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LEGISLATIVE REPORT

OF THE 84TH TEXAS LEGISLATURE

A Review of Legislative & Funding Accomplishments

Senator Juan "Chuy" Hinojosa proudly represents the counties of Nueces, Jim Wells, Brooks, and Hidalgo (part). Senator Hinojosa served as the Senate President Pro Tempore of the Texas Senate in the 84th Texas Legislature. Senator Hinojosa currently serves as Vice-Chairman of the Senate Committee on Finance, and serves on the Senate Committees on Natural Resources & Economic Development, Criminal Justice, Agriculture, Water & Rural Affairs as well as the Legislative Budget Board (LBB), and the Sunset Advisory Commission.

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Agriculture, Water & Rural Affairs

SB 1749- Relating to citrus pest and disease management. (Roxie)

The Texas Citrus Pest and Disease Management Corporation was established in 2009 at a time when citrus greening disease, caused by the Asian citrus psyllid posed a major threat to the citrus industry in Texas and other states. While there are still concerns with citrus greening and the Asian citrus psyllid, there are other potential pests and diseases that also threaten this industry.

SB 1749 seeks to address this issue in order to combat such pests and diseases. SB 1749 amends the Agriculture Code to expand the program and make it applicable to the control and suppression of citrus pests and diseases generally. The bill includes the Asian citrus psyllid in the term "pest" and citrus greening in the term "disease".

HB 2031- Relating to the diversion, treatment, and use of marine seawater and the discharge of treated marine seawater and waste resulting from the desalination of marine seawater; adding provisions subject to a criminal penalty. (Roxie)

Marine seawater is a potential new source for drinking water, and seawater desalination allows for this and other beneficial uses.

HB 2031 allows for the diversion, treatment, and use of marine seawater for desalination, the process of converting seawater into drinking water and other beneficial purposes. This significant legislation would streamline the regulatory process and reduce the time required for and cost of seawater desalination consistent with appropriate environmental and water rights protections.

HB 2031 creates Chapter 18 of the Water Code relating to Marine Seawater Desalination Projects and allows entities to obtain permits to divert and use seawater and to discharge seawater in accordance with rules established by the Texas Commission on Environmental Quality (TCEQ). The Texas Parks and Wildlife Department (TPWD) and the General Land Office (GLO) are also required to jointly conduct a study to identify zones in the Gulf of Mexico that would be appropriate for the diversion or the discharge of seawater, taking into account the protection of marine organisms.

Additionally, HB 2031 requires TCEQ to adopt rules to allow seawater treated by a desalination facility to be used as public drinking water as long as it meets Health and Safety Code standards. This legislation is the result of much stakeholder input to create a workable permitting process to make use of the vast quantities of marine seawater from the Gulf of Mexico while also protecting our state's bays and estuaries.

HB 3264- Relating to the enforcement of permit requirements for the operation of a domestic wastewater treatment facility. (Roxie)

The Texas Commission on Environmental Quality has limited authority to shut down an unpermitted wastewater treatment facility for noncompliance while the facility awaits the issuance of a permit. The result is that unlicensed operators are able to accept waste with no regulatory oversight for months or even years while the permitting process takes place. In contrast, a permitted facility that is out of compliance can be shut down. This creates a double standard that rewards bad operators and punishes those who play by the rules.

HB 3264 seeks to eliminate this double standard and encourage a level playing field in the market. HB 3264 amends the Water Code to authorize TCEQ to issue an emergency order suspending operations of a treatment facility that handles water and wastewater from humans or household operations, is required to obtain a permit from TCEQ, and is operating without the required permit.

TCEQ can choose to either issue an order requiring the facility to cease operations until a permit is issued and impose an administrative penalty or institute a civil action to enjoin operations and impose a civil penalty.

Business & Commerce

SB 94- Relating to certain fees charged for the adjudication of pharmacy benefit claims. (Jenn)

SB 94 amends the Insurance Code so that a PBM shall not directly or indirectly charge a pharmacist or pharmacy a fee for any part of the electronic claim adjudication process. The Texas Insurance Code prohibits Health Benefit Plans and the entities administering plan benefits on their behalf, from charging a fee for the submission and adjudication of a healthcare claim.

Nonetheless, Pharmacy Benefit Managers (PBMs) have required pharmacies (both independent pharmacists and chains) to pay a fee for healthcare claims submitted electronically in order to be a healthcare provider for those plans. PBMs have been in violation of the Insurance Code and as a result, have been unjustly enriched for the last nine years at the expense of Texas pharmacies and our citizens.

HMOs contract with PBMs to process prescription claims for pharmacists. PBMs are acting on behalf of a health plan, so PBMs should be prohibited as well. However, PBMs disagree with this reasoning and contend they have the authority to charge fees.

SB 94 has been well-crafted during the interim in conjunction with the Texas Department of Insurance (TDI) as a result of PBMs finding loopholes to the statute and implementing creative coding so that it looks as if the PBM is not "adjudicating a claim." TDI reported these issues while they were going through their Enforcement process last year when complaints kept coming in about PBMs still charging fees.

Pharmacists statewide have lost enormous amounts of fees all of this time with no recourse and will continue losing fees until SB 94 can be passed and implemented. SB 94 is seeking to correct this wrong so that a PBM shall not directly or indirectly charge a pharmacist or pharmacy a fee for any part of the electronic claim adjudication process.

***SB 1060- Relating to the regulation of public insurance adjusters.
(Jenn)***

Texas' unique geographical location increases its propensity to catastrophic weather-related events and natural disasters such as hurricanes, tornadoes, wild fires, and hailstorms. Over the last few years, various hailstorms have resulted in tens of thousands of claims filed against property and casualty insurers statewide, resulting in mass litigation.

Thousands of these lawsuits are presently pending in a courts across the state -- predominately in Hidalgo, Dallas, Fort Worth, and Potter Counties, all locations where significant hail storms have occurred over the past few years. There is an emerging industry in Texas of certain public adjusters taking advantage of insurance claims for significant personal financial gain, specifically in hail storm situations, that needs to be stopped.

Typically these lawsuits originate with a public adjuster knocking on a property owner's door with promises of a "free roof" because of hail damage. As long as the roof is old, it likely exhibits characteristics that can be alleged to have resulted from hail impact. These public adjusters work to demonstrate to the insurance company that there exists damage resulting from hail impact in an attempt to reasonably resolve the claim.

Other public adjusters, however, have no intention of adjusting the claim, but instead simply immediately refer their property owner clients to a lawyer. In fact, some public adjusters ask the homeowner to sign a lawyer contract simultaneously with execution of the public adjuster contract. That contract provides the lawyer with a 30-40 percent contingency fee payable out of any insurance proceeds obtained.

This practice affects homeowners' insurance premiums and coverage, and causes insurance costs to significantly soar for all our Texas taxpayers. Also, policyholders are misinformed, contractors are circumventing statutory and policy guidelines, adjusters inflate actual damages, and attorneys are applying mass tort models to simple property damage claims.

SB 1060 specifically does the following:

- prohibits public adjusters from soliciting contracts and selling to attorneys. A public adjuster may not directly or indirectly solicit employment for an attorney in connection with a claim for loss or damage that the license holder negotiates, investigates, or adjusts on behalf of an insured.
- Repeals Section 4102.051(4) of the Insurance Code that currently allows for public adjuster trainee certificates. Data has shown that the trainee certificates are not being used in accordance with their intended purpose and these "temporary policy adjuster trainees" are taking advantage of the system for personal financial gain. This bill eliminates these trainee certificates. If someone wants to be a public adjuster then they can take the test and become licensed.
- Adds more protections to a public adjuster license holder by making sure they do not act on behalf of an attorney by prohibiting them from having an insured sign an attorney

representation agreement. Also, a license holder must become familiar with the criminal barratry statute that attorney are required to follow.

- Ensures a public adjuster may not accept any form of payment or compensation, other than an amount owed under a contract with the insured, for a claim for loss or damage that the license holder negotiates, investigates or adjusts on behalf of an insured.

HB 2261- Relating to the transfer or termination of certain timeshare interests. (Desiree)

In recent years the Federal Trade Commission, state law enforcement, and other law enforcement entities have filed around 200 actions to stop fraudulent operations offering timeshare transfer and sales services.

Fraudulent services take advantage of timeshare owners who are struggling financially and are desperate to sell their timeshares. They convince timeshare owners to transfer their timeshare interest, claiming to relieve maintenance fees, taxes and other obligations of ownership. Often, they pressure owners to pay up-front fees from \$800-\$3,400 by promising them that there is a ready buyer.

HB 2261 would help protect Texas timeshare owners by requiring transfer companies to disclose valuable information up-front, act in good faith while providing services, and by making fraudulent timeshare services an offense under the Business & Commerce code.

HB 3024- Relating to coordination of dental benefits under certain insurance policies. (Jenn)

Dental patients sometimes hold more than one insurance policy that provides dental benefits. State statute currently does not specify how the two policies should coordinate to pay for coverage of dental expenses.

HB 3024 would specify that, for a person covered by two different insurance policies that provided dental benefits, the person's primary insurance would be required to cover all dental expenses up to its policy limit before the secondary insurance would begin covering services. The secondary insurance policy would be responsible only for dental expenses covered under the secondary policy that were not covered under the primary insurance policy. After the primary insurance's policy limit was reached, the person's secondary insurance policy would be responsible for any dental expenses covered by both policies that exceeded the primary insurance's coverage limit.

The bill would apply to certain insurance policies with dental benefits as specified in the bill. The bill would not apply to a separate dental policy that exclusively provided a non-coordinated, fixed indemnity benefit, regardless of expenses incurred that would be paid directly to the policyholder or to the provider under an assignment of benefits provision.

An insurance policy affected by the bill could not be delivered, issued for delivery, or renewed in the state if:

- a provision of the policy excluded or reduced the payment of benefits for dental expenses to or on behalf of a person insured under the policy;
- the reason for the exclusion or the reduction was that dental benefits were payable or had been paid to or on behalf of the insured person under another insurance policy; and
- the exclusion or reduction would apply before the full amount of the dental expenses incurred by the insured person and covered by both policies had been paid or reimbursed or the full amount of the applicable policy limit of the policy containing the exclusion or reduction was reached.

A provision of an insurance policy that violated the above prohibitions would be void. The bill's provisions would apply only to an insurance policy that was delivered, issued for delivery, or renewed before January 1, 2016. The bill would take effect September 1, 2015.

Criminal Justice

SB 316- Relating to the prioritization of certain available legal defense services when appointing representation for an indigent defendant in a criminal case. (Desiree)

The use of public defenders is governed by Article 26.04 of the Texas Code of Criminal Procedure. The provision currently indicates that a court "*may*" appoint a public defender to represent qualifying defendants, indicating that the court is not required to do so.

During the interim, my office and some of the state's appellate judges received reports that courts were not assigning public defenders to qualifying defendants, even when the case seems like one where the use of a public defender is warranted. This underutilization of county public defender's offices undermines the rights of the accused and wastes the taxpayer money that funds the offices.

To ensure the maximal use of public defenders, SB 316 amends the Texas Code of Criminal Procedure to indicate that a court "*shall give priority*" to appoint a public defender; however, the court is not required to appoint the public defender's officer if the court has reason to appoint other counsel, or where counsel is provided by a county managed assigned counsel program.

SB 578- Relating to providing inmates of the Texas Department of Criminal Justice with information regarding reentry and reintegration resources. (Desiree)

In 2014, the Texas Department of Criminal Justice (TDCJ) released an estimated 70,000 individuals. However, approximately 29,000 individuals discharged from prison and state jail do not qualify for TDCJ's Reentry and Integration Division programs. For those who don't qualify for the programs enhanced services, TDCJ provides inmates discharging with a brochure that lists 1-800 # for resources. Many of these individuals are in desperate need of housing assistance, employment opportunities, and contact information for organizations that will provide medical and mental health care. Research suggests that the most critical period for someone leaving prison is the period immediately following release.

Many Texas organizations - private, non-profit, local, and faith-based - have compiled locale-specific resource lists that could be made available to incarcerated individuals preparing for their return to society. Access to resources would greatly help incarcerated individuals formulate reentry plans based on available community providers, and it would increase the chances that these individuals will successfully reintegrate into their community and become productive, law-abiding citizens.

SB 578 requires TDCJ to identify organizations that provide reentry and reintegration resource guides and collaborate with those organizations to prepare a resource guide available to all inmates. The bill indicates where the required resource guide should be made available such as chapels and school libraries. In addition, SB 578 requires county-specific packets for the county each inmate designates as their intended residence and mandates that TDCJ provide them to inmates within 180 days of their planned release from custody.

SB 888- Relating to the appeal of waiver of jurisdiction and transfer to criminal court in juvenile cases. (Desiree)

Under current law, juveniles certified as adults cannot appeal their certification until after they are convicted in adult court. This process can leave youth waiting years for a determination on whether their certification to adult court was proper in the first place. In addition, if the certification is found to be improper, the validity of the adult court's conviction can be questioned.

In the fall of 2014, the Texas Court of Criminal Appeals ruled that a Houston teen sentenced to 30 years in prison should not have been tried as an adult, a decision calling for greater judicial scrutiny before young defendants are transferred into the adult court system.

SB 888 provides fairness and equity in the appeals process by granting juveniles the opportunity to contest certification as soon as the judge makes the decision to transfer the case to an adult court. Under the bill, the appeal of the certification order can run concurrently with the ongoing case in adult court, preventing any unnecessary delays in the criminal proceedings.

SB 888 is a needed reform to our criminal justice system that ensures the decision to try juveniles as adults is fully vetted by all levels of our court system without causing undue delays. By allowing juveniles to immediately contest the decision to certify them as adults, the state will limit any unnecessary exposure of juveniles to adult criminal proceedings and provide certainty that the court's decision to certify was proper.

