HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
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HOUSE RESEARCH ORGANIZATION

daily floor report

Friday, May 08, 2015
84th Legislature, Number 66
The House convenes at 9 a.m.
Part One

One hundred twenty-eight bills and one joint resolution are on the daily calendar for second-reading consideration today. The bills analyzed or digested in Part One of today's *Daily Floor Report* are listed on the following page.

The House will consider a Local, Consent, and Resolutions Calendar.

Alma Allen
Chairman
84(R) - 66

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Friday, May 08, 2015
84th Legislature, Number 66
Part 1

SUBJECT: An Article 5 convention for a federal balanced budget amendment

COMMITTEE: State and Federal Power and Responsibility, Select — favorable, without amendment

VOTE: 4 ayes — P. King, Workman, C. Anderson, Clardy

3 nays — Miles, T. Parker, Walle

WITNESSES: For — Thomas Lindsay, Texas Public Policy Foundation; Rick Green; Tom Kader; (*Registered, but did not testify*: Mark Dallman; Ray Allen, Shadowsoft/Bruce Stringfellow)

Against — David Carter, John Birch Society; Barbara Harless, North Texas Citizens Lobby; Pat Carlson, Texas Eagle Forum; Kelly Holt, The New American; Davis Ford; Barbara Lamontagne; (*Registered, but did not testify*: Kathleen Brown, Central Texas Tea Party; Janice Carter, Norlene Ckodre, and Obert Sagebiel, John Birch Society; Michael Pacheco, Texas Farm Bureau; Richard Snider)

BACKGROUND: Article 5 of the U.S. Constitution requires Congress to call a convention to propose constitutional amendments upon application of the legislatures of two-thirds of the states. Any amendments adopted by an Article 5 convention must be ratified by the legislatures of three-fourths of the states.

The 65th Texas Legislature in 1977 submitted to the federal government H.C.R. No. 31 requesting that Congress prepare and submit to the several states an amendment to the U.S. Constitution providing for a federal balanced budget, or alternatively requesting that Congress call a constitutional convention for the purpose of proposing such an amendment.

DIGEST: HJR 79 would be an application on behalf of the 84th Legislature to Congress for an Article 5 convention for the limited purpose of proposing an amendment to the U.S. Constitution to provide a federal balanced budget.

Unless rescinded by a succeeding legislature, the application would constitute a continuing application in accordance with Article 5 until at least two-thirds of state legislatures have applied for the limited purpose of proposing a federal balanced budget amendment.

The Texas secretary of state would be directed to forward official copies of the resolution to the president, speaker of the U.S. House of Representatives, president of the U.S. Senate, and all members of the Texas delegation to Congress with the request that the resolution be officially entered in the Congressional Record. The secretary of state also would be directed to forward official copies of the resolution to the secretaries of state and presiding officers of the other state legislatures.

SUPPORTERS SAY:

HJR 79 would be an appropriate and necessary measure to help bring federal spending under control. The joint resolution would provide for the 84th Legislature to apply to Congress for an Article 5 convention for the limited purpose of proposing a balanced budget amendment to the U.S. Constitution. Texas would join many other states that are making the same call.

An Article 5 convention was placed in the Constitution by the founding fathers as a tool for states to limit federal power. Using this tool for a critically needed federal balanced budget amendment is highly appropriate. Despite decades of urging by citizens and elected officials, administrations and Congresses led by members of both political parties have failed to provide for a federal balanced budget or otherwise impose fiscal restraints on the federal government. It is the duty of state legislatures to protect Americans and future generations by reining in out-of-control federal spending and debt.

The more states that apply for an Article 5 convention over federal budget issues, the more likely Congress is to act. A campaign for a state-led constitutional convention helped persuade Congress to adopt the 17th amendment, which established the election of U.S. senators by the people.

Fears of a runaway convention are overstated. HJR 79 clearly states that the Article 5 convention would be limited to a balanced budget

amendment. Additionally, the Texas House on May 6 passed HB 1110 by P. King, which would establish a process for selecting delegates to an Article 5 convention. That bill would guard against the possibility of a wide-open convention by banning Texas delegates from voting on any issue outside the scope of an application from Texas. Any delegate who cast an unauthorized vote would find that vote invalidated and their status as a delegate revoked.

OPPONENTS SAY:

HJR 79 would be a dangerous and unnecessary way to address federal overspending. Despite the desires of the Texas Legislature to propose a balanced budget amendment and nothing else, an Article 5 convention has the potential to rewrite the Constitution and strip citizens of some of their most cherished rights. Conservative states would not be the only voice in a constitutional convention; liberal states also would participate and could have a vastly different agenda for changing the Constitution. Texans who want to lower federal spending should focus on electing leaders who would work to adopt a balanced budget amendment.

HB 1110 seeks to establish the selection and duties of Texas delegates to a constitutional convention but that control could not be guaranteed. Under Article 5 Congress would be in control of calling the convention and Congress could set the agenda and rules. Congress could decide how many delegates would come from each state and how they would be selected.

SUBJECT: Qualified health plan designations for health insurance identification cards

COMMITTEE: Insurance — favorable, without amendment

VOTE: 8 ayes — Frullo, Muñoz, G. Bonnen, Guerra, Meyer, Paul, Sheets, Workman

0 nays

1 absent — Vo

WITNESSES: For — Sara Austin, Texas Medical Association; (*Registered, but did not testify*: Tom Banning, Texas Academy of Family Physicians; Joel Ballew, Texas Health Resources; Charles Bailey, Texas Hospital Association; Heather Aguirre, Texas Osteopathic Medical Association; Bonnie Bruce, Texas Society of Anesthesiologists)

Against — Stacey Pogue, Center for Public Policy Priorities; (*Registered, but did not testify*: Laura Guerra-Cardus, Children's Defense Fund - Texas; Tanya Lavelle, Easter Seals Central Texas; John Pitts, Legacy Community Health Services)

On — Doug Danzeiser, Texas Department of Insurance

BACKGROUND: The federal Affordable Care Act (ACA) allows individuals to receive a premium subsidy to apply to the cost of a qualified health plan if their household income is between 100 percent and 400 percent of the federal poverty line for their family size. For 2013, a person would be eligible for a premium subsidy if their household income was between $15,510 and $62,040 for a family of two.

A qualified health plan under the ACA is a health insurance plan that provides federally required essential health benefits, that follows federally established limits on cost-sharing (such as deductibles, copayments, and out-of-pocket maximum amounts), and that was certified by a health insurance marketplace. Qualified health plans are offered in Texas by many insurance companies, such as Aetna, Blue Cross and Blue Shield,

Cigna, Humana, and United.

DIGEST:

HB 1514 would require an identification card or other similar document issued by a qualified health plan to an enrollee to, in addition to any requirement under other law, display:

- the acronym "QHP" on the card or document in a location of the issuer's choice; or
- the acronym "QHP-S" if the enrollee received advance payment of a premium tax credit under the Affordable Care Act (ACA).

The bill would direct the commissioner of the Texas Department of Insurance to monitor federal law governing definitions of terms in HB 1514 related to the ACA and to determine if it was in the best interest of the state to adopt an amended definition of the terms in the bill. The commissioner would adopt by rule changes to these definitions if he or she determined it was in the best interest of the state. The bill would specify how the commissioner would make such a determination.

The bill also would direct the commissioner to prepare a report of a determination made regarding definitions of ACA-related terms in the bill and to file the report with the presiding officer of each house of the Legislature within 30 days of making such a determination. The commissioner could adopt rules as necessary to administer and enforce the provisions of HB 1514.

The bill would take effect September 1, 2015.

SUPPORTERS SAY:

HB 1514 would provide a consistent, easily identifiable way for providers to distinguish which patients were covered by a qualified health plan (QHP) or were receiving a premium subsidy under the Affordable Care Act. While some insurers include this information on a patient's identification card, they are not currently required to do so. Requiring QHPs to be designated on a patient's insurance identification card would streamline the administrative burden for providers, who otherwise would have to contact an insurance company directly to find out if a patient was enrolled in a QHP and was receiving a subsidy, as opposed to simply looking at the patient's identification card at the time of check-in.

HB 1514 also would allow providers to identify patients enrolled in a QHP who might need more information about the importance of paying premiums on time to ensure that their insurance would pay for a health service. By allowing providers to identify these patients, HB 1514 would address a gap in federal law that could cause providers to be liable for the cost of services provided to a patient who failed to pay their QHP insurance premium during a 90-day grace period. If a patient failed to pay their past-due premiums at the end of the 90-day grace period, the patient's plan could be retroactively canceled, and the provider would have to pay back the insurer for any paid claims. The provider could then pass those costs on to the patient, creating a financial burden for both providers and patients.

HB 1514 would not open the door to discrimination against patients. Insurance cards already include other information about the type of plan held by a patient, such as whether the plan is an HMO or a PPO and the name of the plan or insurance carrier. This type of information is helpful and necessary for a provider to determine the plan's benefits, whether a referral was needed for service, network restrictions, and other information necessary for the patient's visit.

Including the "QHP" or "QHP-S" designations would allow a provider to educate the patient about the importance of paying premiums, especially if the patient was not familiar with using health insurance, but would not lead to providers rejecting patients simply because they had this designation on their card.

