



Representative «Name»

Desk «Address»

LSG Floor Report For Postponed Business- Monday, April 17, 2017

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 3451 By: Stucky / González, Mary / Ashby / Springer / Cyrier / et al.	Relating to the study and approval of lethal pesticides for feral hog control.	Public Health	<p>In February 2017, the Texas Department of Agriculture approved an emergency rule allowing for the use of Warfarin in the feral hog abatement program. There are legitimate concerns about the lack of publicly available studies that assess the public health and environmental impacts of Warfarin use for feral hog control. CSHB 3451 amends the Agriculture Code by stipulating that the department may not approve or allow for use of a lethal pesticide, including Warfarin, for feral hog abatement unless a scientific study is conducted to evaluate the potential risks associated with use of that pesticide. This bill has no significant fiscal impact, as the study will be conducted using existing resources within the department. The bill stipulates that this study must:</p> <ul style="list-style-type: none"> • Include controlled field trials • Examine the potential of Warfarin or the legal pesticide in question for successful feral hog abatement • Assess negative impacts to wildlife, agriculture, or property owners because of Warfarin use • Assess environmental consequences associated with Warfarin use • Solicit both public and stakeholder input in relation to the study as appropriate • Be conducted by a state agency in conjunction with an institution of higher education to ensure study validity <p>According to the Sierra Club, risks associated with Warfarin use include human poisoning should someone unintentionally eat Warfarin laced meat, pain and suffering for the hogs who ingest Warfarin, risk of death to animals who feed on carcasses of hogs who have ingested Warfarin, and negative bioaccumulation effects. While many cite Australia’s effective use of Warfarin for feral hog abatement as justification for its use in Texas, it is important to note that Australia has discontinued the use of Warfarin in their hog abatement practices. According to a study conducted by the Australian Institution of Medical and Veterinary Science, the Australian government chose to discontinue the use of warfarin because it creates legitimate animal welfare concerns and is “inhumane and unacceptable” for commercial use. These considerations combined with potential environmental and bioaccumulation effects warrant a scientific study by the State before the use of Warfarin is widely implemented. It is also important to ensure that while the study is being conducted, the Department of Agriculture continues to register and track individuals who purchase Warfarin to ensure accountability and oversight.</p>	<p>Favorable Evaluated By: Tyler Anderson 210-382-4295 Tyler@Texaslsg.org</p>

<p>HB 1699 By: Geren</p>	<p>Relating to the participation by qualified persons in the Department of Public Safety's driver record monitoring pilot program.</p>	<p>Homeland Security & Public Safety</p>	<p>This legislation would require the Department of Public Safety (DPS) to enter into a contract with any person qualified to provide driver record monitoring services. Additionally, this bill will not allow DPS to limit the number of qualified persons participating in the driver record monitoring pilot program. Driver record monitoring pilot programs serve as an external observation for drivers that exhibit bad behavior.</p> <p>This type of pilot program is available in 11 other states, and it already exists within DPS except, it hasn't started yet due to the current application process. Currently, DPS limits the number of qualified applicants to three vendors to provide driver record monitoring services on driver records purchased from the department. In doing so, the agency left out qualified vendors during its Request for Applications process. This bill seeks to address this issue so the pilot program can be initiated.</p> <p>There is no significant fiscal impact for the state and local government. DPS anticipates on being able to absorb any costs associated with implementing the provisions of the bill. The external observation will benefit insurers and employers that provide jobs that consist of these services. Additionally, the pilot program will enhance public and highway safety by providing entities with driving information in a more efficient and timely manner.</p>	<p>Favorable Evaluated By: Andrea Elizondo 210-382-4295 Andrea@Texaslsg.org</p>
-------------------------------------	--	--	--	---

