 will help those school districts with a shortage in funds to alleviate some of their financial burden.	<b>Favorable</b> Evaluated by: Kimberly Willis 512-827-8756 <a href="mailto:Kimberly@texaslsg.org">Kimberly@texaslsg.org</a>
<b>HB 989</b> by Rep. Kolkhorst	Relating to the listing of a business location of certain businesses in print advertisements or on Internet websites.	Business & Industry	<p>Currently it is illegal for a florist, or a business that derives 50% or more of their income from flower sales or floral arrangements, to misrepresent the location of their business. This can be done for example by calling a florist that is not from the Austin area calling itself "Austin Florist," listing a local 512 area code that forwards to a different out of area number, and using a local Austin address, such as the state capitol. At the present time, it is only illegal to do this in a telephone directory or another directory assistance database.</p> <p>HB 989 seeks to add internet websites and print advertisements to the list of places where it is illegal to misrepresent the location of a florist. This bill would protect consumers and only apply to florists and would not prevent a florist from advertising in any way; it would only require the florist to list their actual location.</p>	<b>Favorable</b> Evaluated by: David Kanewske 512-827-8756 <a href="mailto:Kimberly@texaslsg.org">Kimberly@texaslsg.org</a>
<b>HB 1210</b> by Rep. Larry Taylor	Relating to the rates charged by certain conservation and reclamation districts for potable water or wastewater service to recreational vehicle parks.	Natural Resources	House Bill 1210 adds language to the Water Code regarding governing water districts. A district that is providing water services to a recreational vehicle park will charge the same rates for that service as determined for transient commercial businesses.	<b>Favorable</b> Evaluated by: Mimi Tran 512-827-8756 <a href="mailto:mimi@texaslsg.org">mimi@texaslsg.org</a>
<b>HB 1300</b> by Rep. Guillen	Relating to funding for state sites and programs of the Parks and Wildlife Department through private contributions and partnerships and to commercial advertising on certain state sites.	Culture, Recreation & Tourism	<p>Currently, Texas Parks and Wildlife receives money appropriated from the state, generates revenue from ticket and merchandise sales at parks and sites, license plate sales, state park pass sales, and receives donations to generate its budget. HB1, as passed, cuts the budget of TPWD by \$162 million, a reduction of 25% of TPWD's operating budget. The department has also been asked to transfer 7 parks from its control to local control.</p> <p>HB 1300 seeks to create new funding sources for state parks and historic sites by allowing TPWD to select a for-profit entity to be their official corporate partner. With this partner, TPWD could:</p> <ul style="list-style-type: none"> <li>• Contract with one or more of their partners to raise funds for state site operation and maintenance and other programs.</li> <li>• Have their partner accept contributions, gifts, grants, and promotional campaign proceeds on behalf of TPWD and transfer them to TPWD as soon as possible.</li> <li>• Contract with their partners to create joint promotional campaigns to raise funds.</li> <li>• Accept donations.</li> <li>• Contract with other entities to sell state park passes.</li> <li>• Contract with other entities to use the TPWD brand in exchange for licensing fees.</li> </ul>	<b>Favorable</b> Evaluated by: David Kanewske 512-827-8756 <a href="mailto:Kimberly@texaslsg.org">Kimberly@texaslsg.org</a>

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<p><b>HB 1405</b> by Rep. Smithee</p>	<p>Relating to provision by a health benefit plan of prescription drug coverage specified by formulary.</p>	<p>Insurance</p>	<p>H.B. 1405 amends the Insurance Code to make the provisions which govern the coverage of prescription drugs specified by one or more drug formularies in a health benefit plan applicable both to an individual insurance policy or insurance agreement and to a small or large employer group contract or similar coverage document in addition to group, blanket, and franchise insurance policies and insurance agreements offered by specified plan issuers. The bill amends the definition of enrollee to mean an individual who is covered under a health benefit plan, including a covered dependent.</p> <p>This legislation is beneficial to Texans and their families by extending protection for insured prescription drug coverage.</p>	<p><b>Favorable</b> Evaluated by: Lisa Mathews 512-827-8756 <a href="mailto:lisa@texaslsg.org">lisa@texaslsg.org</a></p>
<p><b>HB 1732</b> by Rep. Ritter</p>	<p>Relating to the applicability of the constitutional limit on state debt payable from the general revenues of the state to bonds issued by the Texas Water Development Board.</p>	<p>Natural Resources</p>	<p>House Bill 1732 will amend the Water Code addressing approval for issuance of bonds. In seeking approval, the executive administrator will certify to the bond review board that the debt service on the bonds will be paid from state general revenue and other sources. The Bond Review Board will determine what part of the debt service is payable by the general revenue, based on the finding of the review board and the executive administrators.</p> <p>Bonds, paid for by General Revenue, will stop being eligible for payment if:</p> <ul style="list-style-type: none"> <li>• Bonds are backed by insurance or another source other than General Revenue OR</li> <li>• If the board demonstrates payments by the states are no longer required and certified by the Legislative Budget Board</li> </ul>	<p><b>Favorable</b> Evaluated by: Mimi Tran 512-827-875 <a href="mailto:mimi@texaslsg.org">mimi@texaslsg.org</a></p>
<p><b>HB 1970</b> by Rep. Jackson</p>	<p>Relating to the periodic review of the child support guidelines.</p>	<p>Judiciary &amp; Civil Jurisprudence</p>	<p>HB 1970 eliminates the requirement of the Legislature to provide a review and report on the child support amounts, abdicating that role to the Title IV-D agency directly responsible for child support payments and oversight.</p> <p>The Legislature provides important unique oversight for the child support process, as elected officials are able to bring their various experiences from across the state to the issue. The Legislature should not abandon its responsibilities of oversight on this important issue.</p>	<p><b>Unfavorable</b> Evaluated by: David Kanewske 512-827-8756 <a href="mailto:david@texaslsg.org">david@texaslsg.org</a></p>
<p><b>HB 2124</b> by Rep. Workman</p>	<p>Relating to victim notification regarding the release of a defendant who was acquitted by reason of insanity in a criminal case.</p>	<p>Corrections</p>	<p>HB 2124 makes a change in the law to require that the responsibility of the notification of a person's release from prison should be the responsibility of the outpatient care or community based agency that will be the person's primary caregivers instead of the Texas Department of Criminal Justice victim's service division.</p> <p>HB 2124 would take the burden off of the TDCJ and place it on the agency that will be responsible for the individual after their release. During committee testimony, TDCJ indicated that they do not have access to the released inmate's information, and they have to wait on the courts to provide that information due to the inmates never being in their possession. The outpatient agencies indicate that their employees may be compromised due to them having access to personal information of the inmate and victims. In addition, the agencies suggested that the local District Attorney's offices should be responsible for notifying the victims' families, because they have the information on the inmate.</p>	<p><b>Will of the House</b> Evaluated by: Kimberly Willis 512-827-8756 <a href="mailto:Kimberly@texaslsg.org">Kimberly@texaslsg.org</a></p>
<p><b>HB 2154</b> by Rep. Eiland</p>	<p>Relating to certain continuing education requirements for agents who sell Medicare-related products and annuities.</p>	<p>Insurance</p>	<p>HB 2154 amends the Insurance Code to provide exemption to agents that have continuously held an agent license for 20 years for the continuing education requirements of agents who sell Medicare-related products and annuities.</p>	<p><b>Favorable</b> Evaluated by: Lisa Mathews 512-827-8756 <a href="mailto:lisa@texaslsg.org">lisa@texaslsg.org</a></p>

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