SB 1057- Relating to the provision of funding for indigent defense services. (Desiree)

The Fair Defense Act (2001), required all criminal courts in Texas to adopt formal procedures for providing appointed lawyers to indigent defendants. Almost 15 years old, the act has proved effective primarily in urban counties, while many rural counties haven't been able fully comply. The problem is often the lack of a tax base to support public defender's offices on their own, and private attorneys are often unwilling to take appointments.

SB 1057 authorizes the Texas Indigent Defense Commission to award grants to law schools and regional public defender programs serving two or more counties that provides at least 50 percent of the operating costs of the program. SB 1057 will help the state's high priority counties—by providing them a mechanism to access the Texas Indigent Defense Commission's grant funding.

The bill also allows counties the authority to establish which cases they wanted covered by the public defender's office. The participating counties will submit to the commission guidelines for the types of cases handled by the super-regional public defender's office. The bill also provides a mechanism to wind-down a public defender's office if a county decides to no longer contribute toward its operating costs.

SB 1057 will help the state's high priority counties by providing them a mechanism to access the Texas Indigent Defense Commission's grant funding.

SB 1070- Relating to allowing certain defendants to successfully complete education at a substance abuse treatment facility in lieu of attending an education program; changing required conditions of community supervision for certain defendants. (Desiree)

Currently, Texas courts are required to include as a condition of community supervision that a defendant convicted of certain intoxication offenses, repeat offenses enhanced because of intoxication, and certain controlled substance offenses complete a rehabilitative educational program.

Courts are permitted to grant an extension of time or waive the educational requirement if the defendant shows good cause by a motion in writing. However, the educational requirement is currently not satisfied if a defendant receives equivalent rehabilitative education while mandated to reside at a substance abuse treatment facility as a requirement of community supervision

SB 1070 requires a judge to waive the requirement that a defendant complete a rehabilitative educational program operated by the Department of State Health and Human Services (DSHS) if the defendant has already completed educational training in a residential center under the standards of TDCJ.

SB 1070 prevents defendants from having to pay for and complete a duplicate class while also saving indigent defense resources by allowing judges to make findings of equivalent education without requiring defendants to file motions.

SB 1071- Relating to requiring notice of the scheduling of an execution date and the issuance of a warrant of execution. (Desiree)

Currently, the provision of the Texas Code of Criminal Procedure that governs the scheduling of an execution - Article 43.141- does not explicitly set forth a procedure for prosecutors who seek a warrant of execution. Nor does the law require that courts notify defense counsel once an execution date is scheduled.

Accordingly, executions have been sought and scheduled without notice to defense counsel. In October 2014, attorneys for a death row inmate found out about their clients scheduled execution date by reading the newspaper, apparently two weeks after the date was set by a court.

SB 1071 requires that a convicting court must notify defense counsel within two business days after setting an execution date. The bill also requires that the clerk of the sentencing court send a copy of the warrant of execution to the condemned person's attorney in the most recently concluded stage of state or federal post-conviction proceedings, the Office of Capital Writs, and the attorney representing the state.

Attorneys for capital defendants should have the same notice as the state and the court about when executions will be set. Requiring notice of the scheduling of execution dates will ensure that defendants have an opportunity to fairly prepare for the impending execution.

SB 1287- Relating to the Texas Forensic Science Commission, the accreditation of crime laboratories, and the licensing and regulation of forensic analysts; authorizing fees; requiring an occupational license. (Desiree)

Under Texas law, crime laboratories practicing certain forensic disciplines are required to be accredited by the Texas Department of Public Safety (DPS). If the laboratory is not accredited, the analysis is not admissible in criminal cases. This law, among other significant achievements, has made Texas a national leader in forensic science reform.

However, accreditation is focused on the crime laboratory as an entity. It requires the laboratory to meet certain standards; it does not measure the competency of individual forensic analysts to perform their jobs. Currently, analysts who engage in misconduct only face discipline within their laboratories. There is no mechanism to prevent those analysts from moving to another laboratory within the state.

In fact, at the current time there is no requirement under Texas law that forensic analysts be certified or licensed to practice or testify in court, despite the fact that forensic analyses and related testimony are often the deciding factor in criminal cases where punishment involves the life and liberty of accused defendants.

SB 1287 requires the Forensic Science Commission to establish a process for licensing forensic analysts and requires forensic analysts to obtain licensing by January 1, 2019. Under SB 1287, the administration of the crime laboratory accreditation program is moved from DPS to the Forensic Science Commission. The purpose of the program is to ensure crime laboratories follow certain quality standards and procedures when conducting forensic analyses for criminal cases.

Reliable forensic testimony is essential to the integrity of our criminal justice system. As with so many other critical initiatives, Texas is again poised to lead the nation with this sensible and responsible approach to forensic science reform. The standards developed in Texas will serve as a model for other states.

SB 1353- Relating to the provision and administration of indigent defense services. (Desiree)

The Texas Indigent Defense Commission is charged with providing financial and technical support to assist counties in improving their indigent defense systems. Interested parties explain one instance in which several counties have formed a collaborative effort through an interlocal agreement to carry out these duties for the purpose of realizing economies of scale in this common endeavor. The parties further explain that the Texas Conference of Urban Counties, through its TechShare program, serves as the administrative entity of the interlocal agreement. However, the parties note that, because the commission may make grants only to counties, one of the participating counties must serve as the official grantee responsible for the receipt and appropriate expenditure of grant funds, as well as compliance with grant terms and accounting. A concern is that a county serving in such a capacity cannot currently recoup administrative expenses related to these responsibilities.

SB 1353 permits the commission to make a grant award directly to an entity providing administrative services to counties participating in an interlocal contract related to improving the provision of indigent defense services. SB 1353 also permits the commission to participate in an interlocal contract with one or more counties to develop and maintain a computerized indigent defense case management system.

SB 1743- Relating to expanding the powers and duties of the office of capital writs and renaming the office of capital writs the office of capital and forensic writs. (Josh)

In 2013, the Legislature passed a legal mechanism for innocent defendants convicted based on false and discredited forensic testimony to seek relief under Texas' habeas corpus statute. Article 11.073 of the Texas Code of Criminal Procedure allows a court to grant habeas corpus relief if the science that convicted the defendant is no longer valid. Relief may only be granted if the scientific evidence was not available at the time of trial or new scientific evidence contradicts the forensic evidence relied upon at the time of conviction. This statute is widely regarded as the national model for forensic science writ reform. However, challenges have arisen regarding how affected parties should be notified of forensic errors and who should represent indigent defendants filing "forensic writs."

Currently, the Office of Capital Writs provides legal representation to indigent defendants for capital cases. This bill will allow the Office of Capital Writs (OCW) to also provide legal representation for indigent defendants for non-capital forensic writ cases. This bill builds on the habeas corpus relief created last session that allows a court to overturn a conviction if the conviction was based on faulty forensic evidence or if new science contradicts the forensic evidence relied upon at the time of trial. The bill also changes the name of the OCW to the Office of Capital and Forensic Writs.

This bill furthers Texas' legacy as the leader in forensic science reform and would provide an avenue for proper legal representation for defendants convicted based on flawed forensic evidence.

SB 1743 is about protecting the integrity of our criminal justice system and restoring constitutional rights and individual liberties to innocent defendants convicted by flawed forensic evidence.

HB 642- Relating to an alcohol awareness program or drug education program for certain minors convicted of or adjudicated to have engaged in, or placed on deferred disposition or community supervision for, certain drug or alcohol related offenses; authorizing a fee. (Desiree)

Currently, minors convicted of first or subsequent offenses for the purchase, possession, or consumption of alcoholic beverages can be required to attend an alcohol awareness course. Alcoholic awareness courses are designed, in part, to help a child who engages in conduct constituting an alcohol-related offense better understand the dangers of alcohol use. However, there is no such requirement for defendants arrested on drug-related offenses.

Interested parties contend that such a requirement to attend these and related courses should also apply to a child who engages in conduct constituting a drug-related offense to combat drug use and drug-associated criminal activity. Educational programs are linked to lower drug usage rates among youth and, consequently, lower drug-associated criminal activity.

HB 642 amends current law to provide judges the discretion to make the same requirements for drug abuse courses that they currently do for alcohol awareness. HB 642 requires the programs to be approved by the Department of State Health Services and that costs for the program be paid by the defendant, with installment plans available, unless they are determined by the court to be indigent.

HB 644- Relating to the contents of a search warrant and to the offense of tampering with a governmental record consisting of a search warrant. (Desiree)

Current law requires a search warrant to include a magistrate's signature but does not require the magistrate's name to be printed on the warrant. There have been reports of some local law enforcement agencies illegally seizing money, drugs, jewelry, and other valuable items by signing illegible signatures on search warrants.

To prevent such abuses, HB 644 amends the Code of Criminal Procedure to require a search warrant to contain the name of the magistrate who issues the warrant in clearly legible handwriting or in typewritten form with the magistrate's signature. HB 644 also amends the Penal Code to enhance the penalty for tampering with a governmental record from a Class A misdemeanor to a third degree felony if it is shown on the trial of the offense that the governmental record was a search warrant issued by a magistrate.

HB 1015- Relating to notice provided to a court regarding certain defendants placed on state jail felony community supervision. (Desiree) – [Vetoed by the Governor]

HB 1015 provides a change in the law that will notify sentencing courts when defendants serving on state jail felonies are eligible for community supervision programs. Currently, sentencing judges already have discretion to pull a defendant out of a state jail facility and place them in community supervision after they have served 75 days in the jail. But there is currently no mechanism in place to notify judges when a defendant has served 75 days.

HB 1015 requires the Texas Department of Criminal Justice (TDCJ) to use e-mail or other electronic communication to notify sentencing courts about the date on which the defendant will have served 75 days in the facility. Because TDCJ already sends e-mails to sentencing courts to notify them about a defendant's participation in educational and work programs, this is only a minor additional requirement for TDCJ. H.B. 1015 will assist judges managing busy dockets by providing a reminder of when defendants are eligible for community supervision.

Community supervision programs cost about \$10 per day per offender, compared to a state jail average of about \$43 per day per offender. In addition, offenders who go through community supervision programs have lower recidivism rates because they are introduced back into society while still under supervision. It's important to emphasize that judges will still maintain complete authority over whether a defendant is a good candidate for community supervision. HB 1015 will only provide them with better control over making that decision.

Governor's Veto Statement

House Bill 1015 requires the Texas Department of Criminal Justice to notify the sentencing court of the date on which a defendant convicted of a state jail felony will have served 75 days in a correctional facility. This mandated notification adds needless administrative bureaucracy to seemingly encourage a judge to exercise discretionary authority to grant "probation" to certain convicted felons, thereby shortening the offender's time in prison. Issuing potential early release reminders should not be the mandated responsibility of the Department of Criminal Justice. This duty has been already properly placed where it belongs: on the judges and attorneys taking part in the original criminal proceeding. Furthermore, House Bill 1015 has the potential to inappropriately increase the number of convicted felons granted early probation. Crime victims and the public deserve better.

HB 1144- Relating to establishing a task force to examine the adjudication, disposition, and registration of juvenile sex offenders. (Desiree)

HB 1144 establishes a taskforce of experts that will examine the inconsistencies in the juvenile justice system, specifically, the adjudication, disposition, and registration of juvenile sex offenders. The taskforce would address the major adjudication and disposition challenges that the juvenile justice system faces in regards to juvenile offenders.

The taskforce will be composed of treatment providers, law enforcement, prosecutorial and defense attorneys. It also includes a member from the Texas Juvenile Justice Department, the Department of Family and Protective Services, and the Department of Public Safety. These members will gather with the purpose of studying and making policy recommendations on how to improve the outcomes for juveniles adjudicated of sexual offenses.

HB 1144 requires the taskforce to produce recommendations on the most effective strategy to reduce recidivism rates and improve outcomes for juvenile sex offenders no later than December 1, 2016. In addition, the task force would be abolished September 1, 2017.

HB 1793- Relating to reports of certain missing children and to the administration of missing or exploited children prevention grants. (Desiree)

Every year roughly 47,000 children go missing in Texas and many of them are vulnerable to child sex trafficking. During the 83rd session (2013), the Texas Legislature sought to provide law enforcement agencies with better tools to identify children who were at high risk for trafficking and other exploitative crimes.

SB 742 (2013) required that law enforcement report missing children deemed “high risk” into national databases to facilitate efforts to locate them. These "high risk" children included foster children missing on 2 or more occasions in the last 24 months or other children missing on 4 or more occasions in a 24 month period.

During the interim, law enforcement agencies expressed the need to refine the parameters for data collection to include children younger than 14 years of age categorized as being at high risk for such crimes.

HB 1793 adds "children under the age of 14" to the definition of "high risk" after interim studies showed that younger children were at increased risk for trafficking. The age of 14 is used to reflect current criteria set for the amber alert reporting system. The ability to report based on age will more accurately identify high risk children.

HB 2037- Relating to compensation and leave for certain peace officers. (Desiree)

The Attorney General's Law Enforcement Division (LED) and Medicaid Fraud Control Unit (MFCU) currently consist of 167 commissioned peace officers that are compensated under Schedule B of the General Appropriations Act and are classified as Investigators III-VII, Managers III-IV, and Directors I-II.

The duties of the Attorney General's law enforcement division include important tasks of conducting criminal investigations, apprehending fugitives and internet predators, and providing assistance to law enforcement. Yet, the Attorney General state police officers are compensated at approximately \$20,000 less than the equivalent rank of officers employed by other state law enforcement agencies.

HB 2037 ensures that the Attorney General peace officers are paid according to the Class C salary schedule, which governs commissioned law enforcement positions. Under HB 2037, commissioned peace officers within the Office of Attorney General's Law Enforcement Division and Medicaid Fraud Control Unit would be classified as Sergeants, Lieutenants, Captains, and Majors. HB 2037 also allows the Attorney General peace officers to qualify for hazardous duty pay and injury leave.