LSG Floor Report For General Calendar- Monday, April 17, 2017

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
<p>HB 1090 By: Meyer</p>	<p>Relating to the criminal penalties for insider trading and other misuse of official information by public servants.</p>	<p>General Investigating & Ethics</p>	<p>HB 1090 creates a tiered system of criminal penalties for a public official who engages in the misuse of information that they are privy to by virtue of their office, for which money is acquired.</p> <p>The increases of criminal penalties for a net pecuniary gain would be as follows:</p> <ul style="list-style-type: none"> • 3rd degree felony is less than \$150,000 • 2nd degree felony is greater than \$150,000 and less than \$300,000 • 1st degree felony is greater \$300,000 <p>In the original bill the amounts of monies were lowered with \$200,000 being the net pecuniary gain for a first-degree felony. Even though the bill has been watered down it is important that increased criminal penalties exist for public officials who commit insider trading and other misuses of official information.</p>	<p>Favorable Evaluated by: Erin Eriksen 210-382-4295 Erin@Texaslsg.org</p>
<p>HB 1270 By: Smithee Blanco Cyrier</p>	<p>Relating to excused absences from public school for the purpose of visiting a military recruitment center.</p>	<p>Public Education</p>	<p>Current statute allows a school district to issue an excused absence to a junior or senior who misses a day of school to visit an institution of higher education for the purpose of determining their interest in enrolling. HB 1270 expands this courtesy to juniors and seniors who miss a day of school to visit a U.S. military recruitment center for the purpose of determining their interest in enlisting. For many students enlisting in a branch of the armed services is a route to</p>	<p>Favorable Evaluated by: Arielle Day 210-382-4295</p>



			accessing higher education opportunities. This bill ensures that school districts allow students interested in the military as a postsecondary path the chance to explore that interest in the same manner as students interested in enrolling in a college or university, without being penalized with an unexcused absence.	Arielle@Texaslsg.org
HB 1526 By: King, Phil Geren, Romero, Davis, Sarah Meyer	Relating to the provision of state death benefits to peace officers employed by certain private institutions of higher education located in this state.	Homeland Security & Public Safety	<p>This bill expands state death benefits to peace officers that are employed by private institutions of higher education and private junior colleges that are located in the state. Currently, peace officers that are employed by these institutions don't receive state death benefits even if they die in the line of duty. There have been recent incidents of active shooters at institutions of higher education that these peace officers put their lives at risk in order to protect students, staff, and faculty. Peace officers also patrol the local neighborhoods of the institutions of higher education and are usually the first responders for these surrounding neighborhoods.</p> <p>Under provisions of the bill, funding of \$500,000 per claim would be provided, as well as monthly payments to surviving children. Based upon historical experience, the Employees Retirement System estimated two additional deaths would be eligible for financial assistance in the five years following implementation of this bill. No significant fiscal implication to the state and local government is anticipated. This bill would take effect Sep/1/2017 and only apply to deaths that occur on or after that date.</p>	Favorable Evaluated by: Andrea Elizondo 210-382-4295 Andrea@Texaslsg.org
HB 777 By: Ashby Bernal Murphy Blanco	Relating to the eligibility of land owned by certain members of the armed services of the United States for appraisal for ad valorem tax purposes as qualified open-space land.	Ways & Means	This bill allows members of the armed forces to retain the open-space agricultural use appraisal value of their property while they are stationed or deployed outside of the state and are unable to maintain the land. Service members must notify the appropriate appraisal district of the change in duty location, and of their intent to resume agricultural use of their land within 180 days of their return, no later than 30 days after the change in order to keep the appraisal value. Agricultural use appraisal value is determined by the value of goods produced on the land instead of the land's market value; if the property passes to non-agricultural use, the owner owes the difference in property taxes valuations for the previous three years, which can be significant. HB 777 protects service members from an unintended financial burden resulting from their military service.	Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org
HB 269 By: Thompson, Senfronia Meyer Johnson, Eric	Relating to judicial proceedings on a petition to set aside a conviction or an order of expunction of criminal history record information for certain victims of trafficking of persons or compelling prostitution who are convicted of prostitution.	Criminal Jurisprudence	<p>HB 269 establishes a judicial process for the setting aside and expunction of convictions as a result of trafficking and compelled prostitution by authorizing the court retaining jurisdiction in the case to hear a defendant's set aside petition. Victims facing prostitution convictions can submit a petition to the court that must allege specific facts to prove that the defendant engaged in prostitution solely as a victim of an offense of human trafficking, continuous trafficking of persons, and compelled prostitution. The defendant can also submit supplemental documents from a federal, state, local, or tribal government agency indicating involvement as a result of being a victim of the aforementioned offenses.</p> <p>Once a petition is filed the court clerk must provide a copy of the petition and any supporting documents to the appropriate office of the attorney representing the state, at which point the attorney must then file a response to the</p>	Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org