The solution proposed in HB 1514 would be more effective than requiring insurance companies to notify providers that a patient enrolled in a QHP had not paid their insurance premiums because it would lower the administrative burden for providers. HB 1514 would allow providers to quickly check a patient's insurance card for QHP information rather than requiring them to call an insurance carrier to verify the type of plan.

OPPONENTS SAY:

HB 1514 would open the door to discrimination against patients who were insured under a QHP. Requiring health insurance identification cards to show whether a person had received a premium subsidy under the

Affordable Care Act would amount to a "scarlet letter" and an invasion of a patient's privacy because a patient can receive a subsidy only if they are low income.

The concern with the premium payment grace period also applies only to a small number of patients who did not pay their premiums. Requiring all patients enrolled in a qualified health plan to have the "QHP" or "QHP-S" designation on their cards would not provide useful information to a health care provider because the grace period issue does not apply to patients who did not receive a subsidy and patients who received a premium subsidy for a certain plan have the exact same private health insurance as patients who did not.

HB 1514 would target only QHPs for liability issues, when these issues can exist with any health insurance plan. Providers risk being held liable for the cost of a provided service whenever a patient provides a new insurance card because providers cannot identify whether a patient's insurance plan is active simply from looking at their card. If a provider had concerns, they could call a QHP patient's insurance carrier to verify coverage as they would with any other health plan to find out if coverage for the patient was active or if the patient was in a payment grace period.

OTHER OPPONENTS SAY:

Providers have a valid concern that they may be held responsible for the cost of providing a service to a patient whose qualified health plan coverage was cancelled after the date of service. However, this issue should be addressed by requiring insurers to inform providers that a patient had not paid their premiums when providers call to verify a patient's coverage.

SUBJECT: Requiring showing of merit before allowing discovery of net worth

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 5 ayes — Smithee, Clardy, Laubenberg, Schofield, Sheets

4 nays — Farrar, Hernandez, Raymond, S. Thompson

WITNESSES: For — Mike Hull, Texans for Lawsuit Reform; Kathleen Hunker, Texas Public Policy Foundation; (*Registered, but did not testify*: Jay Thompson, AFACT; Jon Fisher, Associated Builders and Contractors of Texas; Michael Peterson, AT&T Texas; Nelson Salinas, Texas Association of Business; Scott Norman, Texas Association of Builders; Carol Sims, Texas Civil Justice League; Daniel Womack, the Dow Chemical Company; Stephanie Simpson, Texas Association of Manufacturers)

Against — Bryan Blevins, Texas Trial Lawyers Association; (*Registered, but did not testify*: Kristen Hawkins)

On — George Christian, Texas Association of Defense Counsel

BACKGROUND: Civil Practice and Remedies Code, sec. 41.001 defines exemplary damages as any damages awarded as a penalty or punishment but not for compensatory purposes, including punitive damages. Exemplary damages are neither economic nor noneconomic damages.

Under sec. 41.003, exemplary damages may be rewarded only if claimants prove by clear and convincing evidence that their harm resulted from fraud, malice, or gross negligence, unless exemplary damages are established by statute. If the exemplary damages are established in statute, claimants must prove by clear and convincing evidence that their harm resulted from the specified circumstances or culpable mental state. A jury would have to unanimously find that liability existed and that exemplary damages were warranted for these damages to be awarded.

Under sec. 41.011, a trier of fact, when determining exemplary damages, may consider, among other things, the net worth of the defendant.

In *Lunsford v. Morris*, the Supreme Court of Texas ruled in 1988 that a defendant's net worth is relevant to the issue of exemplary damages and is therefore discoverable under Tex. R. Civ. P. 166b(2), which states that a party may obtain discovery regarding any matter relevant to the subject matter.

DIGEST:

CSHB 969 would require a motion of a party, proper notice, and a hearing where a claimant would have to show a substantial likelihood of success on the merits of a claim for exemplary damages before a court authorized discovery of evidence of a defendant's net worth. Evidence for or against these motions could be in the form of an affidavit or a response to discovery.

If the court authorized discovery, it could authorize only the least burdensome method available to obtain the evidence.

Courts reviewing orders authorizing or denying discovery of net worth evidence could consider only evidence submitted by the parties to the trial court in support of or opposition to the motion.

This bill would take effect September 1, 2015, and would apply only to actions filed on or after that date.

SUPPORTERS SAY:

CSHB 969 would help prevent claimants from using frivolous claims of exemplary damages and requests to discover a defendant's net worth to harass the defendant. The bill would accomplish this by requiring claimants to make a showing of the merits of their exemplary damages claim before discovering information related to a defendant's net worth. This bill would prevent claimants from making claims of exemplary damages simply to force the defendant to settle to keep their net worth information private, to expend resources compiling net worth information, or to bear the costs of fighting motions to compel discovery.

The reasons for allowing discovery of this information given in *Lunsford v. Morris* have been largely nullified by caps to punitive damages. Because these caps are relatively low, it is unlikely that a defendant's net worth would have a significant impact on an exemplary damages

determination.

The bill would not place an overly restrictive burden on discovery of a defendant's net worth. The standard of "substantial likelihood" is a relatively low legal standard compared to the "clear and convincing evidence" or even "preponderance of the evidence" standards.

OPPONENTS SAY:

CSHB 969 would place an extreme burden on claimants in cases where a defendant's net worth could be critical to determining exemplary damages. It also is unnecessary because claimants already must meet a high bar in pleading exemplary damages. They are required to plead with specificity facts that, if true, would give rise to an award of exemplary damages. This requirement is sufficient to eliminate the most frivolous exemplary damages claims.

The burden placed on claimants seeking to discover information related to a defendant's net worth would be significant. They would have to prove a substantial certainty that a jury would unanimously find, by clear and convincing evidence, that exemplary damages were warranted. That would be a high obstacle to overcome, and it is unlikely that any judge would find that a claimant had met that standard.

SUBJECT: Penalizing solicitation to buy drinks for beverage retailers, employees

COMMITTEE: Licensing and Administrative Procedures — committee substitute recommended

VOTE: 9 ayes — Smith, Gutierrez, Geren, Goldman, Guillen, Kuempel, Miles, D. Miller, S. Thompson

0 nays

WITNESSES: For — Daniel Meza and Richard Van Houten, Fort Worth Police Officers' Association; Jessica Anderson, Houston Police Department; (*Registered, but did not testify*: Todd Harrison and Melinda Smith, Combined Law Enforcement Associations of Texas; Raymond Hunt, Houston Police Officers' Union; James Smith, San Antonio Police Department; Jimmy Rodriguez, San Antonio Police Officers Association)

Against — None

BACKGROUND: Alcoholic Beverage Code, sec. 104.01 prohibits an employee or a person authorized to sell beer at retail from engaging in or permitting conduct on the premises of the retailer that is lewd, immoral, or offensive to public decency. Certain acts are specified as falling into this category, including solicitation of any person to buy drinks for consumption by the retailer or any of its employees. Sec. 11.64 allows a permit or license holder whose permit or license was suspended to pay a civil penalty in lieu of the suspension. This option is not available for violations of certain statutes.

Some observers have reported that this behavior, while illegal, is difficult for law enforcement to regulate. One practice involves employees, usually women, soliciting patrons to buy them overpriced drinks and later receiving a portion of the profit.

DIGEST: CSHB 3982 would prohibit an individual who solicited a person to buy drinks for a retailer or any of the retailer's employees from paying a civil penalty instead of having their license or permit suspended.

A solicitation described above would be presumed if an alcoholic beverage was sold or offered for sale for an amount in excess of the retailer's listed, advertised, or customary price. The presumption could be rebutted only by evidence presented under oath.

The bill would take effect September 1, 2015, and would apply only to the imposition of a penalty for a violation, or a sale or offer for sale of an alcoholic beverage, that occurred on or after that date.

SUBJECT: Creating a study, grants for reducing workplace violence against nurses

COMMITTEE: Public Health — committee substitute recommended

VOTE: 11 ayes — Crownover, Naishtat, Blanco, Coleman, Collier, S. Davis, Guerra, R. Miller, Sheffield, Zedler, Zerwas

0 nays

WITNESSES: For — Lee Spiller, Citizens Commission on Human Rights; Patricia Nevins, Texas Nurses Association; Sally Gillam, Texas Organization of Nurse Executives and the Texas Hospital Association; (*Registered, but did not testify*: Gyl Switzer, Mental Health America of Texas; Andrew Cates, Nursing Legislative Agenda Coalition; Marina Hench, Texas Association for Home Care and Hospice; Dinah Welsh, Texas EMS, Trauma and Acute Care Foundation; Elizabeth Sjoberg, Texas Hospital Association; Cindy Zolnierek, Texas Nurses Association)

Against — Paula Littles, Texas NNOC

On — Ann Barnett, Department of State Health Services; (*Registered, but did not testify*: Katherine Thomas, Texas Board of Nursing)

BACKGROUND: Health and Safety Code, sec. 105.002 establishes a comprehensive health professions resource center for the collection and analysis of educational and employment trends for health professionals in Texas. Recent surveys have shown that workplace violence is a persistent occupational hazard for people working in health care facilities, particularly nurses. Some nurses have reported instances of physical abuse and nearly all have reported instances of verbal abuse. Some have called for the state to study the problem more closely and provide solutions to address the issue of workplace violence against nurses.

DIGEST: CSHB 2696 would require the nursing resource section within the comprehensive health professions resource center to conduct a study on workplace violence against nurses and would establish a grant program to fund innovative approaches to preventing workplace violence.