The Attorney General's Law Enforcement Division is comprised of several components that conduct complex investigations that other agencies do not have the expertise or resources to investigate. These specialized units include: Cyber Crimes, Computer Forensics, Fugitive Apprehension, and Special Investigations. The Medicaid Fraud Control Unit investigates and prosecutes criminal fraud by Medicaid providers, physical abuse and criminal neglect at Medicaid-funded healthcare facilities, and the embezzlement of funds. In the past decade, the unit obtained about 1,400 criminal indictments and recovered approximately \$1.2 billion taxpayer dollars, about half of which was returned to General Revenue.

HB 2645- Relating to the prosecution of certain offenses involving family violence and to the violation of certain court orders or conditions of bond in a family violence, sexual assault or abuse, or stalking case. (Desiree)

Law enforcement and courts increasingly rely on the use of GPS ankle monitors to keep tabs on family violence offenders as a means of increasing victim safety and offender accountability. Currently if a criminal suspect cuts an ankle monitor, the act is a bail violation and a civil matter, not a criminal offense. A police officer cannot automatically arrest an offender for removing, destroying or interfering with the normal use of an ankle monitor without a warrant because it is not an explicit criminal offense.

HB 2645 would add tampering with a GPS ankle monitor to a list of bond violations that are Class A misdemeanors under the state's penal code for people accused in family violence or sexual assault, abuse or stalking cases.

HB 2645 also adds a new article (38.371) to the Code of Criminal Procedure to allow the jury to hear more information about the relationship of the parties in a criminal prosecution for assault family violence, aggravated assault family violence and violation of protective order. In certain family violence cases, interested parties note that a jury is often prevented from hearing the full story of the nature of the relationship between the defendant and the alleged victim and how power and control, over time, can lead to a violent act.

HB 3791- Relating to the provision of recordings of certain interactions with a peace officer relating to intoxication offenses. (Desiree)

Currently, persons arrested for certain intoxication offenses under the Penal Code are not entitled to a copy of all video recordings of the arrest. It is up to each jurisdiction on how and if they will allow a defendant to view copies of recordings. Some jurisdictions allow the defendant to have a copy of a video, some make the defendant watch the video with their attorney at the jurisdiction's headquarters and others simply do not allow the defendant to see the video.

HB 3791 amends the Code of Criminal Procedure to entitle a person stopped or arrested on suspicion of certain intoxication offenses under the Penal code to receive a copy from a law enforcement agency of any video made by the arresting officer that contains footage of the stop, arrest, the conduct of the person stopped, and the taking of the person's breath or blood specimen.

Education

SB 66- Relating to the use of epinephrine auto-injectors on public school and open-enrollment charter school campuses and at or in transit to or from off-campus school events. (Larissa)

Anaphylaxis is a severe allergic reaction that is rapid and unpredictable in onset and includes a wide range of potentially life-threatening symptoms. Food allergies are among the most common medical conditions affecting children in the United States that cause anaphylaxis. Current estimates are that one in 13 children has food allergies and about 40 percent of those affected children have had a severe allergic reaction. More alarmingly, some anaphylactic reactions in schools occur among students without a previous food allergy diagnosis. Primary treatment of anaphylaxis consists of administration of epinephrine as soon as the reaction is identified. Failure to treat anaphylaxis with epinephrine within minutes is a major risk factor for fatality from anaphylaxis.

SB 66 creates a framework that provides for the maintenance and administration of unassigned epinephrine auto-injectors on public school campuses and at off-campus school-sanctioned events.

SB 66 requires the commissioner of state health services, in consultation with the commissioner of education and an advisory committee composed of physicians with expertise in treating anaphylaxis, to adopt rules for school districts to use should they elect to carry out this policy.

Additionally, SB 66 provides immunity from liability for physicians, pharmacists, school districts, and school personnel involved in the maintenance and administration of epinephrine auto-injectors.

SB 1058 amended to HB 1783- Relating to the reporting of criminal history record information of educators and other public school employees who engage in certain misconduct. (Roxie)

Based on Sunset Advisory Commission's findings, certain educator certification licensing provisions did not follow model licensing and enforcement practices, hindering TEA's ability to provide consistent regulation and to take enforcement action as needed to protect the public. There were loopholes in the requirements for reporting educator misconduct that allowed certain instances of sexual misconduct by school personnel with students to go unreported.

SB 1058 requires charter school directors to meet the same certified educator misconduct reporting and investigation requirements as superintendents. The bill also requires superintendents and charter school directors to report any termination or resignation based on a determination that the certified educator solicited or engaged in sexual conduct or was involved in a romantic relationship with a student or minor.

Furthermore, it clarifies that superintendents and charter school directors must report terminations or resignations of certified educators within seven days of knowing. SB 1058 requires superintendents and charter school directors to complete an investigation of a certified educator if they have evidence that an educator solicited or engaged in sexual conduct or a romantic relationship with a student or minor.

This bill tightens the superintendent reporting requirements of educator misconduct, increasing TEA's ability to pursue failure to report cases to SBEC. It also ends the duplication of reporting criminal histories obtained through the DPS Clearinghouse.

Finance

SB 904- Relating to exempting emergency preparation supplies from the sales and use tax for a limited period. (Jenn)

SB 904 will establish a tax free weekend the last weekend in April for emergency supplies and hurricane-proofing materials. The program is designed to encourage Texas consumers to reinforce their property and prepare for the upcoming storm season. It will also serve as an incentive for them to better protect their property and lives during and after a potential weather-related emergency.

This program would provide an opportunity for consumers all over the state to be better prepared for weather events or disasters, including ice storms, wildfires, hail storms, hurricanes, floods and others. Additionally, having a dedicated weekend with retailers participating will also raise public awareness about the importance of mitigation and being prepared to weather-related events.

Tax free items include certain portable generators and hurricane shutters, as well as smaller emergency preparedness and storm preparedness items like weather radios, rope ladders, smoke detectors, fire extinguishers, and first aid kits.

SB 1356- Relating to exemption from the sales tax for certain water-efficient products for a limited period. (Roxie)

According to experts, water conservation is the least expensive way to ensure an adequate water supply. Water-efficient products save consumers money and reduce consumption rates for the state's valuable water resources, which are made ever more valuable due to ongoing drought conditions.

There is currently an annual sales tax holiday for energy-efficient products intended to encourage consumers to replace inefficient home appliances and reduce energy consumption, but that water-efficient products are not included in the holiday.

SB 1356 seeks to encourage consumers to replace water-inefficient products and implement water saving technologies within their homes.

SB 1356 amends the Tax Code to provide a sales tax exemption for the sale of a water conservation product and/or a WaterSense product that has been designated as such under the WaterSense program operated by the U.S. Environmental Protection Agency, or a similar successor program, if the sale takes place during a period beginning at 12:01 a.m. on the Saturday preceding the last Monday in May (Memorial Day) and ending at 11:59 p.m. on the last Monday in May.

HB 6- Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes. (Jenn)

HB 6 would update references in Government Code, sec. 403.095(b) that govern the use of dedicated revenues to extend its provisions through fiscal 2017 and to make them apply to the 84th Legislature. The section would expire September 1, 2017. As a result, dedicated revenues that on August 31, 2017, were estimated to exceed the amount appropriated by the general appropriations act or other laws enacted by the 84th Legislature would be available for general purposes and would be considered available for budget certification.

The bill would abolish funds and accounts created, recreated, or dedicated by the 84th Legislature on the later of August 31, 2015, or the date of when the act creating or dedicating them took effect. Excluded from abolition would be dedications, funds, and accounts that:

- were enacted before the 84th Legislature convened to comply with requirements of state constitutional or federal law; or
- remained exempt from abolition during funds consolidation in 1991.

Abolition also would not apply to increases in fees or in other dedicated revenue and increases in fees required to be deposited in a fund or account covered by the bill. Federal funds, trust funds, bond funds, and constitutional funds also would be excluded. The bill would not abolish newly authorized dedications or uses of dedicated funds, dedicated accounts, or dedicated revenue as provided by the 84th Legislature if an act affected a fund, account, or revenue that was exempted from fund consolidation before January 1, 2015.

Dedicated funds, dedicated accounts, and dedicated revenue that were exempt from funds consolidation before January 1, 2015, could be used as provided by an act of the 84th Legislature. Changes in names or uses of previously exempted dedicated funds or accounts would not affect the dedication of the fund or account. The bill would prevail over any other act of the 84th Legislature that attempted to create a special fund or account or to dedicate revenue. Any exemption from Government Code, sec. 403.095 provisions governing the use of dedicated revenue that was in another act of the 84th Legislature would have no effect. Revenue that would be deposited in a special account or fund under another act of the 84th Legislature would be deposited in the undedicated portion of the general revenue fund unless exempted under HB 6.

HB 6 is needed to implement the state's budget and to continue the work of the Legislature in reducing the state's reliance on general revenue dedicated account balances to certify the budget. The bill would define which account balances were rolled into the general revenue fund to count toward the budget certification and which ones were exempted. This is necessary to implement the general appropriations act, which makes appropriations based on the balances of various accounts.

HB 114- Relating to the issuance of certain capital appreciation bonds by political subdivisions. (Jenn)

Capital Appreciation Bonds (CABs) are a type of municipal bond that delay principal and interest payments for 25 - 40 years. There are no installment payments to bring down the debt, so compound interest keeps piling on, causing the balance to balloon.

What's wrong with this approach?

- The buy-now, pay-later approach can result in paying up to \$10 for every \$1 borrowed
- Long-term projections conclude that CABs will work out in the long-run while the much needed capital expansion and facility projects can be enjoyed in short run.
- However, often tax bases do not expand as originally anticipated, so there aren't enough additional taxpayers to reasonably bear the burden.
- Other times the property values do not increase as expected, so the tax levy is not sufficient to produce the funds necessary to repay the obligation.

In recent years, Texas school districts and local government entities have increasingly turned to CABs because our growing populations are demanding new facilities and capital development that far outpace our local wealth and resources. CABs are especially used by school districts to enable them to remain under the 50-cent debt ceiling that limits the property taxes assessed for debt service costs to 50 cents per \$100 of assessed value. CABs do not count towards that cap since no money is being spent today.

Between 2007-2011, Texas local government entities issued over 700 CABs, receiving \$2.3 billion in immediate funding, but committing future repayments of over \$20 billion. The true long-term costs ultimately result in enormous local debt. Local governments in Texas have more than doubled their debt load in the past decade.

Transparency and accountability are the best tools we have for decreasing our local debt problem and increasing public awareness and understanding.

HB 114 would prohibit school districts and all local government entities from issuing CABs unless certain conditions are met:

- The issuance of CABs that are secured by ad valorem taxes are limited to a 20 year maturity date or less and issued only if the CAB makes up less than 25% of total debt.
- Prohibits extending the maturity date of an issued CAB.

Two exceptions are included in this legislation to allow for (1) the issuance of refunding bonds; and (2) the issuance of CABs for the purpose of financing transportation projects.

***HB 1933- Relating to installment payments of ad valorem taxes.
(Jenn)***

County taxing entities are now required to offer installment plan options to residential homeowners who request them. Homeowners must pay interest but not penalties that accrue during an installment agreement.

Since enactment of this legislation last session (83R), additional recommendations and clarifications have been suggested from counties statewide. HB 1933 is intended to provide clarity, consistency and flexibility for both property owners and tax offices in the implementation and administration of installment plans.

Specifically, HB 1933 does the following:

- Clarifies when each installment payment is due . This section did not take into account that a delinquency date could be a date other than February 1. The amended language in HB 1933 makes allowances for delinquency dates other than February 1 by adding a timeline period to be used also. (Sections 1 & 2)
- For delinquent payments: changes the word “amount” to “installment” in order to follow intent of the legislation. Each delinquent "installment" is subject to penalty and interest, not the entire outstanding amount. This change is needed to close a loophole in existing law that potentially precludes some property owners from paying their property taxes in installments, while simultaneously establishing consistency amongst all taxpayers regarding when each installment is due. This change also reduces the potential amount of penalty and interest a property owner would pay. (Sections 1 & 2)
- Requires that a property owner have a Residence Homestead Exemption to qualify for the mandatory installment agreement and provides that the minimum term of 12 months only applies to installment plans for residence homestead properties. This change provides flexibility to property owners and Tax Assessor-Collectors to negotiate shorter term installment agreements (less than 12 months) on non-residence homestead property.(Section 4)
- Provides that monthly installment payments are not required to be equal. This change provides flexibility to property owners and Tax Assessor-Collectors to structure payments that balance the needs of property owners and the taxing units. (Section 4)

Makes a clarifying change regarding the statement provided to property owners in a Notice of Delinquency -- the statement must include that the property owner contact the "Tax Collector" for the taxing unit regarding their right to enter into an installment agreement. (Section 5)

HB 1953- Relating to the deadline for counties and municipalities to provide notice of a proposed property tax rate. (Larissa)

Counties and municipalities are currently required to publish a proposed property tax rate notice by September 1 of each year. The notice includes the proposed tax rate, the prior year's tax rate, and the effective tax rate. The tax rate notice also includes the rollback tax rate if the taxing unit proposes to exceed its effective rate. The rates required to be published in the tax rate notice cannot be determined until the taxing unit has received all certified appraisal rolls from the appraisal district or districts. Taxing units frequently do not receive the certified appraisal roll in time to calculate and publish the tax rate notice by the September 1 deadline.

HB 1953 changes the deadline for publishing the tax rate notice from September 1 to the later of September 1 or 30 days after the taxing unit receives all certified appraisal rolls.

HB 3484 Amended to HB 1905 - Relating to the application of sales and use taxes to certain food items. (Jenn)

HB 3484 relates to the sales and use tax treatment of certain snack and food items. Last session SB 1151 (Sen. Hinojosa, 83R) was passed to help simplify the basis for when a food product is considered taxable for convenience stores and retail businesses.

