

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009


Date

Honorable David Dewhurst
President of the Senate


Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 1322 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.




Watson




Davis
Wendy Davis




Ogden
Stephen Ogden




Shapiro



On the part of the Senate
Van De Putte



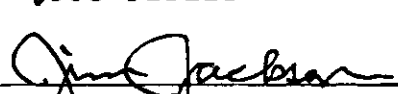
Scott Hochberg, Chair




Alma Allen



Joe Farias



Jim Jackson



On the part of the House
Mark Shelton

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 1322

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of an online resource for teachers of students with special health needs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.463 to read as follows:

Sec. 21.463. RESOURCES FOR TEACHERS OF STUDENTS WITH SPECIAL HEALTH NEEDS. The agency, in coordination with the Health and Human Services Commission, shall establish and maintain an Internet website to provide resources for teachers who teach students with special health needs. The agency shall include on the website information about:

(1) the treatment and management of chronic illnesses and how such illnesses impact a student's well-being or ability to succeed in school; and

(2) food allergies that are common among students, including information about preventing exposure to a specific food when necessary to protect a student's health and information about treating a student suffering from an allergic reaction to a food.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

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HOUSE VERSION

SECTION 1. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.463 to read as follows:

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SENATE VERSION

SECTION 1. Same as House version.

SECTION 2. Same as House version.

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as House version.

The following rows were presented as the engrossed version of Senate Bill 1062, relating to creating an online

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resource center for individuals handling child abuse and neglect cases.

No equivalent provision.

SECTION __. Amend Chapter 264, Family Code, is by adding Subchapter K to read as follows:

SUBCHAPTER K. ONLINE RESOURCE CENTER

Sec. 264.821. DEFINITIONS. In this subchapter:

(1) "Communications tool" means an online method for peer-to-peer communication among individuals who handle child abuse and neglect cases.

(2) "Office" means the Office of Court Administration of the Texas Judicial System.

(3) "Online resource center" means a single interactive Internet website that provides, to individuals who handle child abuse and neglect cases, timely informational materials pertinent to child abuse and neglect cases in this state, which may include summaries of Texas cases and statutes relating to child abuse and neglect, sample briefs and other legal forms, articles and papers, manuals with information on Texas legal practice and practice tips, a conference calendar, and communications tools.

Sec. 264.822. CONTRACT. (a) The office shall contract with an entity to provide an online resource center if:

(1) the office is specifically appropriated money in an amount adequate to provide the online resource center;
and

(2) there is a qualified entity with whom the office is

Same as House version.

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able to contract.

(b) The online resource center must:

(1) provide a means of searching for informational materials by subject; and

(2) include a:

(A) communications tool for judges; and

(B) communications tool for attorneys.

(c) The contract under this section must prohibit the entity with which the office contracts from spending more than 12 percent of the contract price on the entity's indirect or administrative overhead expenses.

(d) If the office does not enter into a contract in accordance with this subchapter, the office may not receive the funds appropriated to the office in connection with this subchapter.

Sec. 264.823. ELIGIBILITY FOR CONTRACT. The entity with which the office contracts under this subchapter must:

(1) have experience in operating an online resource center specifically designed for judges and attorneys handling child abuse and neglect cases in this state;

(2) have experience in providing a communications tool; and

(3) employ or contract with at least one attorney who is licensed to practice law in this state and who specializes in child abuse and neglect cases to compile the materials for and oversee the operation of the online resource center.

Sec. 264.824. FUNDING. (a) The entity with which

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the office contracts under this subchapter may obtain funding from private foundations and individuals, from state and federal grants, and from any other source to operate the online resource center.

(b) The entity must maintain and provide to the office records that adequately identify:

(1) each person who provided funds to the entity to operate the online resource center; and

(2) the amount of funds the person provided.

Sec. 264.825. CONFIDENTIALITY. All communications conducted through a communications tool provided in connection with the online resource center implemented under this subchapter are privileged and confidential.

No equivalent provision.

SECTION __. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

Same as House version.

No equivalent provision.

SECTION __. This Act takes effect September 1, 2009.

Same as House version.

The following rows were presented as containing language identical to a previous amendment to Senate

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Bill 815, relating to consumer labeling requirements for and the provision of certain information concerning health benefit plans; providing penalties.

SECTION __. (a) Section 32.101, Insurance Code, is amended to read as follows:

Sec. 32.101. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies to insurers who comprise the top 25 insurance groups in the national market and who issue residential property insurance or personal automobile insurance policies in this state, including a Lloyd's plan, a reciprocal or interinsurance exchange, a county mutual insurance company, a farm mutual insurance company, the Texas Windstorm Insurance Association, the FAIR Plan Association, and the Texas Automobile Insurance Plan Association.