Workplace violence study. The study would be conducted to the extent possible using available funding, and would encompass hospitals, freestanding emergency medical care facilities, nursing facilities, and home health agencies.

The study would be required to consider the types of workplace violence that occur, the places where it is most likely to occur, and practices that could reduce workplace violence. The study also would survey nurses and health care facilities about their experiences with workplace violence.

The nursing resource section could contract with an independent researcher to conduct all or part of the study, which would be overseen by the nursing advisory committee formed by the Statewide Health Coordinating Council. To the extent possible, the nursing resource section would be required to cooperate with the Department of State Health Services and the Texas Board of Nursing to conduct the study and coordinate the required surveys. The nursing resource section would be required to complete the study and publish the findings by December 1, 2016. The nursing resource section could use money transferred to the Department of State Health Services to conduct the required surveys.

Grants. The bill also would establish a workplace violence prevention grant program. Using existing funding, the nursing resource section would administer a grant program to fund innovative approaches to reduce verbal and physical violence against nurses in health care facilities.

Grant recipients would be required to submit periodic reports describing the outcome of the activities funded through the grant, including any change in the severity and frequency of verbal and physical violence against nurses. Under the bill, the nursing advisory committee would serve as advisors to the grant program, and the Department of State Health Services would provide administrative assistance to the nursing resource section in administering the grant program. The nursing resource section could use money transferred to the department from the Texas Board of Nursing to fund the grants.

At least annually, the nursing resource section would be required to

publish a report describing the grants awarded, including the amount of the grant, the purpose of the grant, and the reported outcome of the approach adopted by the grant recipient.

The Health and Human Services executive commissioner would adopt the rules to conduct the study and implement the grant program.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUBJECT: Limiting the expansion of certain landfills

COMMITTEE: Environmental Regulation — committee substitute recommended

VOTE: 8 ayes — Morrison, E. Rodriguez, Isaac, Kacal, P. King, Lozano, Reynolds, E. Thompson

0 nays

1 absent — K. King

WITNESSES: For — Jeff Andonian and Scott Hudson, City of Carrollton; Roy Neil Ferguson and Burt Solomons, City of Lewisville; Robin Schneider, Texas Campaign for the Environment; Byron Friedrich; (*Registered, but did not testify*: Lou MacNaughton; Steven Bacchus, City of Lewisville, Texas; David Foster, Clean Water Action; Rob Kohler, Environmental Protection of Caldwell County; David Weinberg, Texas League of Conservation Voters; Jennifer Allmon, the Texas Catholic Conference of Bishops)

Against — Shane Davis and Harold Froehlich, City of Farmers Branch TX; Steve Carr, National Waste and Recycling Association Texas Chapter, Republic Services; Stephen Minick, Texas Association of Business; Arden Kemler, Texas Chapter, Solid Waste Association of North America; Chris Macomb, Waste Management of TX, Inc.; (*Registered, but did not testify*: Daniel Eden, Farmers Branch)

On — (*Registered, but did not testify*: Earl Lott, Texas Commission on Environmental Quality)

DIGEST: CSHB 281 would limit expansion of Type 1 landfills when they were wholly located inside the boundaries of one municipality but owned by another municipality. The Texas Commission on Environmental Quality (TCEQ) could not approve an application to issue, amend, or renew a permit that sought to expand the area or capacity of the landfill, unless the governing body of the municipality in which the landfill was located approved by resolution or order the issuance, amendment, or renewal of the permit.

CSHB 281 also would require TCEQ to provide an opportunity for members of the Legislature who represented the district containing the landfill described in the permit to comment on the application and to consider those comments in evaluating the application.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015 and would apply only to an application pending before TCEQ on or after that date.

SUPPORTERS SAY:

CSHB 281 would provide for additional scrutiny regarding the expansion of landfills in Texas. The state's landfills have been increasing in capacity even as they are decreasing in number, which has ushered in an age of "mega landfills." Whereas the average height of landfills in 1986 was 13 feet, today the average height is 83 feet, and Texas has more than 12 landfills taller than 200 feet.

These large landfills tend to serve regions, rather than single communities. Capacity is outstripping need, and the proliferation of large landfills can lead to water pollution and the evaporation of mercury into the air. CSHB 281 would create an impetus for TCEQ to consider a bigger picture when approving such projects, not just whether the technical merits of the application were met.

One landfill to which this bill would apply is located in Lewisville and owned by the city of Farmers Branch. The city is seeking a permit for its expansion that would create a massive landfill 725 feet tall in an urbanized area, and the proposed expansion would affect another municipality, the city of Carrollton. The landfill expansion would more than double its current volume, and much of the new material deposited there will come from areas outside of Farmers Branch, which indicates that the city values the landfill as a source of revenue rather than a solution to its waste problem. It is not fair or appropriate that one city should be able to make such an important decision for another city with no effective voice in that decision.

TCEQ holds public meetings to hear concerns about permits under certain

circumstances, but the agency is stretched thin in terms of resources. It also is limited in how it can formally consider community concerns. CSHB 281 would provide a formal pathway to include input from a community that could be significantly affected by decisions such as these.

This bill would increase fairness by bringing a stronger voice back to the community. A quarter of a million people live in the area that could be affected by this landfill, and the Trinity River, which provides drinking water to more people in Texas than any other river, could be harmed if the landfill leaked. Members of the public and the officials who represent the affected area should have some say in a project like this.

OPPONENTS SAY:

CSHB 281 would interfere with a process that has been in the works for five years and would be unfair to the parties that have been following all the rules and procedures to pursue the landfill expansion. Furthermore, the bill would set a bad precedent. Businesses or municipalities cannot be expected to invest resources in following existing processes, such as seeking permits, if they could be undone in this manner.

The current process already provides for disclosure and opportunities for the public to comment on new or expanding landfills and does not need to be changed. The parties have been negotiating a solution at the local level, and this bill only would complicate and interfere with those solutions.

A bill like this would not benefit the state as a whole but rather would target a specific situation. This is not the best use of the Legislature's resources and authority. Furthermore, interfering with this expansion would not solve the problem of what to do with solid waste for this growing region.

The bill effectively would give cities veto power in such cases. Because the bill would require action in the form of a resolution or order to approve a permit, a project could be killed just by the city taking no action. A contested case hearing already has been requested regarding the Farmers Branch landfill permit. That process should be allowed to play out.

SUBJECT: Requiring bankruptcy trust claims before lawsuit for asbestos injuries

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 5 ayes — Smithee, Clardy, Laubenberg, Schofield, Sheets

4 nays — Farrar, Hernandez, Raymond, S. Thompson

WITNESSES: For — Lee Parsley, Texans for Lawsuit Reform; Kathleen Hunker, Texas Public Policy Foundation; Morgan Little, Texas Coalition of Veterans Organizations; Marc Scarcella, U.S. Chamber Institute of Legal Reform; Nathan Horne, United States Chamber of Commerce-Institute for Legal Reform; (*Registered, but did not testify*: John Marlow, ACE Group; Jay Thompson, Afact; Michael Chatron, AGC Texas Building Branch; Jon Fisher, Associated Builders and Contractors of Texas; Kelly Curbow, AT&T; Steve Perry, Chevron USA; Tom Sellers, ConocoPhillips; Diane Davis, East Texans Against Lawsuit Abuse; Samantha Omey, ExxonMobil; Ron Lewis, General Electric; Mike Meroney, Huntsman Corp., and Sherwin Alumina, Co.; Lee Loftis, Independent Insurance Agents of Texas; Bill Oswald, Koch Companies; Lee Ann Alexander, Liberty Mutual Insurance; Jonna Kay Hamilton, Nationwide; Joe Woods, Property Casualty Insurers Association of America; John Sepehri, Texas Apartment Association; Amanda Martin, Texas Association of Business; Hector Rivero, Texas Chemical Council; Lisa Kaufman, Texas Civil Justice League; Jim Brennan, Texas Coalition of Veterans Organizations; Jeffrey Brooks, Texas Conservative Coalition; Lindsey Miller, Texas Independent Producers and Royalty Owners Association; Shannon Rusing, Texas Oil and Gas Association; William West, The American Legion; John W. Fainter Jr, The Association of Electric Companies of Texas, Inc.; Stephanie Simpson, Texas Association of Manufacturers; Cary Roberts, U.S. Chamber Institute for Legal Reform; Julie Klumpyan, Valero; Tara Snowden, Zachry Corporation; Dawn Buckingham; Dennis Kearns; John LaBoon)

Against — Bryan Blevins, Texas Trial Lawyers Association; Denise Phillips; Collene Whipple; Jason Whipple

On — Mark Davidson

BACKGROUND: Asbestos or silica trusts are established under Federal Bankruptcy Code, ch. 11, sec. 524(g) if the company in bankruptcy currently is named as a defendant in a personal injury case alleging asbestos or silica-related injuries and it is likely there would be similar claims against the company in the future. Individuals claiming damages for asbestos or silica-related injuries can make a claim with the bankruptcy trust of the company they believe is responsible for the injury and receive compensation if certain criteria are met.

DIGEST: CSHB 1492 would add required disclosures for claimants in asbestos or silica personal injury lawsuits and allow defendants in these cases to stay proceedings and modify judgments under certain circumstances.