This was necessary because retail businesses are increasingly offering a variety of food products to consumers. Convenience stores now feature not only snack items, but may also offer consumers a quick service restaurant or prepared foods. Questions often arose for both sellers and consumers as to when a food product is considered taxable. SB 1151 (83R) fixed this problem.

However, after this law became effective, changes were offered by retail businesses, convenience stores, and the Comptroller's office. These changes further clarify for sellers and purchasers that certain food items are "snacks" or "not snacks" for taxing purposes.

Excluded as "snack items" and not taxable:

- Pine nuts since they are most often used in cooking, baking, or meal preparation.

Added as "snack items" and taxable:

- Corn nuts, pork rinds, sunflower and pumpkin seeds because they are commonly purchased as snack items similar to nuts and chips.
- Individual ice cream sundries and popsicles. Sorbets, ice pops, and other frozen fruit items are added since they have been traditionally treated in the same manner as ice cream and will now provide a clear line for sellers and purchasers.

HB 3484 also clarifies that the word "deli" is added to the list of restaurant type businesses. Language is added to make clear that convenience stores and grocery stores are not like restaurants for purposes of this section. If a grocery or convenience store contains a restaurant, lunch counter or similar area, only that portion of the business will be treated as a restaurant.

Health and Human Services

SB 97- Relating to regulation of the sale, distribution, possession, use, and advertising of e-cigarettes, cigarettes, and tobacco products; amending provisions subject to a criminal penalty. (Larissa)

There is insufficient regulation of e-cigarettes in Texas and that e-cigarettes are being sold to minors in Texas. Many states have already prohibited the sale of e-cigarettes to minors and point to Centers for Disease Control and Prevention studies showing that an increasing number of minors, even minors who have never smoked a cigarette, are using e-cigarettes. The amounts of nicotine and other chemical substances that may be in an e-cigarette can vary among different products and can have negative effects on brain development from the prenatal period into adolescence.

SB 97 provides for the regulation of e-cigarettes in Texas. The bill prohibits the sale of e-cigarettes to any person who is younger than 18 years of age, prohibits any person younger than 18 years of age from possessing or using an e-cigarette, and prohibits their use and possession on public school property and at school-sanctioned events.

SB 97 updates existing statute to accommodate modern online and delivery sale practices, and requires that businesses who engage in the delivery sale of e-cigarettes obtain proof of age before the online purchase and at the time of delivery.

SB 204- Relating to the continuation of the functions of the Department of Aging and Disability Services; increasing penalties. (Jenn) [Sunset Bill, Died in Conference Committee]

The Legislature created the Department of Aging and Disability Services (DADS) in 2003 as the State's single long-term care agency. DADS directly provides, or contracts for, long-term care services for people with disabilities and the aging. The agency also regulates a range of providers serving these populations in facilities or home settings to ensure individuals' health and safety.

DADS is subject to abolishment under the Sunset Act on September 1, 2015, unless continued by the Legislature. The Sunset Commission did not recommend continuing DADS, but instead recommended consolidating the agency with the other health and human services agencies in a functional approach under the Health and Human Services Commission, as provided in separate legislation. While the Legislature will ultimately determine the overall structure of the health and human services system, this bill contains the Sunset Commission's recommendations for DADS as it is currently organized.

Major Provisions in Sunset Legislation:

Strengthens DADS' enforcement authority over nursing homes and other long-term care providers.

- Requires DADS to revoke the licenses of nursing homes found to have three or more serious violations in a two-year period.
- Requires the agency to ensure progressive sanctions for serious or repeated violations by long-term care providers, and limits "right to correct" provisions to minor violations.

Begins the process of right-sizing the number of state-operated facilities for people with intellectual and developmental disabilities (IDD) in Texas.

- Requires DADS to close the Austin State Supported Living Center (SSLC) by August 2017, with all net proceeds from the sale or lease of the facility dedicated to services for people with IDD.
- Establishes the SSLC Restructuring Commission to develop recommendations for the 85th Legislature on the number and location of SSLCs needed in Texas given declining populations, rapidly increasing costs, and inconsistent quality of care

Provides extra support for people transitioning from SSLCs to community settings.

- Requires DADS to expand crisis intervention teams to provide increased support for people with IDD in the community.
- Requires DADS to establish in rule the array of services an SSLC can provide to community clients and the fees for those services.

Places more scrutiny on day habilitation facilities serving people with IDD.

- Requires DADS to create an advisory committee to consider improvements to, and potential licensure or certification of, day habilitation facilities, with recommendations to the 85th Legislature.
- Requires the Department of Family and Protective Services to track data on abuse in day habilitation facilities serving DADS' clients and report the findings to DADS.

Requires improvements to DADS' long-term care consumer information website.

Requires DADS to post clearer overall ratings on each provider, along with regulatory performance and quality of care information, and to immediately note when a facility has lost its Medicaid certification.

SB 207- Relating to the authority and duties of the office of inspector general of the Health and Human Services Commission. (Jenn)

The Health and Human Services Commission (HHSC) Office of Inspector General (OIG) prevents, detects, and investigates fraud, waste, and abuse and other allegations of wrongdoing in the health and human services system. In fiscal year 2014, OIG had 774 staff and operated on a budget of \$48.9 million, a growth of nearly 30 percent since 2011.

In its first review of OIG, conducted as part of the HHSC review, the Sunset Advisory Commission (Sunset) found deep management and due process concerns, particularly in OIG's efforts to detect and deter Medicaid fraud, waste, and abuse. OIG's investigative processes lack structure, guidelines, and performance measures to ensure consistent and fair results. Poor communication and a lack of transparency give a perception that OIG makes up rules as it goes. These significant concerns and vague accountability between the governor and the executive commissioner of HHSC (executive commissioner) demand serious attention to set this office right so it can appropriately ensure the integrity of programs in the health and human services system.

Major Provisions in Sunset Legislation:

- Strengthens the accountability of OIG.
- Provides that the Governor appoints the inspector general.
- Requires a special-purpose Sunset review in six years (in 2021).

Improves the effectiveness of OIG through a series of process improvements to measure and achieve better results.

- Provides timeframes for OIG to complete preliminary and full investigations.
- Allows OIG to share confidential drafts concerning child fatalities with DFPS.
- Requires OIG to improve basic management practices, including establishing prioritization criteria and performance measures for its investigative processes.
- Requires OIG to conduct quality assurance reviews for its sampling methodology used in the investigative process.
- Strengthens oversight of special investigative units in managed care organizations and better defines OIG's role in managed care.

Streamlines the credible allegation of fraud (CAF) payment hold appeal process.

- Limits OIG's ability to place payment holds in cases not involving fraud.
- Shortens timeframes and limits the scope of appeal hearings to more quickly mitigate state financial risks.
- Removes requirements for providers to pay for half of their CAF hold and overpayment hearing costs, consistent with other state hearing procedures.
- Clarifies that "fraud" does not include unintentional technical, clerical, or administrative errors.
- Strengthens the audit appeal process for pharmacies to promote greater independence in decision making.

HB 2084- Relating to transparency in the rate-setting processes for the Medicaid managed care and child health plan programs. (Jenn) – [Vetoed by the Governor]

The majority of Texas Medicaid clients receive services through a health plan provided through a managed care program. The process by which managed care payment rates and child health plan program rates are set is complex and has changed over time and that the Health and Human Services Commission has significant discretion in developing the rate-setting methodology. More transparent documentation of the methodology, calculations, and assumptions used in the rate-setting process would provide policymakers and stakeholders the information needed to understand the factors that affect program costs, anticipate program funding needs, and assess the efficacy of the rate-setting process.

HB 2084 seeks to bring such transparency to the Medicaid managed care and child health plan program rate-setting process.

HB 2084 amends both the Government Code and the Health and Safety code to require the Health and Human Services Commission (HHSC) to ensure the transparency of the premium payment rate-setting process for the Medicaid managed care program by publishing certain actuarial reports. The bill requires the reports to be published in a format that allows for tracing data and formulas across attachments, exhibits, and examples and to clearly identify and describe the methodology by which the executive commissioner of HHSC set the payment rates, the data sources used, the components of the process that are assumptions and how the assumptions are developed, multipliers and factors used throughout the reports, including the source and purpose of the multipliers and factors, and the methodology by which the executive commissioner determined that the rates are actuarially sound for the populations covered and the services provided.

Governor's Veto Statement:

Managed care organizations (MCOs) are paid by the taxpayers to insure Texas's Medicaid population. The rate the State pays MCOs per Medicaid recipient is determined in large part by federal law, but there is substantial room for negotiation. Both the state and the MCOs conduct internal actuarial analyses that are critical to the rate-setting process. The Texas Health and Human Services (HHSC) represents the taxpayer in rate negotiations with MCOs. House Bill 2084 would require HHSC to reveal the details of the internal actuarial analysis it uses when negotiating rates on behalf of the State. This would hamper HHSC's ability to negotiate for the best possible rate. Billions of dollars in taxpayer funds are at stake. Where there is room for negotiation, HHSC should have all available tools at its disposal to protect Texas taxpayers.

Higher Education

SB 317- Relating to The University of Texas Rio Grande Valley. (Roxie)

Senate Bill 24 of the 83rd Legislative Session created a new university in South Texas within the UT System. Senate Bill 317 makes conforming changes in statute to insert the name University of Texas Rio Grande Valley (UTRGV) and other nomenclature where necessary.

SB 1351- Relating to transferring to the Texas Workforce Commission certain duties of the comptroller related to the Jobs and Education for Texans Grant Program. (Roxie)

The Jobs and Education for Texans (JET) Grant Program was created by the Texas Legislature to supplement existing capacity-building programs for job seekers. Administration of the program was initially delegated to the Texas Comptroller of Public Accounts (CPA). However, experience in administering the JET program underscores the need for more comprehensive understanding of the employment market to best target awards. The Texas Workforce Commission (TWC) administers a variety of programs designed to equip job seekers for work opportunities, particularly as new industries begin or expand operations in Texas. Those industries often require new employees to be job ready; that is, new employees must have specific training.

SB 1351 transferred the entirety of the JET program from the CPA to the TWC. TWC will substantially benefit from a transfer of the JET program from the CPA to TWC. A transfer of the JET program to TWC will bolster TWC's capacity-building mission and prepare out-of-work Texans for jobs.

HB 495- Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs. (Roxie)

The current dedication of funds from the Permanent Fund for Higher Education Nursing, Allied Health, and Other Health Related Programs (one of the trust funds established by the Texas Tobacco Lawsuit Settlement) to nursing education was set to expire August 31, 2015.

HB 495 extends the dedication of certain tobacco lawsuit settlement funds to nursing education to address our statewide nursing shortage until August 31, 2019.

These funds have been dedicated to nursing education since 2001. The Coordinating Board established the **Nursing Innovative Grant Program** to provide funding to address the shortage or registered nurses.

HB 1887- Relating to the establishment of a regional center for public safety excellence in the Rio Grande Valley. (Roxie)

While the Texas Workforce Commission projects an estimated 22 percent increase in certified police officer positions for the South Texas region in the next 10 years, access to training opportunities in the region is limited. In fact, there are only four police academies in Hidalgo and Starr Counties that offer basic peace officer licensing courses and that receive certification from the Texas Commission on Law Enforcement (TCOLE).

Moreover, the training provided by these police academies does not result in college credit, which is disappointing to law enforcement professionals who are eager to earn college credit and college degrees in their field.

HB 1887 seeks to provide for a well-trained law enforcement community to meet the needs of the South Texas region. The bill amends the Education Code to establish the regional center for public safety excellence to develop and provide education and training for law enforcement personnel in the Rio Grande Valley.

The bill requires South Texas College to administer the regional center in partnership with political subdivisions and participating school districts in the Rio Grande Valley.

Intergovernmental Relations

SB 1742 Amended to SB 1574- Relating to immigration visa waivers for physicians. (Jenn)

The Texas Department of State Health Services (DSHS) is authorized under the Conrad 30 Waiver Program to support up to 30 international medical graduates, per year, to serve in designated Health Professional Shortage Areas (HPSA) and Medically Underserved Areas (MUAs). In exchange for serving underserved areas or populations for three years, the requirement for a physician to return to his home country for two years is waived.

The Texas Department of State Health Services (DSHS) supports waiver applications for physicians holding J-1 Visas in order to improve access to primary or specialty care in Texas. Recently, DSHS has revised its policies to preclude applications by physicians with employment offers from entities in MUAs. Almost all other states allow participation by MUAs.

Hidalgo County is a Medically Underserved Area (MUA) but NOT a HPSA. Hidalgo County serves the surrounding areas that are HPSAs - Starr County, Brooks County and Cameron County. Hidalgo County is stuck in the middle geographically and is not getting the benefit of international medical graduates coming to our community through the J-1 Visa program because DSHS has revised its policies to preclude applications by physicians with employment offers from entities in MUAs.

SB 1742 seeks to amend the Health and Safety Code to clarify that the Department of State Health Services should provide equal opportunity for placement of these physicians in both Health Professional Shortage Areas and Medically Underserved Areas.

HB 1596- Relating to the Hidalgo County Healthcare District; decreasing the possible maximum rate of a tax. (Jenn)

HB 1596 is a local bill that will amend current statute to provide safeguards and protections for local taxpayers if a Hidalgo County Healthcare District is created in the future with voter approval. This is critical for our families in the Rio Grande Valley to provide resources to support a medical school, to cover our community's healthcare needs, and to decrease the tax burden on our county taxpayers.

The Rio Grande Valley has some of the highest rates of uninsured individuals and amongst the worst health care outcomes in the nation. In Hidalgo County, almost 40% of residents are uninsured, compared to 24% in Texas.