petition within 20 business days. Should the court find reasonable grounds for the facts alleged in the filed petition, any supporting document, and attorney’s response to be true, the court must order a hearing on the petition. There is an important provision requiring the court to order a petition hearing should the petitioner solely submit a governmental agency document as evidence. However, should the court find no reasonable grounds to believe the alleged facts, the court must dismiss the petition and notify the petitioner of the court’s decision. Similarly, the petition must be dismissed if the petitioner has filed a previous petition using solely the same evidence before, resulting in a dismissal. Another important provision in the bill states that a court may not dismiss a petition if governmental agency documentation is submitted.

The succeeding judicial process is as follows:

- After ordering a petition hearing, the court can further order any discovery from the petitioner or the attorney representing the state, which can include any order for probative evidence relevant to evaluating the validity of the petitioner’s claim that they engaged in the present convictions as a result of being a crime victim. The submission of a governmental agency document creates a presumption that the claim is true.
- Should a court discover, based on sworn statements or submitted evidence or affidavits, that an indigent petitioner does not have legal representation, the court is required to appoint an attorney to represent the petitioner at the ordered hearing and before the court of appeals and court of criminal appeals, if applicable.
- The court must make a finding regarding the petitioner’s claims at the end of the hearing, and may set aside the order of conviction for the charged offense should the court find that the petitioner engaged in prostitution as a result of being a crime victim and that set-aside is in the best interest of justice. The hearing must be recorded, and should the court’s verdict find validity in the petitioner’s claims regarding the reasons for engaging in prostitution, the court reporter must transcribe the hearing and finding at the county’s expense. The entire record must be included with an application for appeal, as the petitioner and attorney representing the state may appeal the court findings in the same manner as an appeal of a criminal case conviction.
- Further provisions clarify that any petition filed under this bill does not constitute an application or a proceeding for a writ of habeas corpus, and that a restriction on filing a subsequent application for a writ of habeas corpus doesn’t apply to a petition or proceeding per this bill. Furthermore, the provisions in the bill are not intended to prevent reduction or termination of community supervision and a set-aside verdict if the petitioner is qualified to receive a dismissal under the related article. As a clarification, court jurisdiction for prostitution offenses continues for five years following the date the conviction is entered.

Additionally, should a judge dismiss proceedings against a defendant with prostitution convictions and subsequently discharges the defendant, the judge can file an affirmative finding of fact along with the case if the judge determines the



			<p>defendant engaged in the prostitution offenses as a result of being a crime victim. This new judicial procedure, affirmative findings, and expunction apply to a petition to set aside a conviction, discharge and dismissal, and petition for expunction that is filed on or after the effective date of September 1, 2019 regardless of when the offense occurred.</p> <p>A defendant placed under custodial or noncustodial arrest for prostitution convictions is entitled to have all arrest records and files expunged if a court determines the defendant’s involvement was a result solely as a victim of human trafficking or compelled prostitution. However, the attorney representing the state can request a court order for law enforcement agencies to retain those records with the defendant’s personal information redacted, for the purpose of further investigating trafficking of persons or compelling prostitution offenses.</p> <p>Although not all prostitution is a direct result of human trafficking and not all human trafficking is done explicitly for the purpose of sex trafficking, research shows links between women and children forced to turn to prostitution as a result of factors such as substance abuse, mental illness, homelessness, and a history of sexual abuse and trauma, with 85% of prostitutes reporting child abuse and 70% reporting incest. HB 269 promotes a humane and logical solution to support victims of crime trapped in the criminal justice system as a result of offenses committed against them. Creating victim-centered protections in Texas will diminish the pervasive issue of sex trafficking as the fastest growing business of organized crime, according to the Texas Department of Public Safety (DPS). In 2016 alone, Texas convicted 249 people on a state jail felony for prostitution charges, spending approximately \$3.4 million on incarceration. This legislation will increase local control and grant judge’s discretion to view each prostitution offense on a case-by-case basis and consider any possible co-occurring disorders. Current statutes allow for a conviction set-aside if the defendant is willing to admit they are a survivor of trafficking in addition to completing community service as a condition of their parole. The current process places the blame on the defendant and further victimizes them by requiring punishment for an admission of guilt. Without protections in place for set aside or expunction, victims with prostitution convictions face difficulties moving forward and being successful, as consequences resulting from a criminal record can negatively impact prospective employment, housing, and education.</p>	
<p>HB 491 By: Frullo</p>	<p>Relating to requiring registration as a sex offender of certain defendants convicted of the offense of continuous trafficking of persons.</p>	<p>Criminal Jurisprudence</p>	<p>HB 491 expands the definition of a “reportable conviction or adjudication” to include offenses under Section 20A.03 of the Penal Code, continuous trafficking of persons and children, if the offenses are committed partly or wholly and are sexual in nature, requiring these offenders to register for the sex offender registration program. Specific violations comprising the proposed statute include offenses in which a person traffics another person and causes them to engage in prostitution, promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution, as well as any person receiving a benefit through any aforementioned activity or engages in sexual conduct with the person trafficked. Conduct that constitutes an offense in which a person traffics a child and causes them to engage in or become the victim of continuous sexual abuse, indecency, sexual assault, aggravated sexual assault, prostitution, promotion of prostitution, aggravated promotion of prostitution, compelling prostitution, sexual performance, employment harmful to children, or</p>	<p>Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org</p>