Required disclosure. The bill would require a claimant in an asbestos or silica personal injury lawsuit to provide notice of a trust claim, which would mean a filing with or claim against an asbestos or silica trust. The notice would be required for any trust claims made by the claimant. The bill also would require the claimant to disclose trust claim material, which would mean documentation that was filed with or required by an asbestos or silica trust.

The notice would include a statement by the claimant that identified each pending trust claim and a sworn statement by the claimant's attorney that the notice was complete and based on the attorney's good faith investigation of all potential trust claims. If the claimant filed a trust claim after this disclosure, the claimant would have to provide additional notice and trust claim material related to that claim.

The bill would create a presumption that trust claim material was authentic, relevant, discoverable, and not privileged in these cases. It would specify that a party could use the trust claim material to prove an alternate source for the cause of the exposed person's injury, a basis to allocate responsibility for the exposed person's injury, or any other issue relevant to resolution of a claim in the lawsuit.

The bill would allow a defendant to file a motion for sanctions if a

claimant failed to provide notice and trust claim material related to a trust claim that, after a judgment was awarded for the injury, the claimant received compensation from the trust for the same injury. The trial court could impose an appropriate sanction, including vacating the judgment and ordering a new trial.

Motion to stay proceedings. The bill would allow a defendant to file a motion to stay the proceedings in an asbestos or silica personal injury lawsuit. The motion would include a list of asbestos or silica trusts not disclosed by the claimant that the defendant in good faith believed the claimant could make a successful trust claim against and information supporting those potential claims.

The bill would require the claimant to file a response that could include either:

- a statement and supporting proof that the claimant had made a trust claim described by the defendant and had served the required notice and trust claim materials; or
- a request for the court to determine that the fees and expenses, including attorney's fees, for filing a trust claim identified in the defendant's motion would exceed the claimant's reasonably anticipated recovery from that trust.

In the event that the court made a determination described above, or the claimant proved that the claimant had already served notice and trust claim material related to the defendant's proposed trust claim, the court could not stay the proceedings. If the court determined there was a good faith basis for the claimant to make the proposed trust claim, the court would be required to stay the proceedings until the claimant provided the court with proof showing the claimant had served notice and trust claim material on the defendant related to that trust claim.

Modification of judgment. CSHB 1492 would allow a trial court, after receiving a motion from a defendant, to modify a judgment received by a claimant in an asbestos or silica personal injury lawsuit if the claimant had failed to provide notice and trust claim material, or the claimant made a trust claim after the judgment that existed at the time of the judgment. The

court could modify the judgment by the amount of a subsequent payment made by an asbestos or silica trust or order other relief.

The bill would require the defendant to file a motion to modify the judgment within a reasonable time after the claimant received a payment from the asbestos or silica trust, but could not file after three years from the date the judgment was signed.

The bill would take effect September 1, 2015, and would apply to lawsuits that were pending on, or lawsuits commenced on or after, that date.

SUPPORTERS SAY:

CSHB 1492 would improve fairness and transparency in asbestos or silica personal injury lawsuits and would encourage claimants to access the potentially more beneficial bankruptcy trust system before filing a lawsuit.

Currently, there is dual compensation available to claimants with asbestos or silica-related injuries. Depending on what products the claimant was exposed to, the claimant can make a trust claim or file a lawsuit against a company. There is a problem with claimants who receive a settlement or judgment through litigation and afterward make a trust claim, otherwise known as "double-dipping." Asbestos or silica trusts are being depleted by claims and can no longer pay each claimant as much as they would have years ago. When claimants double-dip, they are taking away valuable resources from potential future claimants who will need to be compensated.

The bill would require a claimant with a potential valid claim against an asbestos or silica trust to make that claim before the claimant's lawsuit could continue, ensuring no more double-dipping. Even if the bill increased the number of trust claims made, it would ensure that the reason was because a claimant had a legitimate claim against a particular trust and not because the claimant was working both systems.

The bill would improve transparency and prevent fraud that is committed when claimants make conflicting representations to a trial court and an asbestos or silica trust. A claimant does this by claiming that the asbestos or silica produced by a particular defendant caused their injuries, and then after the claimant receives compensation, claim to an asbestos or silica

trust that a different company's asbestos or silica caused their injuries. This fraudulent behavior is prevalent. The bankruptcy trust system is supposed to audit its claims and the court is supposed to sanction attorneys for lying or withholding information, but that is not enough. When claimants delay making claims against asbestos or silica trusts until after a trial, defendants do not get a complete picture of the claimant's exposure and the company that is likely culpable. The bill would provide defendants with those missing pieces and would protect the court and bankruptcy trust systems from fraud.

The bill would encourage claimants to investigate potential asbestos or silica trust claims before pursuing lawsuits. The bankruptcy trust system is not adversarial in nature, unlike a lawsuit, and takes much less time. Once a claim is filed and documentation is provided to show where a claimant worked or other relevant exposure information, the claimant can receive compensation. Many trusts share processing facilities, meaning a claimant can file one claim form that can be processed for multiple trusts, which decreases the amount of paperwork a claimant must file. There is no reason for claimants to not make trust claims before filing a lawsuit, unless they do not believe they have a claim against any of the asbestos or silica trusts. The bill would encourage making these claims so that claimants could receive much-needed compensation quickly.

OPPONENTS SAY:

CSHB 1492 would place an undue burden on claimants with asbestos or silica-related injuries and prevent many from having their day in court. Currently, asbestos or silica personal injury lawsuits involving claimants who have been diagnosed with malignant mesothelioma or certain other fatal diseases are required to be expedited by the court to go to trial or else be finally disposed of within six months of being referred to the court. This is to give claimants a chance to go to trial before they pass away. This bill would be contrary to the policy that put the six-month expedition requirement in place and would not increase fairness. It only would allow defendants to game the system and delay trial.

The bill also would not prevent claimants from depleting asbestos or silica trusts because the bill actually would require claimants to first seek compensation from those trusts. The bill would not decrease the amount of claims made against asbestos or silica trusts, but in fact could increase

the number of those claims.

The bill would require claimants to create evidence for defendants, which is an unprecedented concept. Claimants currently are required to produce trust claim material to the defendants, but the bill would give that information the power of proving another source caused the injury, allowing a defendant to use that information to lessen the defendant's culpability at trial without having to gather any evidence itself. The bill would create a system where defendants, not claimants, could "double-dip." Defendants could receive credit for any settlements a claimant received from asbestos or silica trusts, then the defendant could use the trust claim material to prove an alternate source caused the asbestos or silica-related injury. Both would result in the defendant owing less money to the claimant.

The bill would be unnecessary in protecting against fraud in the court or bankruptcy trust systems. If an attorney lies to the court about a trust claim, which does not happen often, the court can and should sanction the attorney. The bankruptcy trust system also does not need protection because it already uses an audit process to ensure that claimants previously did not make conflicting claims to a court. If it was found that a claimant made conflicting representations, the claim would be denied. The attorney representing the claimant, and possibly the entire law firm, could be suspended from filing claims with that trust.

SUBJECT: Making forum non conveniens determinations independent of co-plaintiffs

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 5 ayes — Smithee, Clardy, Laubenberg, Schofield, Sheets

4 nays — Farrar, Hernandez, Raymond, S. Thompson

WITNESSES: For — Michael Eady, Doug Lampe, and Jaime Saenz, Ford Motor Company; George Christian, Texas Civil League; (*Registered, but did not testify*: John Marlow, ACE Group; Jay Thompson, AFACT; Michael Chatron, AGC Texas Building Branch; Myra Leo, Alliance of Automobile Manufacturers, GlaxoSmithKline (GSK); Jon Fisher, Associated Builders and Contractors of Texas; Lindsay Mullins, BNSF Railway; Steve Perry, Chevron USA; Tom Sellers, ConocoPhillips; Diane Davis, East Texans Against Lawsuit Abuse; Samantha Omey, ExxonMobil; Misti Rice, Fiat Chrysler Automobiles; Mike Meroney, Huntsman Corp., Sherwin Alumina, Co.; Bill Oswald, Koch Companies; Paul Martin, National Association of Mutual Insurance Companies; David Holt, Permian Basin Petroleum Association; Joe Woods, Property Casualty Insurers Association of America; Julian Alvarez, Rio Grande Valley Citizens Against Lawsuit Abuse; Mike Hull, Texans for Lawsuit Reform; John Sepehri, Texas Apartment Association; Amanda Martin, Texas Association of Business; Michele Smith, Texas Association of Defense Counsel; Hector Rivero, Texas Chemical Council; Lisa Kaufman, Texas Civil Justice League; Lindsey Miller, Texas Independent Producers and Royalty Owners Association; Shannon Rusing, Texas Oil and Gas Association; John W. Fainter, Jr., the Association of Electric Companies of Texas, Inc.; Daniel Womack, the Dow Chemical Company; Tanya Vazquez, Toyota Motor North America; Stephanie Simpson, TX Association of Manufacturers; Julie Klumpyan, Valero; Dawn Buckingham; Dennis Kearns)

Against — Laura Tamez, TTLA; (*Registered, but did not testify*: Celina Moreno, MALDEF; Jason Byrd, Texas Association of Consumer Lawyers; Maxie Gallardo, Workers Defense Project)

BACKGROUND: Civil Practice and Remedies Code, sec. 71.051 lays out the doctrine of forum non conveniens, which states that if a Texas court finds that in the interest of justice and for the convenience of the parties a claim or action would be more properly heard in a forum outside the state, the court must decline to exercise jurisdiction and either stay or dismiss the action. In determining whether to grant a motion to stay or dismiss, a court must consider whether:

- an alternate forum exists where the claim may be tried;
- the alternate forum provides an adequate remedy;
- keeping the case in Texas courts would create a substantial injustice to the moving party;
- the alternate forum can exercise jurisdiction over all the defendants;
- the balance the interests of the parties and public interest of the state weigh toward the claim being brought in an alternate forum, including whether the acts or omissions giving rise to the suit occurred in the state; and
- the stay or dismissal would result in unreasonable duplication or proliferation of litigation.