Last session, enabling legislation was passed to create an Hidalgo County Hospital District with voter approval. However, in response to feedback received from Hidalgo County voters, elected officials, and community leaders about the hospital district, we worked together to draft HB 1596 that puts safeguards in place to ensure the most protections for taxpayers.

A healthcare district will allow Hidalgo County to improve our current indigent care program as well as leverage federal funds through the 1115 Waiver. This will allow us to bring in millions of additional dollars that are critical to generate a stable source of revenue to help support our UTRGV medical school and extend medical services, including mental and behavioral health, for all residents.

The name was changed to "Hidalgo County Healthcare District" to allow for a more comprehensive approach to the system we hope to implement with voter approval. The key changes to the Healthcare District legislation:

- The tax rate is now capped at 25 cents per \$100 valuation instead of 75 cents.
- The budget and tax rate must be approved by the Hidalgo County Commissioners Court to ensure proper oversight and control.
- If a Hidalgo Healthcare District is created in the future with voter approval this legislation will require the county to reduce its tax rate accordingly, because the county will no longer be responsible for indigent care services. This will decrease the tax burden on our county taxpayers.
- The board composition was changed to add an additional member.

If the Hidalgo County Commissioners call an election, and the voters choose to create the healthcare district, then HB 1596 ensures safeguards are in place to protect both the county and our local taxpayers.

HB 1596 is an investment that will bring much needed federal matching dollars into our local economy, support our medical school, produce an educated and healthy workforce, and a healthier Hidalgo County for all of our families.

HB 2257- Relating to certain emergency services districts that are exempted from filing an audit report. (Jared)

The Legislature passed an exception last session to allow low-income emergency services districts to submit an annual financial report each year instead of a full audit. The exception to the audit requirement was provided if the districts did not have any outstanding loans or revenues and investments exceeding \$250,000.

However, few low-income districts qualified because the language simply stated that they couldn't have loans, and many of these districts have loans secured by actual assets, such as fire trucks.

HB 2257 accomplishes the 83rd Legislature's intent by clarifying that those districts are exempt if they do not have loans secured by *ad valorem taxes*. In addition, in the interest of transparency, it requires district that files financial statements to post compiled financial statements for the previous three years on its website.

HB 2476- Relating to the operations of health care funding districts in certain counties located on the Texas-Mexico border. (Jenn)

Last session the Legislature passed SB 1623 (Hinojosa) to allow the counties of Hidalgo, Cameron and Webb to create a Local Provider Participation Fund (LPPF) to draw down their share of federal dollars to fund initiatives that improve quality and access to health care along the Texas-Mexico border.

These counties serve the largest uninsured population in the United States -- in Hidalgo County specifically almost 40% of residents are uninsured, compared to 24% in Texas. Because no hospital district exists in any of these counties, they were faced with leaving over \$540 million on the table that would have been available through the 1115 Waiver (Texas Transformation & Quality Improvement Federal 1115 Waiver).

Creating the LPPF in 2013 allowed the participating counties to find a local solution to their funding shortfall that allowed our communities to access federal dollars (1) without increasing property taxes, (2) without cost to insured or uninsured patients, and (3) without requesting any funding from the State.

1115 Waiver payments are now available to our local hospitals in these three counties and they have been able to implement DSRIP projects focused on increasing access to care and improving patient outcomes as well as implementing new residency programs.

HB 2476 will remove the sunset provision that is currently in statute. Now that the LPPF is in place and operating successfully with enormous benefits to our communities and families the sunset provision is no longer necessary. (The current provision sunsets the LPPF on December 31, 2016.)

HB 2476 also changes the definition of an "institutional health care provider" from a nonpublic hospital "licensed under Chapter 241" to a nonpublic hospital "that provides inpatient hospital services." Since some nonpublic hospitals are not licensed under Chapter 241, this language ensures that all nonpublic hospitals are included in the definition.

The new language is consistent with federal requirements that require that all hospitals be involved. A non-Chapter 241 psychiatric hospital is slated to open in Cameron County this year and if the language is not changed, the Cameron County program would inadvertently be carved-out.

HB 2830- Relating to the duty of a county to refund an amount of \$2 or less paid to the county clerk or district clerk. (Jared) – [Vetoed by the Governor]

Many counties around the state are required to mail a refund to an individual if the individual overpays a bill to the county. The parties further note that such an overpayment, which may be a simple mistake by the individual, is usually a very small amount and that the refunding process often costs the county more in printing and mailing than the actual amount of the refund.

HB 2830 amends the Local Government Code to establish that a county is not required to refund an amount overpaid or otherwise paid in error to the county clerk or district clerk by a person if that amount is \$2 or less unless the person requests the refund in writing.

Governor's Veto Statement:

House Bill 2830 allows counties to refuse to refund to tax payers amounts less than two dollars unless the person owed the refund requests it in writing. Placing this burden on the person owed the money will cause the vast majority of small refunds never to be paid. That is unacceptable. Citizens are legally entitled to any money owed them by the government, no matter how small the amount.

HB 2894- Relating to the election of certain county bail bond board members.

Certain members of a county bail bond board are not public officials: an elected licensed bail bond surety or agent for a corporate surety in the county or applicable designee and an elected criminal defense attorney practicing in the county. While statute initially did not provide for how these members were to be elected, an election procedure was eventually provided for the surety or agent, but the law remains silent with respect to the procedure for the criminal defense attorney board member.

HB 2894 amends the Occupations Code to require a county bail bond board to conduct an annual secret ballot election to elect the board member who serves as the representative of the criminal defense attorneys by electing a criminal defense attorney who is practicing in the county.

The bill entitles each attorney who has a principal place of business located in the county and who is not legally prohibited from representing criminal defendants in the county to cast one vote to elect the board member who is a criminal defense attorney.

***HB 3002- Relating to the fee imposed on certain property owners by a county for the establishment of street lights along a county road.
(Josh)***

Hidalgo County in South Texas has more colonias than any other county in the United States. Colonias are unincorporated communities in counties which are usually characterized by poor infrastructure, lower quality homes, and higher incidences of crime.

Over the last few sessions, various pieces of legislation have sought to address the infrastructure issues within colonias. Section 280.003 of the Transportation Code currently allows counties to establish street lighting in colonia subdivisions and impose a fee on landowners who benefit from the street lights. However, some counties maintain current statute is silent on the process of how the fees should be assessed and collected by a county.

HB 3002 amends Section 280.003 of the Transportation Code in order to provide for an effective method of collecting fees to install street lights..

HB 3002 clarifies how the fees authorized should be assessed and collected.

The bill clarifies:

- Collections of a fee are made by the county tax assessor-collector;
- The fee is to be added to the tax bill of a resident who benefits from street lights and separately listed on the tax bill;
- Allows the county to place a lien on the property if the fee is not paid;
- Prohibits a county from foreclosing on property based upon this lien.

*This bill is NOT bracketed to Hidalgo County.

HB 3220- Relating to the powers and duties of the Hidalgo County Water Control and Improvement District No. 18; providing authority to issue bonds; providing authority to impose fees and taxes. (Larissa)

The Hidalgo County Water Control and Improvement District No. 18, was created in the 1950's, and only applies to a single tract of property in Hidalgo County owned by M.L. Rhodes, Ltd.

HB 3220 amends the Special District Local Laws Code to establish provisions relating to the Hidalgo County Water Control and Improvement District No. 18 to provide certain improvements, projects, and services for public use and benefit.

The bill provides for, among other provisions, authority for road projects, road standards and requirements, and district participation in water conservation projects. The bill establishes that the district's powers and duties include, subject to certain requirements, the authorization to issue obligations and impose property taxes and that the district retains all rights, powers, privileges, authority, duties, and functions that it had before the bill's effective date. The bill provides for the validation and confirmation of certain district actions and proceedings taken before the bill's effective date.

HB 3532- Relating to access to certain confidential information provided in an application for an exemption from ad valorem taxation. (Larissa)

Current law limits disclosure of driver's license, personal identification, and social security numbers to employees of the appraisal district who appraise property, with certain exceptions for judicial and administrative proceedings. Contractors and service providers, such as auditors, software vendors, and private appraisal firms, need access to identification information in order to provide appraisal services to the appraisal district.

HB 3532 amends Sections 11.48(a) and (b), Tax Code to authorize an appraisal district to disclose a driver's license number, personal identification certificate number, and social security number to contractors and service providers that perform appraisal services for the appraisal district when needed to fulfill their contractual duties.

SCR 39- Urging Hidalgo County to reduce its tax rate upon establishment of the Hidalgo County Healthcare District. (Jenn)

The creation of a healthcare district will allow Hidalgo County to improve our current indigent care program as well as leverage federal funds through the 1115 Waiver. This will allow us to bring in millions of additional dollars that are critical to generate a stable source of revenue to help support our UTRGV medical school and extend medical services, including mental and behavioral health, for all residents.

If the Hidalgo County Commissioners call an election in the future, and the voters choose to create the healthcare district, Hidalgo County will no longer be responsible for indigent care services. Since the healthcare district would take over the responsibilities of providing indigent care, the county will have a corresponding savings since their current costs will be offset by the healthcare district.

To decrease the tax burden on taxpayers, SCR 39 encourages Hidalgo County to reduce its own tax rate accordingly upon the creation of a Hidalgo County Healthcare District.

Natural Resources & Economic Development

SB 100- Relating to the enterprise zone program. (Josh)

SB 100 proposes to restructure the enterprise zone program by placing an emphasis on projects that create new jobs. When the Enterprise Zone Program was created in 1988, modeled after President Reagan's federal enterprise zone initiative, the objective was to create jobs in economically distressed communities by providing businesses with performance-based incentives to locate and invest in economically distressed areas.

Currently the program offers greater incentives to bigger projects based on higher pledged jobs (created or retained) and greater capital investment. These bigger designations are termed "double-jumbo" and "triple-jumbo." However, over the years the program moved away from its mission of creating jobs and turned its focus on subsidizing retained jobs. Currently 86% of the program benefits are directed towards retained jobs, and only 14% towards new jobs.

The Enterprise Zone Program is an active and popular economic development incentive tool for businesses looking to bring capital investment and jobs to economically distressed communities. SB 100 strikes a good balance of emphasizing new job creation projects while maintaining incentives for businesses that need help with job retention. Putting Texans to work and helping working families has always been at the top of my legislative agenda. SB 100 will help put Texans to work so that they can provide for their families.

The major provisions of SB 100 include:

- (1) emphasizing stronger incentives for job creation by allowing double jumbo and triple jumbo designations to be used only for projects creating new jobs in economically disadvantaged communities; and
- (2) adding veterans to the definition of qualified employee to incentivize the hiring of honorably discharged veterans
- (3) maintaining incentives for job retention;
- (4) creating half designations to promote small businesses access and participation in the Enterprise Zone program;
- (5) local flexibility between counties and municipalities by allowing inter-local agreements when nominating certain projects;
- (6) clarification that if a business is creating new jobs in future application periods, they can be eligible for the larger designations; and
- (7) clarification that state and federal mandated capital expenditures count towards the program's capital investment requirements.

HB 1606- Relating to the continuation and functions of the Texas Workforce Investment Council, including assumption of the duties of the Texas Skill Standards Board. (Desiree)

The Texas Workforce Investment Council (council) is a 19-member board that assists the governor and the Legislature with strategic planning for and evaluation of the Texas workforce system. Housed in the Office of the Governor, the council includes representatives from business, labor, education, community-based organizations, and related state entities.

The mission of the council is to promote the development of a highly skilled and well-educated workforce for Texas. The council serves as the State Workforce Investment Board, a requirement under the federal Workforce Investment Act of 1998. Without such a council, Texas could lose \$160 million in federal funds.

The council also provides staff support for the Texas Skill Standards Board. The Legislature created this board in 1995 to develop a statewide system of skill standards for occupations with strong employment and earnings opportunities, but requiring less than a baccalaureate degree.

The council is subject to the Sunset Act and will be abolished on September 1, 2015, unless continued by the Legislature. The Sunset Commission concluded the council's functions are needed, that it is appropriately placed in the Governor's office, and that it could easily take on the remaining duties of the Texas Skill Standards Board.

HB 1606 continues the Texas Workforce Investment Council for 12 years and aligns its Sunset review with that of the Texas Workforce Commission. It also abolishes the Texas Skill Standards Board and transfers its powers and duties to the Texas Workforce Investment Council.

HB 1915- Relating to the allocation of state hotel occupancy tax revenue to certain barrier island coastal municipalities. (Desiree)

Beaches are vital to the coastal economy and to the State of Texas. Currently, 3 cities are eligible to retain a portion of the State Hotel Occupancy Tax: South Padre Island, Galveston and Port Aransas. However, there is no state funding to cover the state beach costs in Corpus Christi, and limited state funding for state beach expenses in Port Aransas which receives only 1% of HOT funds compared to the 2% that other eligible communities receive.

HB 1915 would allow the city of Corpus Christi and Port Aransas to retain 2% of the state hotel occupancy taxes collected by the cities to be reinvested for beach maintenance and restoration. The funds would go towards beach maintenance, safety upgrades, and erosion management projects, efforts that would help bring increased tourism to the area and an additional boost to the economy.

Tourism generates an annual economic impact of \$1 billion for the Corpus Christi region. A key component for our tourism industry is attractive beaches. Allowing Corpus Christi to access 2% of the state's Hotel Occupancy Tax will potentially increase Corpus Christi's beach cleanup funding by about \$2 million annually.

The legislation will not only benefit Corpus Christi and Port Aransas beaches but also Surfside and Quintana in Brazoria County.

State Affairs

SB 1964- Relating to the imposition of additional fees for filing civil cases and for recording certain documents in Hidalgo County and Cameron County. (Josh)

For years, Hidalgo county officials have spoken of the need to replace the county's existing courthouse in the heart of downtown Edinburg. When the existing courthouse opened in 1954, it housed two state district courts and one county court-at-law. Today, Hidalgo County has 12 state district courts and eight county courts-at-law, along with other auxiliary courts that have spilled into temporary buildings and one nearby storefront in downtown Edinburg.