(b) This subchapter applies to an issuer of a health benefit plan described by Section 544.301, as added by Chapter 748 (H.B. 2810), Acts of the 79th Legislature, Regular Session, 2005.

(b) This section takes effect only if the Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes does not become law.

SECTION __. (a) Section 32.101, Insurance Code, is amended to read as follows:

Sec. 32.101. APPLICABILITY OF SUBCHAPTER. (a)

Same as House version.

Same as House version.

No equivalent provision.

No equivalent provision.

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This subchapter applies to insurers who comprise the top 25 insurance groups in the national market and who issue residential property insurance or personal automobile insurance policies in this state, including a Lloyd's plan, a reciprocal or interinsurance exchange, a county mutual insurance company, a farm mutual insurance company, the Texas Windstorm Insurance Association, the FAIR Plan Association, and the Texas Automobile Insurance Plan Association.

(b) This subchapter applies to an issuer of a health benefit plan described by Section 544.501.

(b) This section takes effect only if the Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes becomes law.

No equivalent provision.

SECTION __. Section 32.102(a), Insurance Code, is amended to read as follows:

Same as House version.

(a) The department, in conjunction with the office of public insurance counsel, shall establish and maintain a single Internet website that provides information to enable consumers to make informed decisions relating to the purchase of health insurance, residential property insurance, and personal automobile insurance. The website must include:

(1) a description of each type of residential property insurance policy and personal automobile insurance policy issued in this state, including a comparison of the

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coverage, exclusions, and restrictions of each policy that allows a side-by-side comparison of the features of the policy forms;

(2) a listing of each insurer writing residential property insurance or personal automobile insurance in this state, indexed by each county or zip code in which the insurer is actively writing that insurance, and a profile of the insurer that includes:

(A) contact information for the insurer, including the insurer's full name, address, and telephone number and the insurer's fax number and e-mail address, if available;

(B) information on rates charged by the insurer, including:

(i) sample rates for different policyholder profiles in each county or zip code; and

(ii) the percentage by which the sample rate has fallen or risen due to filings in the previous 12, 24, and 36 months;

(C) a list of policy forms, exclusions, endorsements, and discounts offered by the insurer;

(D) an indication of whether the insurer uses credit scoring in underwriting, rating, or tiering, and a link to the insurer's credit model or a link explaining how to request the insurer's credit model;

(E) the insurer's financial rating determined by A. M. Best or similar rating organization and an explanation of the meaning and importance of the rating;

(F) a complaint ratio or similar complaint rating system for the insurer for each of the previous three years and an

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explanation of the meaning of the rating system; and
(G) information, other than information made confidential by law, on the insurer's regulatory and administrative experience with the department, the office of public insurance counsel, and insurance regulatory authorities in other states; ~~and~~
(3) if feasible, as determined by the commissioner and the public insurance counsel:
(A) a side-by-side comparison of credit scoring models, including factors, key variables, and weights, of residential property insurers in this state; and
(B) a side-by-side comparison of credit scoring models, including factors, key variables, and weights, of private passenger automobile insurers in this state; and
(4) in the manner prescribed by the commissioner by rule, contact information for individual health benefit plans as necessary for consumers to obtain additional rate information regarding a plan and a comparison of information about health benefit plans, including information regarding a plan's:
(A) annual deductibles;
(B) out-of-pocket maximums;
(C) office visit copayments, listed separately for primary care providers and specialists;
(D) prescription co-payments, listed by generic and brand name medications;
(E) prescription deductibles;
(F) lifetime maximum coverage;
(G) maternity coverage included;

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(H) emergency room visit copayments;
(I) covered days for inpatient mental health;
(J) outpatient surgery copayments; and
(K) inpatient cost sharing.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives**

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1322 by Hochberg (relating to the establishment of an online resource for teachers of students with special health needs.), Conference Committee Report

No significant fiscal implication to the State is anticipated.

The Texas Education Agency estimates incurring one-time costs of \$6,574 in fiscal year 2010 for contracted technical support to deploy the website and that workload to develop and maintain content in coordination with the Health and Human Services Commission (HHSC) could be accommodated using existing resources. The Department of State Health Services and HHSC indicate that coordination activities to develop the on-line resource could be accomplished using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 537 State Health Services, Department of, 701 Central Education Agency

LBB Staff: JOB, JSp

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Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 1322 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Scott Ashberg
(name)

5/30/09
(date)