The court cannot stay or dismiss a plaintiff's claim if the plaintiff is a legal resident of this state. If a suit involves both residents and non-residents of this state, and the resident plaintiffs are properly joined and the action arose out of a single occurrence, the court cannot stay or dismiss the action unless the court finds that a party was joined solely for the purpose of obtaining or maintaining jurisdiction in the state.

Under sec. 71.051, "legal resident" means an individual who, in good faith, intends the specified political subdivision to be his permanent residence and who intends to return despite temporary residence elsewhere or despite temporary absences, without regard to the individual's country of citizenship or national origin.

Under sec. 71.051, "plaintiff" includes a party who seeks recovery of damages for personal injury to or the wrongful death of another person.

Under current law, non-resident litigants often attempt to improperly gain access to Texas courts, clogging the court system and making access to the courts more difficult for Texans.

DIGEST:

CSHB 1692 would require the court to determine whether plaintiffs' claims could be stayed or dismissed under forum non conveniens on an individual basis, without regard for other plaintiffs, and without regard to a plaintiff's country of citizenship or national origin.

If an action involved both resident and non-resident plaintiffs, the court would consider the forum non conveniens factors to determine whether to dismiss the claims of non-resident plaintiffs.

The bill also would eliminate the definition of "legal resident" in the forum non conveniens statute and would change the definition of plaintiff to exclude representatives, administrators, guardians, or next friends of the parties seeking recovery of damages for personal injury or wrongful death.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015, and would apply to actions commenced on or after the effective date.

SUBJECT: Eliminating of daylight saving time

COMMITTEE: Government Transparency and Operation — committee substitute recommended

VOTE: 4 ayes — Elkins, Walle, Galindo, Gutierrez

1 nay — Scott Turner

2 absent — Gonzales, Leach

WITNESSES: For — Martha Habluetzel, TX DST 100% or End It; (*Registered, but did not testify*: Marida Favia del Core Borromeo, Exotic Wildlife Association; Madison Deyo; Katlyn Deyo; CJ Grisham)

Against — Melissa Rowell

BACKGROUND: Government Code, sec. 312.016 establishes that the standard time in Texas is the time at the 90th meridian longitude west from Greenwich, also known as central standard time. The standard time in a region of Texas that used mountain standard time before June 12, 1947, is the time at the 105th meridian longitude west from Greenwich, also known as mountain standard time. Unless otherwise expressly provided, a reference in a statute, order, or rule to the time in which an act must be performed means the appropriate standard time as provided above.

DIGEST: CSHB 150 would exempt the state from abiding by daylight saving time. The bill would accomplish this by using the exemption provisions of the Uniform Time Act of 1966 (15 U.S.C. Section 260a(a)). CSHB 150 would apply to both the portion of the state using central standard time and the portion of the state using mountain standard time as the official time.

This bill would take effect November 1, 2015, to coincide with the end of daylight saving time for 2015.

SUPPORTERS SAY: CSHB 150 would put an end to an antiquated system. Daylight saving time is an artificial imposition that has passed its usefulness.

Eliminating daylight saving time would have many benefits. It would allow children to walk to the bus stop or to school in the morning after sun up, instead of in the dark. It also would help parents put their children to bed in the evenings because it is still light out during daylight saving time when most children are trying to go to bed. In addition, electric companies spend time and money updating their systems to account for the time change and can end up overbilling customers. CSHB 150 would help alleviate these issues.

Concerns that daylight saving time saves energy have little merit, as supported by a recent study that reached the opposite conclusion. Researchers found that the reduced cost of lighting in the afternoons is more than offset by the higher air-conditioning costs on hot afternoons and increased heating costs on cool mornings. Therefore, one unchanging time should be the standard in Texas.

OPPONENTS SAY:

CSHB 150 would put an end to what many people describe as their favorite time of year, when it stays lighter in the evening. Many Texans treasure the extra hour of daylight in the afternoon because they work later hours, exercise in the evenings, or need to complete outdoor household chores. Many people actually wish to do away with central standard time and have daylight saving time year round.

CSHB 150 could result in more energy consumption throughout the year. One advantage of implementing daylight saving time is the ability to conserve energy. As the demand for electricity and gas increases during summer hours, daylight saving time is a way to conserve overall household energy. Transferring an extra daylight hour to the evening can counter blackouts and other electrical failures that can occur later in the day. The transferred hour in the evening also decreases the need for artificial lighting in the house, which decreases electricity use and increases energy efficiency.

SUBJECT: Creating a temporary sales tax exemption for qualifying large data centers

COMMITTEE: Ways and Means — committee substitute recommended

VOTE: 10 ayes — D. Bonnen, Bohac, Button, Darby, Martinez Fischer, Murphy, Parker, Springer, C. Turner, Wray

0 nays

1 absent — Y. Davis

WITNESSES: For — John Kennedy, Texas Taxpayers and Research Association; (*Registered, but did not testify*: Matt Geske, Fort Worth Chamber of Commerce; James LeBas, Rackspace; Stephen Minick, Texas Asssociation of Business)

Against — Dick Lavine, Center for Public Policy Priorities

On — (*Registered, but did not testify*: Brad Reynolds and Eric Stearns, Comptroller of Public Accounts; Jon Hockenyos)

BACKGROUND: Tax Code, sec. 151.359 provides for a 15-year sales tax exemption for certain tangible personal property used in a qualifying data center project. A qualifying data center must:

- be at least 100,000 square feet;
- create at least 20 permanent, full-time jobs; and
- have a capital investment by the owner or operator of at least $200 million.

DIGEST: CSHB 2712 would create a 20-year sales tax exemption for certain tangible personal property used in qualifying large data centers, subject to most of the same provisions as the current data center exemption. A data center could be classified as a qualifying large data center project if it:

- is at least 250,000 square feet;
- creates at least 40 permanent, full-time jobs;

- is subject to a capital investment of $500 million from the owner or operator, made or agreed to on or after May 1, 2015; and
- is contracted to receive at least 20 megawatts of power transmission capacity.

The comptroller would be required to adopt rules to implement these provisions.

This bill would not affect tax liability accruing before its effective date.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUPPORTERS SAY:

CSHB 2712 would bring in a large amount of economic activity and solidify Texas as the preferred state for data center constructions. Large data centers are often multibillion-dollar projects, creating thousands of construction jobs and hundreds of highly paid, high-tech jobs.

The nature of data centers makes this bill particularly important. Data centers tend to group together so that the can communicate with each other faster. If Texas can establish more data center clusters in the state, even more will come, bringing billions in capital investment and thousands of jobs.

This bill would put Texas on a more even playing field with many other states, which offer similar, if not more aggressive incentives. Although Texas has many natural advantages, a tax system can be a strong incentive — or disincentive. This bill could make Texas a premier destination state for data centers.

OPPONENTS SAY:

CSHB 2712 would give corporations that already have decided to locate in Texas an unnecessary additional tax break, draining state coffers to provide businesses higher future profit margins. This bill would not necessarily be about attracting investment that would have gone to other states. Provisions in the bill specifically apply exemptions to investments made after May 1, 2015, which would be before the bill's enactment. The bill would be tantamount to subsidizing an industry.

Texas already has a wide variety of innate advantages for data centers over other states. Because the state is close to the geographical center of the United States, it is an optimal location for quick communication to both coasts. Texas also has greater access to a highly educated and growing workforce than many other states. Because of these factors, several large data centers have located in Texas in the past few years. In short, the bill would not attract investment that would not have come to Texas anyway without the exemption.

NOTES:

The Legislative Budget Board's fiscal note indicates that the bill would not have a negative effect on general revenue for several biennia, as any qualifying large data centers would already qualify for the 15-year data center exemption.

SUBJECT: Appointment of a forensic director overseen by DSHS

COMMITTEE: Public Health — committee substitute recommended

VOTE: 11 ayes — Crownover, Naishtat, Blanco, Coleman, Collier, S. Davis, Guerra, R. Miller, Sheffield, Zedler, Zerwas

0 nays

WITNESSES: For — Kathryn Lewis, Disability Rights Texas; Lee Johnson, Texas Council of Community Centers; Kate Murphy, Texas Public Policy Foundation; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; Seth Mitchell, Bexar County Commissioners Court; Katharine Ligon, Center for Public Policy Priorities; Dennis Borel, Coalition of Texans with Disabilities; Eric Woomer, Federation of Texas Psychiatry; Bill Kelly, Mental Health America of Greater Houston; Cate Graziani, Mental Health America of Texas; Miryam Bujanda, Methodist Healthcare Ministries; Greg Hansch, National Alliance on Mental Illness (NAMI) Texas; Will Francis, National Association of Social Workers - Texas Chapter; Mark Mendez, Tarrant County Commissioners Court; Donald Lee, Texas Conference of Urban Counties; Jennifer Banda, Texas Hospital Association; Michelle Romero, Texas Medical Association; Casey Smith, United Ways of Texas; Daniel Leeman)

Against — None

On — Lynda Frost, Hogg Foundation for Mental Health; (*Registered, but did not testify*: Courtney Heard, Department of State Health Services)

BACKGROUND: The Department of State Health Services (DSHS) administers forensic services through the state's mental health hospital system and the department's Adult Mental Health Services Unit. Citing a lack of statewide, cross-agency coordination between the public mental health and justice systems and the size and complexity of the forensic population that DSHS serves, some have called for the creation of a forensic director position at DSHS to streamline forensic operations statewide and accelerate the adoption of best practices in facilities and communities

across the state.