Hidalgo County is one of the fastest growing counties in the state, and is now to close to 900,000. Census estimates have Hidalgo County as the 8th most populous county in the state. Further, the dated structure and history of asbestos requires constant maintenance and repairs raising public health and safety concerns as wells as costs.

This bill is modeled after similar legislation passed for other Texas counties.

SB 1964 allows Hidalgo County to collect a civil courts filing fee similar to the one currently collected in Bexar, Hays, Dallas, Rockwall, Travis Counties and other courts to assist with the costs of renovating, improving, or constructing new courthouse facilities. The funds generated by the new fee would allow the county to move forward with replacing the current courthouse. The fee would be dedicated to the construction, renovation, or improvement of the facilities that house the courts collecting the fee to meet the growing needs of the public for proceedings in civil and criminal matters.

SB 1964 amends the Government Code to provide for the collection of a \$20 court filing fee in certain civil cases filed in a district court, statutory probate court, or county court at law in Hidalgo County for construction, renovation, and improvement of court facilities.

SB 1964 also allows the county to assess a \$10 fee for official real property recordings.

The bill makes the fees contingent on a commissioners court resolution and subject to rescission by the commissioners court. The fee would expire in 2030, unless rescinded by the commissioners court before then.

An amendment added in the House, allows Cameron County to also assess these fees to renovate their county courthouse.

HB 2486-Relating to the right of a person to enter the person's residence or former residence accompanied by a peace officer to recover certain personal property; creating an offense. (Jared)

The dissolution of a family is a difficult situation. This situation is exacerbated when one family member refuses to allow another to return home to retrieve personal belongings. We received multiple reports of people whose spouses have locked them out of their homes, resulting in the person being unable to retrieve personal belongings. In some cases, people have reported being unable to access prescription medications and other necessities they need to care for their children.

Existing law did not provide a procedural means for these individuals to seek help in entering the home and retrieving their property. HB 2486 amended the Texas Property Code to provide a procedural mechanism to retrieve property. An individual who is denied access to personal property located in a former residence is now able to apply for a court order authorizing entry. In the application, he or she would be required to: attest to denied entry, specify items needed, certify that no protective order prevents him or her from entry, and state the harm that will result if the application is denied. If the application is approved, a court order is issued and the applicant can be accompanied and protected by a peace officer while returning to the home. HB 2486 requires the applicant to post a forfeitable bond with the court to guard against wrongful property retrieval.

HB 2486 includes a Class B Misdemeanor penalty for anyone who interferes with the court-ordered entry and protects law enforcement from any civil or criminal liability. It also includes a defense to prosecution from this offense if a person did not receive a copy of the court order or notice that the entry to the property retrieval was authorized. HB 2486 represents a simple means to mitigate the risk of violence and safeguard an individual's right to his or her own property.

HB 2604- Relating to a concealed handgun license application that is submitted by a peace officer or a member of the state military forces. (Marcos)

Interested parties note that a law enforcement officer must satisfy a greater number of requirements to obtain a concealed handgun license than a regular citizen. These parties assert that these requirements are superfluous as such an officer carries a handgun as part of the officer's normal duties.

HB 2604 seeks to remove the hindrances to these officers obtaining a concealed handgun license.

HB 2604 amends the Government Code to remove a requirement that an applicant for a license to carry a concealed handgun who is licensed as a peace officer and is employed as a peace officer by a law enforcement agency, or a member of the Texas military forces, excluding Texas State Guard members who are serving in the Texas Legislature, submit to the Department of Public Safety (DPS) two complete sets of legible and classifiable fingerprints and a sworn statement of the head of the law enforcement agency employing the applicant that includes specified information concerning the applicant's qualifications and physical and mental fitness to carry a handgun.

The bill instead requires an applicant who is a peace officer employed by a law enforcement agency to submit to DPS the name and rank of the applicant, a current copy of the applicant's peace officer license, and evidence of employment as a peace officer; requires DPS to adopt rules regarding the information required to be included in an application for a license submitted by a member of the Texas military forces, excluding Texas State Guard members who are serving in the Texas Legislature; and authorizes DPS to issue a concealed handgun license to an applicant who is a peace officer or a member of the Texas military forces if the applicant submits the required information or complies with the adopted rules, as applicable.

HB 3307- Relating to the authority of the Employees Retirement System of Texas to make available a TRICARE Military Health System supplemental plan. (Larissa)

TRICARE is the health care program provided by the United States Department of Defense to certain veterans and their spouses and children. Upon retirement, veterans may maintain TRICARE benefits, but they are responsible for paying any applicable cost-shares, including enrollment fees, deductibles, or copayments, which may be as much as \$3,000 per year. The Employees Retirement System of Texas estimates that there are approximately 8,000 veterans working for the state who are TRICARE eligible but who are currently accessing health care through plans offered by the state due to the high out-of-pocket costs associated with TRICARE benefits. The state would save money if those veterans chose to obtain health care benefits through TRICARE.

HB 3307 offsets the out-of-pocket costs associated with TRICARE benefits for those veterans to incentivize their use of those benefits and help both the state and the retired veterans save money on health care costs.

HB 3307 amends Subchapter E, Chapter 1551, Insurance Code to require that ERS make eligible veterans aware that they may also use the TRICARE insurance as secondary insurance.

Transportation

SB 1059- Relating to the issuance of certain permits for the movement of oversize or overweight vehicles. (Josh)

Currently, the Port of Corpus Christi may issue permits for the movement of oversize or overweight cargo on any road it owns and maintains in Nueces or San Patricio County. In 2009, Senate Bill 1571 (81R) also authorized the Port to enter into agreement with the Texas Department of Transportation for issuance of oversize or overweight permits on a state highway special freight corridor in San Patricio County only.

New industries at the Port of Corpus Christi have increased the need to transport cargo and regulate trucks moving through the Port's Inner Harbor and Joe Fulton International Trade Corridor in Nueces County, across Nueces Bay, to port facilities in San Patricio County.

The Port wants to implement an oversize/overweight permit process on a state highway special freight corridor, if approved by the Department, but lacks the current authority for such a permit in Nueces County.

SB 1059 amends current statute to authorize the issuance of oversize or overweight permits on a state highway in San Patricio County to include a state highway in Nueces County.

This will provide for the efficient movement of cargo on state highways within the Port as permit fees will be used to maintain the state highway.

The ability to issue permits will aid in the efficient handling of cargo for current customers and prospective customers and will provide connectivity to customers utilizing the Port's facilities located in Nueces County and San Patricio County.

SB 1737- Relating to the designation of a segment of State Highway 83 in Hidalgo County as the World War II Veterans 349th Regt. 88th Inf. Div. Memorial Highway. (Marcos)

The purpose of this legislation is to name a section of State Highway 83 in Hidalgo County as the World War II Veterans of the 349th Regiment of the 88th Infantry Division Memorial Highway. The men of the 349th Regiment of the 88th Infantry suffered over 2,400 casualties and over 1,000 soldiers listed as missing in action in their triumphant efforts to liberate Rome, Italy, for the allied forces in World War II.

SB 1737 adds a section to Chapter 225, Transportation Code, naming the portion of State Highway 83 from its intersection with North Inspiration Road to its intersection with South Stewart Road as the World War II Veterans of the 349th Regiment of the 88th Infantry Division Memorial Highway.

As proposed, SB 1737 amends current law relating to the designation of a segment of State Highway 83 in Hidalgo County as the World War II Veterans of the 349th Regiment of the 88th Infantry Division Memorial Highway.

HB 2208- Relating to access to criminal history record information by a county tax assessor-collector. (Larissa)

Motor vehicle title service companies are required to obtain a license from a tax assessor collector to conduct business in certain counties. The current licensing process for a motor vehicle title service company allows tax assessor-collectors to obtain certain information on the motor vehicle title service company applicant in order to assess the risk of potential title fraud.

This procedure uses local law enforcement to run a county-wide background check on behalf of the tax assessor-collector to verify information provided by the applicant. However, the tax assessor-collector is limited to conduct a search within a specific county only, and is unable to verify whether the applicant has been convicted of a crime in a different county. Concerns have been raised about the tax assessor-collector's ability to stop title fraud in light of this limitation.

HB 2208 provides a tax assessor-collector with access to criminal history record information maintained by the Department of Public Safety of the State of Texas. With access to such information, a tax assessor-collector will be able to more effectively screen motor vehicle title service company applicants and make a fully informed decision on whether to grant a motor vehicle title service license.

Veteran Affairs and Military Installations

SB 318- Relating to the amount the Texas Military Preparedness Commission may grant to local governmental entities for certain purposes. (Marcos)

The Defense Economic Adjustment Assistance Grant Program assists defense communities that are responding to or recovering from a reduction or termination of defense contracts, or that have been affected with new or expanded military missions, and endeavors to make military bases less susceptible to closure. SB 318 seeks to better ensure that Texas military communities have the resources to provide timely support for their military installations.

SB 318 amends the Government Code to raise from \$2 million to \$5 million the cap on grants awarded by the Texas Military Preparedness Commission to certain local governmental entities that may be affected by an action of the United States Department of Defense relating to defense worker jobs or facilities.

HB 194- Relating to creating a recognition day in honor of Gold Star Mothers. (Marcos)

A Gold Star Mother is a woman whose life has been abruptly changed by the news that her son or daughter has been killed while serving in the U.S. armed forces. In the face of immeasurable sorrow, these mothers can serve as inspiration to all patriotic Americans. The beloved son or daughter, a person who was willing to put himself or herself in harm's way in defense of freedom, and the surviving mother, who has been left behind to address her loss with courage, grace, and fortitude, exemplify the best in America.

The gold star concept began during the United States' involvement in World War I when families displayed flags bearing a blue star for each military service member. A surviving mother stitched a gold star over the blue one to honor a son or daughter who died in military service. In 1936, the United States began observing Gold Star Mother's Day on the last Sunday of September. H.B. 194 seeks to honor Gold Star Mothers in Texas.

HB 194 amends the Government Code to designate the last Sunday in September of each year as Gold Star Mother's Day in recognition of mothers whose sons and daughters died while serving in the United States armed forces. The bill requires Gold Star Mother's Day to be regularly observed by appropriate ceremonies.

Border Security

HB 12- Relating to the border prosecution unit. (Desiree)

In 2009, the legislature established the "Prosecution of Border Crime Grant Program" in the Government code. Through this program, elected state prosecutors in the Texas border region have received state assistance to hire specialized attorneys and investigators who devote 100% of their time to prosecuting crimes relating to transnational criminal activity between Texas and Mexico. Additionally, the grant program has supplied full-time prosecutors who are housed in regional offices of the Texas Department of Public Safety (DPS) and who provide on-demand legal support and services to state and local law enforcement agencies.

HB 12 codifies in statute the policies, procedures and practices of the Border Prosecution Unit. Formalizing the unit's practices would improve coordination and communication on the border between prosecutors and law enforcement. Some of the regional counsel described in the bill would reside in DPS offices. This would promote more efficient collaboration and use of resources to detect threats and take down large criminal enterprises.

The legislation also provides a clear definition of "border region" for the purposes of strategic targeting of transnational organized crime and criminal enterprises. Because border crime affects the entire state, HB 12 revises the definition of "border crime" to include crimes that occur anywhere in the state involving transnational criminal activity and also adds offenses involving assaultive offenses, sexual assault and gambling.

HB 12 guarantees coordination and cooperation of prosecutor jurisdictions in the border region by requiring Memoranda of Understanding as a condition of receiving state grant aid. It also provides the Criminal Justice Division of the Governor's Office with consistent input on allocation of border prosecution assistance funds and facilitates grant funding for counties outside the border region that are impacted by border crime.

Furthermore, HB 12 requires that the Border Prosecution Unit meet annually to provide information and recommendations to the Governor, Lieutenant Governor, Speaker of the House and members of the Legislature on matters relating to border security and prosecution.

The Border Prosecution Unit is vital in providing resources to prosecutors to screen cases, secure indictments, and bring criminals to trial. Codifying the Border Prosecution Unit would give it more predictability and permanency. Formally establishing the Border Prosecution Unit also would complement the increase in law enforcement that recently was established in the border region. This bill would solidify a unit that makes a big difference in combating border crime.

Major State & Emergency Items

SB 1- Relating to certain restrictions on the imposition of ad valorem taxes and to the duty of the state to reimburse certain political subdivisions for certain revenue loss; making conforming changes.

Texas Constitution, Art. 8, sec. 1-b(c) requires a school district to exempt \$15,000 of the value of a residence homestead from taxation. A school district must grant an additional \$10,000 exemption from the appraised value of a residence homestead for adults who are disabled or more than 65 years old.

Texas Constitution, Art. 8, sec. 1-b(d) prohibits certain increases in the total amount of property tax levied for general elementary and secondary public school purposes on a homestead of a person or the spouse of a person who is 65 or older or disabled.

Tax Code, sec. 11.13 allows the governing body of a taxing unit to grant an additional exemption of up to 20 percent of the appraised value of a residence homestead, as long as that exemption is at least \$5,000.

SB 1 would increase the mandatory homestead exemption from \$15,000 to \$25,000. The taxable value of homesteads owned by the elderly or people who are disabled also would be correspondingly reduced. A school district would be entitled to certain additional state aid via the Foundation School Fund to make up for the lost maintenance and operations tax revenue and tax revenue used to service eligible debt.

This bill would require school district tax assessors to prepare taxes as though the bill and SJR 1 took effect. This bill would then require the assessor of a school district to calculate and publish on a provisional tax bill a statement of the amount saved from the pending increase to the homestead exemption. That provisional tax bill would assume the higher homestead exemption.