DIGEST:

CSHB 2023 would require the commissioner of the Department of State Health Services (DSHS) to appoint a forensic director who had proven expertise in the social, health, and legal systems for forensic patients and in the intersection of those systems.

The forensic director would report to the DSHS commissioner and would be responsible for:

- statewide coordination and oversight of forensic services, to include a competency examination, competency restoration services, or mental health services provided to a current or former forensic patient in the community or at a DSHS facility;
- any programs operated by DSHS related to evaluation of forensic patients, transition of forensic patients from inpatient to outpatient or community-based services, community forensic monitoring, or forensic research and training; and
- addressing specified issues with the delivery of forensic services in the state.

Under the bill, a "forensic patient" would mean a person with mental illness who was examined on the issue of competency to stand trial, found incompetent to stand trial, committed to court-ordered mental health services, or found not guilty by reason of insanity.

The bill would direct the executive commissioner of the Health and Human Services Commission (HHSC) to establish and appoint a workgroup of experts and stakeholders by November 1, 2015 to make recommendations concerning the creation of a comprehensive plan for the effective coordination of forensic services. The workgroup would have at least nine members, and the HHSC executive commissioner would select the total number of members at the time the workgroup was established. The bill would specify whom the executive commissioner would appoint as members of the workgroup.

By July 1, 2016, the workgroup of experts and stakeholders would send a report describing its recommendations to the lieutenant governor, the

speaker of the House of Representatives, and the standing committees of the Senate and the House of Representatives with primary jurisdiction over forensic services. The workgroup of experts and stakeholders would use information compiled by other workgroups in the state to develop its recommendations. The bill would direct the workgroup to collaborate and align efforts with other workgroups in the state, especially those focusing on mental health issues.

By November 1, 2015, the HHSC executive commissioner would adopt any rules necessary for the creation of the forensic director position and implementation of the workgroup. The workgroup of experts and stakeholders under the bill would be dissolved as of November 1, 2019. The bill would require the DSHS commissioner to appoint a forensic director as soon as practicable after the bill took effect.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUBJECT: Health benefit plan coverage for injuries related to attempted suicide

COMMITTEE: Insurance — favorable, without amendment

VOTE: 8 ayes — Frullo, Muñoz, G. Bonnen, Guerra, Meyer, Paul, Sheets, Vo

1 nay — Workman

WITNESSES: For — Gyl Switzer, Mental Health America of Texas; (*Registered, but did not testify*: Katharine Ligon, Center for Public Policy Priorities; Robin Peyson, Communities for Recovery; Eric Woomer, Federation of Texas Psychiatry; Cinde Weatherby, League of Women Voters of Texas; Greg Hansch, National Alliance on Mental Illness Texas; Will Francis, National Association of Social Workers-Texas Chapter; Ashley Harris, Texans Care for Children; Carl Isett, Texas Council of Community Centers; Lee Johnson, Texas Council of Community Centers; Stacy Wilson, Texas Hospital Association; Patricia Kolodzey, Texas Medical Association; Clayton Travis, Texas Pediatric Society)

Against — None

On — James Baker; (*Registered, but did not testify*: Jan Graber, Texas Department of Insurance)

BACKGROUND: Federal law requires health insurance coverage for self-inflicted injuries related to an underlying mental illness. State law does not have this same requirement. Some have called for state statute to prohibit health insurance plans from excluding coverage for self-inflicted injuries, citing that such a law would improve the accurate collection of data on suicide attempts.

DIGEST: HB 2219 would prohibit certain health insurance plans from excluding coverage for any emergency or other medical, hospital, or surgical expenses incurred by a covered individual as a result of and related to an injury that was self-inflicted or caused in an attempt to commit suicide, regardless of:

- the individual's state of mental health; or
- whether the injury resulted in the individual's death.

The bill would not apply to a qualified health plan if a determination were made that the bill would require the plan to offer benefits in addition to the federally required essential health benefits and if the state were required to defray the cost of an additional benefit.

The bill would allow coverage required under the bill to be subject to cost sharing requirements or annual or maximum payment limits that were consistent with cost sharing requirements or annual or maximum payment limits applicable to other similar coverage under a health insurance plan. The commissioner of insurance would adopt necessary rules to implement the provisions of the bill.

The change in law made by the bill would apply only to a health insurance plan that was delivered, issued for delivery, or renewed on or after January 1, 2016.

The bill would take effect September 1, 2015.

SUBJECT: Creating assistance, service programs for veterans and military families

COMMITTEE: Defense and Veterans' Affairs — committee substitute recommended

VOTE: 5 ayes — S. King, Frank, Aycock, Blanco, Farias

2 nays — Schaefer, Shaheen

WITNESSES: For — Monique Rodriguez, Grace After Fire; (*Registered, but did not testify*: Katharine Ligon, Center for Public Policy Priorities; Eric Woomer, Federation of Texas Psychiatry; Bill Kelly, Mental Health America of Greater Houston; Laura Austin and Greg Hansch, National Alliance on Mental Illness (NAMI) Texas; Josette Saxton, Texans Care for Children; Jim Brennan and Morgan Little, Texas Coalition of Veterans Organizations; James Cunningham, Texas Coalition of Veterans Organizations, Texas Council of Chapters of the Military Officers Association of America; LaShondra Jones, Texas Criminal Justice Coalition; Stacy Wilson, Texas Hospital Association; Randall Chapman, Texas Legal Services Center; Michelle Romero, Texas Medical Association; William West, the American Legion of Texas; Casey Smith, United Ways of Texas; Olie Pope, Veterans County Service Officers Association of Texas; Sheena Harsh; Todd Jermstad; Sara Olmstead; Michael Wolfe)

Against — Lee Spiller, Citizens Commission on Human Rights; (*Registered, but did not testify*: Dana Ambs; Dean Blanchard)

On — Sasha Rasco, Department of Family and Protective Services; Robert Dole, Texas Department of State Health Services; Sean Hanna, Texas Veterans Commission

BACKGROUND: Various programs provide health services to veterans, including the Military Veteran Peer Network. SB 1325 by Nelson, enacted by the 81st Legislature in 2009, created a mental health intervention program for peer-to-peer counseling. Some observers note that few services use local communities to address prevention of family violence, abuse, and neglect of both veterans and their families.

DIGEST:

Veterans and Military Families Preventive Services Program. CSHB 19 would require the Department of Family and Protective Services (DFPS) to develop and implement a veterans and military families preventive services program. The program would serve veterans and military families who had committed, had experienced, or were at a high risk of family violence or abuse or neglect.

The program would be required to:

- coordinate with community-based organizations;
- include both prevention and early intervention components;
- collaborate with services for child welfare, services for early childhood education, and other child and family services programs; and
- coordinate with the community collaboration initiative established by this bill and the committees formed by local communities under the initiative.

The bill would allow the program to be established initially as a pilot program at the discretion of the DFPS in areas of the state where the department considered the implementation practicable. The department would evaluate the program and prepare an annual report on the outcomes of the program, which DFPS would publish on its website.

The bill also would add two veteran assistance agencies, including a statewide coordination of mental health program and a community collaboration initiative.

Statewide coordination of mental health program for veterans. The bill would require the Texas Veterans Commission and the Department of State Health Services to coordinate to administer the mental health program for veterans, under Health and Safety Code, ch. 1001. For the mental health program for veterans, the commission would:

- provide certification training and continuing education to volunteer coordinators and peers;
- provide technical assistance to volunteer coordinators and peers;

- recruit, train, and communicate with community-based therapists, community-based organizations, and faith-based organizations;
- coordinate services for justice involved veterans; and
- provide appropriate facilities to the extent funding was available.

The executive director of the commission would have to appoint a program director to administer the mental health program for veterans.

The commission also would be required to develop and implement methods for providing certification training to volunteer coordinators. This training would include initial certification and recertification training, and continuing education. The commission also would be required to manage and coordinate the peer training program to include initial training, advanced training, certification, and continuing education for peers associated with the mental health program.

Community collaboration initiative. As part of the mental health program for veterans, the bill would require the Texas Veterans Commission and the Department of State Health Services to include an initiative to encourage local communities to collaborate in synchronizing locally accessible resources that were available for veterans and military service members.

The initiative would be designed to encourage local communities to form a committee that would develop a plan to identify and support the needs of veterans and military service members residing in their community. The commission could designate general areas of focus for the initiative.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

NOTES: According to the Legislative Budget Board's fiscal note, the pilot program created by the bill would cost $3.6 million in general revenue in fiscal 2016-17.