If SJR 1 was not approved by the voters, the bill would require the assessor for each school district to prepare and mail a supplemental tax bill accounting for the difference. The bill would provide that the taxes for which a supplemental tax bill is mailed under the provisions in the bill were due on receipt of the tax bill and were delinquent if not paid before March 1 of the year following the year in which they were imposed.

The bill would require a school district to waive penalties and interest on a delinquent tax for which a supplemental tax bill is mailed under the provisions of the bill. The bill has various transitional provisions for the 2015-2016 tax year. Specifically, the bill would require a school district's wealth per student, local share of program cost, enrichment tax rate, local revenue, bond tax rate, existing debt rate, and taxable value of property for the 2015-2016 school year to be calculated assuming a \$25,000 homestead exemption.

Certain school districts would be able to delay an election on possible actions to achieve the equalized wealth level for the 2015-2016 tax year. Such a district also would be able to adopt a

tax rate before its equalized wealth level was certified by the commissioner of education. A district which fails to hold the election or does not receive voter approval at the election would be subject to detachment and annexation of property as necessary to achieve the equalized wealth level as soon as is practicable after SJR 1 was approved.

This bill would apply beginning with the 2015 tax year but would have no effect if SJR 1 was not approved at a statewide election.

SB 1 would cut property taxes by increasing the homestead exemption, which is the best possible use of state funds. It would stimulate real economic growth and provide tax relief that voters have asked for and to those who need it most.

HB 32- Relating to the computation and rates of the franchise tax; decreasing tax rates.

The franchise tax is computed at a rate of one percent taxable margin for most taxpayers and 0.5 percent of taxable margin for retailers and wholesalers.

HB 500 (83rd Legislature, Regular Session, 2013) passed provisions reducing the tax rate to 0.95 percent for most taxpayers and 0.475 percent for retailers and wholesalers. However, these provisions expire on December 31, 2015.

The E-Z tax rate is a separate, easier method to calculate a business's franchise tax liability and is currently only available for businesses with total revenue of \$10 million and less.

HB 32 provides approximately \$2.56 billion in tax relief for businesses.

Tax Rate Reduction:

- Reduces the franchise tax by 25 percent.
- Reduces the E-Z tax rate from 0.575 percent to 0.331 percent.
- Increases the availability of the E-Z calculation to businesses with total revenue of \$20 million and less.
- Rate reductions are permanent.

Comptroller Study (modified in the committee substitute):

- Requires the comptroller of public accounts of the State of Texas to conduct a study on the impact of lowering the franchise tax rates and what further reductions may be implemented.
- Committee Substitute: makes minor adjustments to the content of the study.

Future Rate Reductions (removed in the committee substitute):

- Provides additional rate reductions contingent on level of state tax collections and whether there is a balance to unencumbered general revenue.

Provisions Added in Committee Substitute:

- Franchise tax revenue is split between general revenue and the Property Tax Relief Fund.
- Currently, funds first go to general revenue until a benchmark based on 2007 collections is reached. All funds over this benchmark go to the Property Tax Relief Fund. Conversely, any loss in franchise tax revenue first comes out of the Property Tax Relief Fund, as reflected in the fiscal note.
- HB 32 directs that any loss in revenue will first reduce general revenue. This is to ensure that the Property Tax Relief Fund remains funded.

HB 32 amends current law relating to the computation and rates of the franchise tax and decreases tax rates.

HB 2- Relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

HB 2 would appropriate \$280.1 million in general revenue funds – \$503.2 million in all funds – for fiscal 2015 to a number of state agencies. The bill also would reduce fiscal 2015 appropriations to certain agencies and adjust the authority that some agencies have over certain appropriations.

Medicaid. HB 2 would appropriate \$85.5 million in general revenue funds and \$118.4 million in federal funds to the Health and Human Services Commission (HHSC) for Medicaid acute care services. The bill also would transfer a total of \$252.8 million in general revenue funds to the HHSC for Medicaid acute care services. These transferred funds would come from appropriations made for long-term services and supports and habilitation services at the Department of Aging and Disability Services (DADS), community primary care services at the Department of State Health Services (DSHS), and certain HHSC strategies, including Integrated Eligibility and Enrollment, the Office of Inspector General, and Temporary Assistance for Needy Families (TANF) cash assistance grants.

TANF. The bill also would reduce by \$35.1 million unencumbered appropriations to the HHSC for TANF cash assistance grants.

Foster Care and Child Welfare. At the Department of Family and Protective Services (DFPS), the bill would appropriate \$17.7 million in general revenue funds to provide foster care.

DFPS also would receive \$800,000 in general revenue funds and \$800,000 in federal matching funds for information technology and pre-evaluation costs associated with a proposed Title IV-E child welfare demonstration project.

Health Insurance Provider Fee. To account for the health insurance providers fee imposed under the federal Affordable Care Act, the bill would appropriate \$79.7 million in general revenue funds and \$113.6 million in federal funds to the HHSC for adjustments to Medicaid capitation payments paid to managed care organizations and \$4.5 million in general revenue funds and \$15.4 million in federal funds for adjustments to Children's Health Insurance Program (CHIP) capitation payments.

Foundation School Program. HB 2 would reduce appropriations to the Foundation School Program (FSP) by \$710 million in general revenue funds.

Retired Teacher Health Care. The bill would increase appropriations to the Teacher Retirement System (TRS) by \$768.1 million in general revenue funds for retired teacher health care.

Deferred Maintenance and Repairs. The Texas Facilities Commission (TFC) would receive \$20.6 million in general revenue for deferred maintenance and emergency

repairs. The funding would address projects at various state entities, including about \$11 million for the School for the Deaf. The TFC would be required to report monthly to the LBB on how the money is being spent and to include information on project milestones and target completion dates.

Correctional Managed Health Care. HB 2 would appropriate \$50.5 million in general revenue to the Texas Department of Criminal Justice (TDCJ) for correctional managed health care for fiscal 2015.

Office of Court Administration E-filing System. The Office of Court Administration would be appropriated \$6.4 million in general revenue for the contract to manage the state's electronic filing system for court documents.

Debt service on bonds. HB 2 would reduce appropriations for bond debt service to the Texas Public Finance Authority (TPFA) by \$21 million, to the Texas Department of Transportation (TxDOT) by \$22.1 million, and to the Texas Water Development Board (TWDB) by \$5.9 million.

Healthy Texas Program. The Texas Department of Insurance (TDI) would receive \$5.3 million in general revenue dedicated funds for the agency's Healthy Texas program.

San Jacinto River Lawsuit Settlement. HB 2 would provide the Texas Parks and Wildlife Department (TPWD) up to \$10 million in settlement proceeds if money is recovered under final judgment in *Harris County v. Waste Management of Texas, Inc.* Funds would be transferred to Harris County for use in mitigating the effects of environmental contamination along the San Jacinto River. The appropriation would be effective for a two-year period following the enactment of HB 2.

Appropriation Authority. HB 2 would adjust appropriation authority over certain funds for the Department of Public Safety (DPS), TxDOT, and Midland College.

Department of Public Safety. HB 2 would prohibit DPS during fiscal 2015 from transferring funds among appropriation items or purposes without prior written approval of the LBB. The prohibition would apply to funds appropriated in the fiscal 2014-15 general appropriations act and those transferred to the agency in fiscal 2015 through budget execution authority.

The bill also would restrict the use of DPS funds for training and recruit schools for the rest of fiscal 2015. The agency would be prohibited from using appropriations made through the fiscal 2014-15 general appropriations act or funds transferred to the agency through budget execution authority for costs related to training or recruit schools that give new troopers fewer than 23 weeks of training. Troopers graduating from the 23-week recruit schools could not be compensated by DPS at a level higher than entry-level trooper.

Department of Transportation. HB 2 would re-appropriate to TxDOT any unexpended funds originally appropriated to the agency for road repairs in energy sectors through the enactment in 2013 of HB 1025 by Pitts. The bill would authorize the department to use these funds for the same purpose for a two-year period following the enactment of HB 2.

Midland College. HB 2 would allow unexpended funds appropriated by the 83rd Legislature to Midland College for the American Airpower Heritage Museum to be distributed to the Permian Basin Petroleum Museum. Before disbursing any state money, Midland College would have to enter into a grant agreement with the Permian Basin Petroleum Museum that specified how the money would be spent in accordance with state law and the general appropriations act.

HB 11- Relating to the powers and duties of the Texas Department of Public Safety, military and law enforcement training, and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty; authorizing fees.

The security and management of our southern border is the constitutionally-mandated duty of the federal government. In the absence of federal action, the State of Texas has shouldered the burden of stopping human trafficking, the smuggling of illegal drugs and weapons, and the potential influx of dangerous criminals and terrorists. HB 11 seeks to help the Department of Public Safety of the State of Texas (DPS) sustain and appropriately expand their successful efforts to tackle this problem.

HB 11: Keeps the national guard on the border until DPS has the personnel to fully secure the border region without the assistance of the Texas National Guard.

Adds aggravated promotion of prostitution and compelling prostitution as an enumerated offense in the state wiretap statute.

Requires the attorney general to establish a transnational and organized crime divisions to address matters related to border security and organized crime.

Directs DPS to periodically review the department's existing information technology system and to make any necessary improvements.

Authorizes DPS, at the time a commissioned officer is hired, to elect to credit up to four years of experience as a peace officer in Texas as years of services for the purpose of calculating the officer's salary under Schedule C.

Authorizes DPS to implement a 10-hour workday and 50-hour workweek statewide for all commissioner officers.

Creates a new multiagency crime information center in the Rio Grande Valley that will be operated by local law enforcement and DPS called the Texas Transnational Intelligence Center. The bill requires DPS to assist the county sheriff's department and the municipal police department in the establishment and operation of the center. It requires each law enforcement agency in a county located along the Texas-Mexico border, a county with a federal checkpoint, the Texas Alcohol and Beverage Commission (TABC), and the Texas Parks and Wildlife Department (TPWD) to report certain criminal activity to the center. The information reported to the center must be made available to each law enforcement agency in Texas, as well as to TABC and TPWD.

Creates a DPS Officer Reserve Corps comprised of retired DPS officers who will assist with background investigations, sex offender compliance checks and other duties.

Requires DPS to assist federal authorities in setting up southbound check points.

Ensures uniformity and transparency of crime data between law enforcement agencies through the adoption of the National Incident Based Reporting System (NIBRS) for certain law enforcement agencies.

Authorizes the Texas Facilities Commission (TFC) to build a multiuse training facility to be used by DPS, county and municipal law enforcement agencies, and any other military or law enforcement agency, including agencies of the federal government, for training purposes.

The bill reiterates that the criminal justice division shall administer a competitive grant program to support regional, multidisciplinary approaches to combat gang violence through the coordination of gang prevention, intervention, and suppression activities. It also reiterates that it should be a priority of the state to issue these grants to regions of this state that have demonstrably high levels of gang violence.

Amends the Penal Code to change the conduct that constitutes a smuggling of persons offense. The bill also creates the third degree felony offense of continuous smuggling of persons.

HB 11 amends current law relating to the powers and duties of the Texas Department of Public Safety, military and law enforcement training, and the investigation, prosecution, punishment, and prevention of certain offenses; creates an offense and increases a criminal penalty; and authorizes fees.

SB 18- Relating to measures to support or enhance graduate medical education in this state, including the transfer of certain assets from the Texas Medical Liability Insurance Underwriting Association to the permanent fund supporting graduate medical education and the authority of the association to issue new policies.

SB 18 would make several necessary changes to the state's approach on training and educating its medical residents. Texas has too few available residency spots to accommodate its medical school graduates, and several new schools are slated to open within the next few years. This lack of slots has created a "brain drain," in which students educated at Texas institutions, including some institutions funded with taxpayer dollars, must leave the state to complete their residencies. Many medical residents end up practicing where they complete their training, leaving Texas without the doctors it educated.

The bill would help ensure that there were not only enough residency positions available for Texas medical school graduates, but also enough positions to potentially attract out-of-state graduates as well. The bill would provide a vehicle for channeling needed funding to address a shortage of doctors in rural areas and in certain areas of medical practice. It would ensure that the state had access to the necessary research to develop plans for its graduate medical education (GME) system to meet the state's medical specialty and geographic needs, including by specifying that rural health centers could be residency sites. By encouraging new GME programs to partner with existing residency programs, more programs could be assisted through the process of becoming accredited residency host programs.

While some GME reform efforts have focused solely on expanding residency slots, the bill would ensure that GME funds appropriated in the budget addressed the lack of available residency slots while offering supportive funding for existing unfilled slots, which are unfilled only because no funding exists to support them even though they have been accredited and approved. By setting up the permanent GME fund, the bill would ensure that the state not only expanded medical education, but sustained the expansion to serve future medical school graduates. The bill also would streamline GME programs by eliminating duplicative programs such as the Resident Physician Expansion Grant Program.

SB 18 would make effective use of excess funds held at the Texas Medical Liability Joint Underwriting Association (JUA), which was created by the Legislature in the 1970s and was originally intended to be only a temporary program. The JUA currently does not cover a large number of medical professionals and institutions, and those that it does cover often are individuals and institutions who cannot obtain insurance coverage through other means due to those providers' risk profiles. The state could make better use of the funds through supporting future physicians, which is a recommendation of the Legislative Budget Board. The state should prevail in the event of any potential lawsuit filed by policyholders.

SB 900 - Relating to the operation of the Texas Windstorm Insurance Association.

For the past several sessions, we grappled with how to fix TWIA, which had a financing mechanism insufficient to handle a major storm. This session, Senator Hinojosa co-authored SB 900, authored by Senator Larry Taylor from Friendswood, that relates to the operation of the Texas Windstorm Insurance Association (TWIA). The bill creates an increased level of transparency and accountability, greater representation within the organization, and a restructured funding mechanism.

SB 900 stabilizes TWIA's financial structure by meeting a 1 in 100 year Probable Maximum Loss, which is the industry standard in the voluntary market. It also restructures TWIA's board of directors to ensure equal representation and authorizes the Insurance Commissioner to privatize the Association's management if it is determined to be in the best interest for policyholders.

TWIA currently holds about 70% of the policies on the Texas Gulf Coast and for many it is the only available insurer. Texans with windstorm insurance policies through TWIA stand to gain an increased level of transparency and accountability, greater representation within the organization, and a restructured funding mechanism.

84th Legislature

Budget Highlights

Budget Summary

	Base	<i>In Millions</i> HB 1	Difference
	<u>2014-15</u>	<u>2016-17</u>	<u>Conf – Base</u>
General Revenue	\$95,165	\$106,602	\$11,437
General Revenue – Dedicated	\$7,354	\$7,482	\$128
Other Funds	\$31,114	\$27,345	(\$3,769)
Federal Funds	\$68,451	\$68,003	(\$449)
All Funds	\$202,083	\$209,432	\$7,349

Limits on Appropriations

- The 2016-17 GR appropriations total **\$106.6 billion**, All Funds total **\$209.4 million**.
- This amount is **\$6.4 billion** below the pay-as-you-go limit.
- General Revenue Funds are **\$2.9 billion** below the Constitutional spending limit.

Economic Stabilization Fund (Rainy Day Fund)

- Estimated to be **\$11.1 billion** at the end of fiscal year 2017. No appropriations from the ESF are included in the 2016-17 biennium.

Tax Relief - Over \$4 billion in Tax Relief

- Property Tax Relief
 - \$1.2 billion in property tax relief for homeowners due to an increase to the homestead exemption from \$15,000 to \$25,000 beginning in tax year 2015.
 - The taxable value of homesteads owned by the elderly or people who are disabled also would be correspondingly reduced.
 - School Districts are held harmless, meaning the state will cover the cost of tax relief. (The Foundation School Fund would make up for the lost maintenance and operations tax revenue and the tax revenue used to service eligible debt).
 - This tax relief would apply beginning with the 2015 tax year but only if SJR 1 is approved at a statewide election; otherwise this bill has no effect.
- Franchise Tax Relief
 - \$2.6 billion in franchise tax relief, including a 25% rate reduction. (HB 32)
- Occupations Tax Repeal
 - \$250 million in tax relief in HB 7 (repeals a \$200 annual licensing fee for 16 professions).
- Fee Reductions
 - \$90 million in fee reductions in HB 7 (reduces or affects the amounts or rates of certain statutorily dedicated fees and assessments).

Transportation

- \$3.7 billion in New Appropriations for Transportation
- Ends all Fund 6 diversions from the Texas Department of Transportation.
 - \$1.3 billion increase to the Texas Department of Transportation.
- Continues Proposition 1 transfers to Fund 6.
 - \$2.4 billion anticipated over the biennium.

Public Education

- Fully covers enrollment growth.
 - \$2.7 billion to account for 93,000 additional students.
- Increases the basic allotment.
 - \$1.2 billion to increase the basic allotment from \$5,040 to \$5,140 in both FY 16 and FY 17.
- Increases assistance for fast growth and property poor school districts.
 - \$48 million to fund the New Instructional Facilities Allotment.
 - \$56 million to fund the Instructional Facilities Allotment.
- Creates Math and Reading Academies to support K-3 teacher training.
 - \$22.8 million to create a new Math Academy and \$17.8 million to create a new Reading Academy.
- Improves quality of pre-K through \$118 million grant program.

Higher Education

- \$1.1 billion in additional funding for higher education.
- Covers enrollment growth.
- Increases financial aid.
 - \$74.2 million in additional funding, including \$62.7 million for the TEXAS Grant program to serve approximately 90% of all applicants.
- Increases formula funding by 3% to ensure student affordability.
- Invests in Texas' health care workforce.
 - \$60 million for graduate medical education (GME) expansion with the goal of achieving a 1.1 to 1 ratio for residency slots to increase our doctors in Texas.
- Increases investments in capital construction.
 - \$240 million to fund debt service related to university capital construction costs.

Border Security - \$800 million for Border Security

- **Additional DPS Troopers.** Adds 250 new DPS troopers both on the border and across the state, and allows for a 50 hour work week - creating a stronger presence on roads across Texas.
- **New Texas Rangers Company.** Creates a new Texas Rangers Company along the border with 22 new Rangers and \$8.8 million in funding. The Texas Rangers Division is the lead coordinator of DPS's border security operations. Additional Texas Rangers can assist in investigations, including public corruption, that results from illicit trafficking.

- **Multi Use Training Facility in Edinburg.** \$2 million for the development of a Multiuse Training Facility in Edinburg to support the additional increase in law enforcement personnel and reduce the travel time and costs away from duty stations. This will provide troopers the opportunity to better acquaint themselves with the unique culture and traditions of South Texas while completing their training requirements. The facility will be available for use by DPS, all county and municipal law enforcement agencies, and any other military law enforcement agency, including agencies of the federal government.
- **Regional Center for Public Safety Excellence at South Texas College.** \$1.6 million to assist in the establishment of the Regional Center for Public Safety Excellence at South Texas College. This Center would provide a college level education for public safety and law enforcement personnel in the Rio Grande Valley, allowing individuals to earn a basic peace officer certificate that leads toward an associate of applied science degree in law enforcement, as well as a wide range of related certificates, associate degrees, and bachelor degrees. In addition, the Center would provide professional continuing education courses required by all law enforcement officers.
- **Additional Texas Parks and Wildlife Department Game Wardens.** \$5.3 million for 19 new Texas Parks and Wildlife Department Game Wardens to be stationed along the border. Game Wardens play an important role in border security operations by conducting ground and marine patrols essential in the interdiction and deterrence of smuggling between the Ports of Entry.
- **Border Prosecution Grants.** \$9 million for the Border Prosecution Grant program. Grants allow District Attorneys to hire assistant prosecutors and investigators whose primary responsibility is to better handle and coordinate prosecution of border crimes.
- **Texas Transnational Intelligence Center in the Rio Grande Valley.** \$2.4 million for the operation of a Texas Transnational Intelligence Center in the Rio Grande Valley. The Texas Transnational Intelligence Center is a new multiagency crime information center that will be operated by local law enforcement and DPS. DPS will be required to assist the county sheriff's department and the municipal police department in the establishment and operation of the center. Each law enforcement agency in a county located along the Texas-Mexico border, a county with a federal checkpoint, the Texas Alcohol and Beverage Commission (TABC), and the Texas Parks and Wildlife Department (TPWD) are required to report certain criminal activity to the center. The information reported must be made available to each law enforcement agency in Texas, as well as to TABC and TPWD.
- **Local Law Enforcement Funding.** \$10.2 million in additional funding for our local law enforcement agencies. Local law enforcement agencies in the border region play a major role in responding to border crime and corruption, but local funds are not sufficient.
- **Additional TABC Agents.** \$1.2 million for 6 additional agents at the Texas Alcoholic Beverage Commission's Special Investigations Unit. TABC has been ramping up its investigative and enforcement efforts to combat those engaged in criminal cartel and gang activities, such as narcotics trafficking, money laundering, fraud, and human trafficking along the border.

- **Pilatus Aircraft.** \$7.5 million for a fully equipped Pilatus aircraft for use on the border.
- **South Texas International Airport at Edinburg.** \$3 million allocation for Emergency and First Responder Airport Facilities. These funds shall be used to assist in hangar expansion at the South Texas International Airport at Edinburg for airport facilities used by DPS for emergency and first responders, including facilities where DPS aircraft are used for staging and storage purposes.

Health and Human Services

- Fully funds Medicaid caseload growth.
 - Includes \$373 million Medicaid cost containment rider.
- Increases commitment to mental health services.
 - Behavioral health and substance abuse services in the 2016-17 biennium are funded at \$3.6 billion in All Funds.
 - \$2.8 billion in GR and GR-D Funds, an increase of \$150.7 million in All Funds over the 2014-15 biennium.
- Continues and grows the state's investment in Women's Health Services.
 - \$262 million for women's health services, an increase of \$50 million over the previous biennium.
- Increases community services for individuals with intellectual, developmental, and physical disabilities, including expanding crisis intervention centers across the state.
- Increases investment in Child Protective Services.
 - \$118 million for CPS prevention programs, an increase of \$37 million over the previous biennium.

Teacher Retirement and Health Benefits

- \$3.6 billion in All Funds for the state contribution to retirement benefits of TRS, including \$3.5 billion in GR funds, \$94.2 million in GR-D funds, and \$6.8 million in Other funds.
- HB 2 funded TRS-Care (for retirees) at \$768 million for the biennium to provide program solvency.
- HB 2168 moves the payment date for retirees from the first working day of the month to the last working day of the previous month.
- HB 2974 gives the TRS Board rulemaking authority in setting fairly the period for members' retirement calculations using average salaries.
- SB 1940 and HB 2974 create a select interim committee to study TRS-Care and TRS-ActiveCare.

Employees Retirement System

- Includes an additional \$503.8 million in GR-R to the Employees Retirement System, bringing the actuarially sound period to 32 years.
- Increases the state's contribution to the maximum percent allowed by the constitution and eliminates the 90 day wait for new hires.
- Increases member contribution increase to 9.5%, while supplementing member salaries.

84R SENATE DISTRICT 20 FUNDING HIGHLIGHTS

*All numbers for 2016-17 biennium

Description	HB 1 Funding	Base Budget
Border Security Unit - Border Prosecutions Grants	\$9 M	\$6 M
Grants for Local Border Security to fund local law enforcement agencies	\$10.2 M	Not funded
Texas Military Preparedness Grant Program for grants to military defense impacted communities	\$30	Not funded
Enhanced Border Security Operations including installation of border cameras and helicopter operations	\$9 M	Not funded
Communities in Schools (TEA)	\$40.7 M	\$40.7 M
Teach for America (TEA)	\$12 M	\$12 M
AMACHI TEXAS program for mentoring children of incarcerated parents	\$2.5 M	\$2.5 M
Texas Academic Innovation and Mentoring (AIM)	\$5 M	\$3 M
Texas A&M Corpus Christi Engineering Program	\$7 M	\$5 M
Texas A&M Corpus Christi Tuition Revenue Bond for construction of a life sciences research and engineering building	\$60 M	Not funded
Texas A&M Corpus Christi Art Museum (contingent on matching funds)	\$376,000	Not funded
The University of Texas Rio Grande Valley School of Medicine	\$61 M	\$30 M

Description	HB 1 Funding	Base Budget
The University of Texas Rio Grande Valley Tuition Revenue Bond for construction of an interdisciplinary engineering academic studies building at the campus in Edinburg	\$30.6 M	Not funded
Texas A&M University Health Science Center - Healthy South Texas Initiative 2025	\$10 M	Not funded
University of North Texas Health Science Center at Fort Worth - Texas Missing Persons and Human Identification Program, benefitting Brooks County	\$2.3 M	Not funded
13th Court of Appeals, Corpus Christi and Edinburg - "Similar Funding for Same Size Courts" to proportionally fund them in relation to similar-sized appellate courts and will enable recruitment and retention of professional staff with the requisite skills and training to facilitate the appeals process.	\$500,000	Not funded
DPS Multi Use Training Facility in Edinburg	\$2 M	Not funded
DPS Large Capacity Driver License Office in Hidalgo County	Up to \$10.9 M	Not funded
New Texas Rangers Company with focus on border region - 22 New Rangers	\$8.8 M	Not funded
DPS Texas Transnational Intelligence Center in the Rio Grande Valley	\$2.4 M	Not funded
DPS Regional Center for Public Safety Excellence at South Texas College	\$1.6 M	Not funded
Texas Parks and Wildlife Department Game Wardens - An additional 30 Game Wardens for border security operations	\$5.3 M	Not funded

Description	HB 1 Funding	Base Budget
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13th Court of Appeals, Corpus Christi and Edinburg - "Similar Funding for Same Size Courts" to proportionally fund them in relation to similar-sized appellate courts and will enable recruitment and retention of professional staff with the requisite skills and training to facilitate the appeals process.	\$500,000	Not funded
DPS Multi Use Training Facility in Edinburg	\$2 M	Not funded
DPS Large Capacity Driver License Office in Hidalgo County	Up to \$10.9 M	Not funded
New Texas Rangers Company with focus on border region - 22 New Rangers	\$8.8 M	Not funded
DPS Texas Transnational Intelligence Center in the Rio Grande Valley	\$2.4 M	Not funded
DPS Regional Center for Public Safety Excellence at South Texas College	\$1.6 M	Not funded
Texas Parks and Wildlife Department Game Wardens - An additional 30 Game Wardens for border security operations	\$5.3 M	Not funded

Description	HB 1 Funding	Base Budget
Texas State Aquarium, Corpus Christi	\$9 M	Not funded
Zebra Chip Funding, Department of Agriculture	\$800,000	\$800,000
Texas Water Development Board Regional Drainage and Water Assistance - Grant funding to the Hidalgo County Drainage District No. 1 to implement the Delta Region Water Management Project or the Raymondville Drain Project	Up to \$10 M	Not funded
TxDOT funding to improve the efficiency of border inspection and security processes at land ports of entry located within 50 miles of the Texas-Mexico border	Amount contingent on federal funding	Not funded
TxDOT allocation for Emergency and First Responder Airport Facilities to assist in hangar expansion at the South Texas International Airport at Edinburg	\$3 M	Not funded
TxDOT Port Capital Improvements - From any available source of revenue or proceeds in the Texas Mobility Fund, up to \$20 million shall be allocated to provide funding for port capital improvement projects selected by the Port Authority Advisory Committee and approved by the Texas Transportation Commission.	\$20 M	Not funded
Women's Institute for Technology Employment Training	\$500,000	Not funded

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