SUBJECT: Technical changes to student testing requirements

COMMITTEE: Public Education — committee substitute recommended

VOTE: 11 ayes — Aycock, Allen, Bohac, Deshotel, Dutton, Farney, Galindo, González, Huberty, K. King, VanDeaver

0 nays

WITNESSES: For — Sandra West, Science Teachers Association of Texas; (*Registered, but did not testify*: David Anderson, Arlington ISD Board of Trustees; Mike King and Gina Mannino, Bridge City ISD; Jodi Duron, Elgin ISD; Howell Wright, Huntsville ISD; Kristi Hassett, Lewisville ISD School Board; Berhl Robertson, Jr., Lubbock ISD; Jimmy Parker, Lubbock Roosevelt ISD; Keith Bryant, Lubbock-Cooper ISD; Bill Hammond, Texas Association of Business; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Ellen Arnold, Texas PTA; Colby Nichols, Texas Rural Education Association; Maria Whitsett, Texas School Alliance; Monty Exter, the Association of Texas Professional Educators; Grover Campbell, Texas Association of School Boards; Shannon Meroney; Melissa Oman)

Against — None

On — Drew Scheberle, Greater Austin Chamber of Commerce; Ted Melina Raab, Texas AFT (American Federation of Teachers); (*Registered, but did not testify*: Von Byer, Criss Cloudt, Shannon Housson, Monica Martinez, and Gloria Zyskowski, Texas Education Agency)

BACKGROUND: The 83rd Legislature in 2013 passed HB 5 by Aycock, which adopted new graduation and testing requirements for high school students. Some technical adjustments are needed for those requirements. For instance, students moving into Texas could have to take end-of-course exams for courses they already completed in other states.

The bill also required the Texas Education Agency (TEA) to release question and answer keys for the State of Texas Assessments of Academic

Readiness (STAAR) exams. TEA is seeking to defer releasing certain question and answer keys while it modifies and develops math tests for grades 3 through 8 and develops new items for the STAAR Alternate 2 test.

Education Code, sec. 130.008(f) prohibits a student from attending more than three courses at a junior college if the student's high school is outside the junior college's service area. Some have called for clarification to allow junior colleges to continue partnerships with school districts that allow students to enroll in additional courses.

DIGEST:

CSHB 2349 would require a high school student to take an end-of-course exam only for a course in which the student was enrolled. The bill would allow TEA to continue administering certain students the Texas Assessment of Knowledge and Skills — the testing system prior to STAAR — under a transition plan that was set to expire.

For purposes of allowing a student to earn a performance acknowledgment on the student's high school diploma and transcript for outstanding performance on a college preparation or admission exam, the bill would replace vendor-specific language with non-vendor specific language. It also would allow performance acknowledgements for state recognized business or industry certifications or licenses.

Public school students would be allowed to enroll in more than three courses at a junior college that was outside the student's high school service area if each junior college and the student's school district agreed to authorize the student's enrollment or the student was enrolled at an early college high school.

The bill would allow TEA to defer releasing STAAR questions and answer keys to the extent necessary to develop additional assessment instruments.

The bill would repeal several Education Code requirements that were outdated or not applicable to current testing.

The bill would apply beginning with the 2015-16 school year.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUBJECT: Modifying school instruction time from days into minutes

COMMITTEE: Public Education — committee substitute recommended

VOTE: 8 ayes — Aycock, Bohac, Deshotel, Dutton, Farney, Galindo, González, K. King

0 nays

3 absent — Allen, Huberty, VanDeaver

WITNESSES: For — (*Registered, but did not testify*: Berhl Robertson, Jr., Lubbock ISD; Jimmy Parker, Lubbock Roosevelt ISD; Keith Bryant, Lubbock-Cooper ISD; Trent Townsend, SeptStart; Christie Goodman, Six Flags; Mike Motheral, Small Rural School Finance Coalition; Casey McCreary, Texas Association of School Administrators; Doug Williams, Texas Association of School Administrators; Brian Sullivan, Texas Hotel and Lodging Association; Christy Rome, Texas School Coalition; Ron Hinkle, Texas Travel Industry Association; Homero Lucero, Texas Travel Industry Association; Monty Exter, the Association of Texas Professional Educators)

Against — Kristi Hassett, Lewisville ISD School Board

On — (*Registered, but did not testify*: Drew Scheberle, Greater Austin Chamber of Commerce; Lisa Dawn-Fisher, Texas Education Agency)

BACKGROUND: Education Code, sec. 25.081 requires school districts to provide at least 180 days of instruction to students each school year, except if the school district operates on a year-round calendar or offers a flexible year program. The commissioner of education may approve a reduced number of instructional days if an extreme weather event or another calamity causes schools to close.

Currently, when schools close due to severe weather and the commissioner does not approve reduced instructional days, they must make up lost instructional days by adding days to the school calendar and

extending the school year into summer. If school districts were to count instructional time by minutes instead of days, lost instructional time could be added to a regular school day, which would permit districts to make up lost time without extending classes into the summer.

DIGEST:

CSHB 2610 would modify how a school district counted instructional time for the school year by requiring a minimum of 75,600 minutes of instruction, including intermission and recess, instead of the current minimum of 180 days. The bill also would define one day of instruction to be equal to 420 minutes.

The commissioner could approve reduced minutes of instruction if certain extreme weather or another calamity caused schools to close. If the commissioner did not approve fewer instructional minutes for a school district, the district could add additional minutes to its normal school hours as necessary, with additional instructional minutes compensating for the time lost due to bad weather or other extraordinary events.

This bill would prohibit a school district from scheduling its last day of school for students before May 15, with an exception for the Texhoma school district, which is also subject to Oklahoma law.

This bill would apply beginning with the 2015-2016 school year, and the commissioner could adopt rules to implement the bill.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUBJECT: Revising school curriculum, limiting instructional material adoptions

COMMITTEE: Public Education — committee substitute recommended

VOTE: 8 ayes — Aycock, Bohac, Deshotel, Dutton, Farney, Galindo, González, K. King

0 nay

3 absent — Allen, Huberty, VanDeaver

WITNESSES: For — Julea Johnson, Bryan ISD; Jennifer Bergland, Texas Computer Education Association; (*Registered, but did not testify*: Berhl Robertson, Jr., Lubbock ISD; Jimmy Parker, Lubbock Roosevelt ISD; Keith Bryant, Lubbock-Cooper ISD; Mike Motheral, Small Rural School Finance Coalition; Sarah Matz, TechAmerica; Caroline Joiner, TechNet; Casey McCreary, Texas Association of School Administrators; Christy Rome, Texas School Coalition)

Against — Susan Lenox and Abel Villareal, Instructional Material Coordinators' Association of Texas; (*Registered, but did not testify*: Kristi Hassett, Lewisville ISD School Board)

On — Bruce Gearing, Texas Association of Community Schools; (*Registered, but did not testify*: Von Byer and Monica Martinez, Texas Education Agency)

BACKGROUND: SB 6 by Shapiro, enacted by the 82nd Legislature during its first called session, repealed the technology allotment and established the instructional materials allotment (IMA). The law replaced Education Code references to "textbook" with "instructional material" and expanded the definition of that term. The law required the State Board of Education (SBOE) to set aside 50 percent of the annual distribution from the Permanent School Fund to the Available School Fund to fund the IMA.

Districts are allowed to use the IMA to buy textbooks, technological equipment, and other materials. The allotment also can be used to train

certain personnel and employ support staff for technological equipment directly involved in student learning.

The SBOE uses a proclamation to call for new instructional materials. The proclamation lists subject areas scheduled for review, the curriculum standards involved, and procedures for adopting the materials. Proclamations are named for the year the materials go into the classroom.

DIGEST:

CSHB 2811 would require the SBOE to narrow the foundation curriculum and limit new instructional materials proclamations to 75 percent of the total amount available for the IMA during that biennium.

Curriculum revision. The bill would require the SBOE to revise and narrow the number and scope of the essential knowledge and skills (TEKS) for the foundation curriculum to require less time for students to demonstrate mastery. The SBOE would have to ensure that the revisions do not result in a need for the adoption of new instructional materials.

In revising the curriculum, the SBOE would be required to consider the time a teacher needed to provide comprehensive instruction on a particular student expectation and the time a typical student would need to master the expectation. The board also must determine whether each TEKS of a subject could be comprehensively taught within the required 180-day school year, excluding testing days. The SBOE would be required to determine whether the college and career readiness standards had been appropriately integrated in the curriculum and to consider whether STAAR exams would adequately assess a particular student expectation.

For subjects and grade levels that were last revised before September 1, 2012, the curriculum revision would have to be completed by September 1, 2018.

Instructional materials. The bill would entitle school districts to a biennial, instead of an annual, allotment from the state instructional materials fund for each student enrolled in the district on a date during the last year of the preceding biennium. The education commissioner would be required to deposit the allotment amount in districts' accounts in the first year of each biennium. Districts could place an order for instructional

materials before the beginning of a fiscal biennium and receive materials before payment.

The bill would define "proclamation" as a request for production of instructional materials issued by the SBOE. For any biennium, the board could only issue proclamations for instructional materials in which the total projected cost did not exceed 75 percent of the total amount available for the IMA for that biennium. The SBOE would be required to amend any proclamation to comply with the 75 percent limit.

Following the adoption of revised TEKS for any subject, the SBOE would determine whether the issuance of a proclamation is necessary. If necessary, the SBOE would issue a full call for instructional materials; a supplemental call for instructional materials; a call for new information demonstrating alignment of current instructional materials; or any combination of those calls.

In determining the disbursement of money to the available school fund for the IMA, the board would be required to consider the cost of all instructional materials and technology requirements for that fiscal biennium and make the 50 percent distribution biennially, rather than annually.

The bill would repeal Education Code requirements that a district use instructional materials not on the instructional materials list for a certain period of time and would authorize a district to cancel a subscription for instructional material before the end of the state contract period under certain conditions.

This bill would take effect September 1, 2015.

SUPPORTERS SAY:

CSHB 2811 would give districts flexibility to use their instructional materials allotment (IMA) to purchase technology by limiting the costs of textbooks adopted by the SBOE. Although the Legislature intended the IMA to be a dual-purpose fund, technology expenditures have plummeted since the technology allotment was abolished.

In recent years the SBOE has issued proclamations, or calls, for expensive

new textbooks for social studies and science. Districts also needed new books to prepare for STAAR exams. These textbook purchases have left districts with little money to meet technology needs.

The SBOE is aware of the frustration and has taken action by delaying new proclamations and increasing distributions for the IMA. The bill would require the SBOE to be more careful when issuing proclamations by not allowing the cost of new books to exceed 75 percent of the total IMA. Publishers could estimate the cost of delivering new books, which would give the board the information it needs before issuing a proclamation.

The SBOE also would be required to factor in the cost of textbooks when determining the percentage of the Permanent School Fund distribution to the Available School Fund. Additionally, the SBOE would be encouraged to adopt supplemental materials that could be used to update existing textbooks instead of adopting new books.

The bill also would require the SBOE to narrow the scope of the required curriculum for each subject and grade level. This review could result in TEKS that were more aligned to in-depth learning and more reasonable for teachers to cover in a school year.

The bill also would help districts manage their purchases of textbooks and technology by giving them all of their biennial IMA at the start of each biennium. This could encourage districts to order materials early, allowing teachers to have textbooks ready for the first day of class.

OPPONENTS SAY:

CSHB 2811 could have a negative effect on the quality and quantity of instructional materials by limiting the SBOE's ability to call for new textbooks when needed. The bill would in essence re-create the technology allotment but could ultimately shortchange the instructional materials needed by students to cover the required curriculum.

The SBOE has a process in place to replace textbooks that become outdated or that are physically falling apart. At times, new books are needed because the Legislature has focused on a particular subject or adopted a new testing regimen. The board needs to retain its ability to

respond to districts' needs for new textbooks.

It would be difficult for the board to predict the costs of a future textbook adoption and determine in advance how much money would be available for the IMA. The bill would require the SBOE to consider textbook costs in deciding how to manage the Permanent School Fund; these decision traditionally have been based on the need to preserve the fund for future generations of schoolchildren.

In addition, the bill is unnecessary because districts already can spend their IMA on technology. Shifting to more technology-based instructional materials, however, could disadvantage students who did not have computers and Internet access at home.

The fiscal note estimates it would cost the state $4.4 million to review and modify the TEKS by September 1, 2018. The SBOE is in the process of revising the curriculum and should be allowed to continue on its own timeline.

NOTES:

The fiscal note estimates CSHB 2811 would have a negative impact of about $8.6 million to general revenue related funds for fiscal 2016-17.

SUBJECT: Requiring disclosure of parties in contracts with governmental entities

COMMITTEE: General Investigating and Ethics — favorable, without amendment

VOTE: 5 ayes — Kuempel, S. Davis, Larson, Moody, C. Turner

0 nays

2 absent — Collier, Hunter

WITNESSES: For — Tom "Smitty" Smith, Public Citizen, Inc.; (*Registered, but did not testify*: Dustin Matocha, Texans for Fiscal Responsibility; Michael Schneider, Texas Association of Broadcasters; Donnis Baggett and Alicia Calzada, Texas Press Association; Mark Terry)

Against — None

On — (*Registered, but did not testify*: Ron Pigott, HHSC)

BACKGROUND: Government Code, ch. 2252 governs contracts with governmental entities.

DIGEST: HB 1295 would require the disclosure of interested parties in certain contracts with governmental entities.

The bill would define "interested party" as a person who benefitted financially from a contract, including a person who had a legal or equitable interest in the contract or a contracting person or a person who served as a broker, intermediary, director, adviser, or attorney for, or otherwise actively participated in, a contract.

HB 1295 would apply only to a contract for a governmental entity or state agency that:

- required an action or vote by the governing body of the entity or agency before the contract could be signed; or
- had a value of at least $1 million.

A governmental entity or state agency could not enter into a contract as described above with a person unless the person submitted a disclosure of interested parties to the governmental entity or state agency at the time the person submitted the signed contract to the entity or agency.

The disclosure of the interested parties would have to be submitted on a form prescribed by the Texas Ethics Commission that included:

- a list of each interested party; and
- the signature of the contracting person, or an authorized agent, acknowledging that the disclosure was made under oath under penalty of perjury.

By the 30th day after receiving a disclosure of interested parties, the governmental entity or state agency would be required to submit a copy of the disclosure to the Texas Ethics Commission. The commission would adopt rules necessary to implement this section, prescribe the disclosure of interested parties form, and post a copy of the form on the commission's website by December 1, 2015.

This bill would take effect September 1, 2015.

SUBJECT: Allowing consumers to request a refund for certain low-value gift cards

COMMITTEE: Business and Industry — favorable, without amendment

VOTE: 5 ayes — Oliveira, Simmons, Collier, Fletcher, Romero

1 nay — Rinaldi

1 absent — Villalba

WITNESSES: For — (*Registered, but did not testify*: Michael Weaver, Church Group; Angela Smith, Fredericksburg Tea Party; Matt Long; Sandy Ward)

Against — None

BACKGROUND: Under Business and Commerce Code, sec. 604.001, "stored value card" means a record, including one that contains a microprocessor chip, magnetic strip, or other means of storing information, that evidences a promise for monetary consideration of the card, is prefunded, and has a value that is reduced on redemption. This includes a gift card or gift certificate.

Currently, consumers are not entitled to receive a cash refund on a low-value, stored-value card that they own. Rather, it is at the business owner's discretion.

DIGEST: Under HB 2391, a seller would have to refund the balance of a stored-value card at the request of a consumer under certain circumstances. A consumer could request the refund if the consumer redeemed the card in person to make a purchase and if, following the redemption, a balance of less than $2.50 remained on the card. The seller would have to issue the refund in cash.

The bill would not apply to certain stored-value cards, including cards:

- issued by a financial institution, a federally insured financial institution, or an air carrier;

- issued as a prepaid calling card;
- distributed by the issuer to a person under a program, such as a rewards, loyalty, or promotional program, and was not issued or reloaded in exchange for money tendered by the cardholder;
- issued as a refund for merchandise returned without a receipt; or
- that had an initial value of $5 or less and to which additional value could not be added.

The bill would take effect September 1, 2015.

SUBJECT: Specifying the authority and operational details of tollway authorities

COMMITTEE: Transportation — favorable, without amendment

VOTE: 10 ayes — Pickett, Martinez, Y. Davis, Fletcher, Harless, Israel, Murr, Paddie, Phillips, Simmons

1 nay — Burkett

1 absent — McClendon

WITNESSES: For — Kenneth Barr, North Texas Tollway Authority; (*Registered, but did not testify*: Teresa Beckmeyer; Vincent May; Mary Horn, Denton County Commissioners Court; Barbara Harless, North Texas Citizens Lobby; Peter Havel, North Texas Tollway Authority; Carrie Rogers, North Texas Tollway Authority; Mark Mendez, Tarrant County Commissioners Court; Vic Suhm, Tarrant Regional Transportation Coalition; Terri Hall, Texas TURF & Texans for Toll-free Highways)

Against — (*Registered, but did not testify*: Peter Carrizales)

On — (*Registered, but did not testify*: James Bass, Texas Department of Transportation)

BACKGROUND: Under Transportation Code, sec. 366.038, a tollway authority may provide tolling services for a toll project with the boundaries of the authority. These services include customer service, customer account maintenance, transponder supply, and toll collection and enforcement.

In recent years, some tollway authorities have encountered challenges in administering their toll roads, specifically with regard to enforcing unpaid tolls.

DIGEST: HB 2549 would make several changes to the Transportation Code to address issues of enforcement, billing, and reporting for tollway authorities.

Enforcement. The bill would specify that a tollway authority contracted to provide tolling services for a toll project would be considered the toll project entity for the purposes of enforcing unpaid tolls. The authority would not be allowed to stop, detain, or impound a vehicle unless specifically permitted to do so by a tolling service agreement.

Billing. For unpaid tolls collected by mail, the bill would change the payment due date from no later than 30 days to no later than 25 days after the date the authority mailed the invoice to the correct address of the registered owner of the vehicle associated with the unpaid toll. Timeframes associated with subsequent unpaid toll notices would derive from this initial 25-day deadline.

A court assessing and collecting a fine from a vehicle owner who failed to pay a toll after repeated notice, could collect and forward to the authority the properly assessed unpaid toll and other fees as determined by the court after a hearing or by written agreement of the vehicle owner. The bill also would allow tolling authorities to send information such as invoices to tollway users online, instead of by first-class mail, if the recipient agreed to the terms of electronic billing and receipt of information.

Reporting. The bill would change the due date for the toll authority's annual report to county commissioners from March 31 to June 30.

The bill would take effect September 1, 2015.