			<p>possession or promotion of child pornography by any means is also included. Similarly, a violation exists for an offense in which a person receives a benefit from participating in any aforementioned activity or engages with a trafficked child.</p> <p>The provisions in HB 491 further outline offenses under Section 20A.03, Penal Code as a reportable conviction or adjudication regarding the duty of registering for the sex offender registration program to expire when the person dies.</p> <p>Children at Risk declares human trafficking as the most lucrative criminal enterprise in existence today. HB 491 introduces an avenue to include sanctions against individuals committing the continuous trafficking of persons and children for offenses partly or wholly in a sexual nature with requirements for offenders of less severe crimes. Requiring offenders that commit continuous sex trafficking of persons and children, as well as those benefiting from these crimes or engaging in sexual conduct with the trafficked person or child, to register as sex offenders enhances public safety and closes a gap in the criminal justice system for severe offenders.</p>	
<p>HB 1116 By: Kacal</p>	<p>Relating to the repeal of certain state procurement advisory and approval procedures.</p>	<p>Government Transparency & Operation</p>	<p>HB 1116 abolishes the Statewide Procurement Advisory Council by repealing sections 2155.086 and 2155.087 of the Government Code. The Statewide Procurement Advisory Council makes recommendations and advises the Chief Clerk within the Office of the Comptroller on awarding specific contracts of \$100,000 or more over the contract's life. The concept of the council is to work on increasing cost savings and efficiency during open meetings with the chief clerk. However, the council meetings have been a formality to be in compliance with the code, which increases wait times on awarding contracts. Especially during times of leanness within the budget, making sure that contract procurement is overseen so that prudent choices are made is essential. However, if the duties of the council are not being met than the Council's existence is extraneous to the procurement process.</p>	<p>Favorable Evaluated by: Erin Eriksen 210-382-4295 Erin@Texaslsg.org</p>
<p>HB 2253 By: Darby</p>	<p>Relating to the calculation of interest on an ad valorem tax refund resulting from the final determination of an appeal that decreases a property owner's liability.</p>	<p>Ways & Means</p>	<p>HB 2253 would grant district courts discretion in determining the amount of refund on which the 9.5% interest rate is calculated in property tax appeals. The proposed provision would require a taxing unit to include the property tax refund and interest on either all or a portion of the amount refunded, which is left up to the court's final determination. If passed by a two-thirds record vote in each house, HB 2253 would take immediate effect. The effective date otherwise is September 1, 2017 and would apply only to appeals filed on or after the effective date.</p> <p>Currently, property taxpayers filing an appeal on property value appraisals must pay a portion of taxes due before the delinquency date, or they forfeit the right to proceed to the final determination of the appeal. Several calculations exist for the amount of taxes to pay before the delinquency date, either the lesser value of the amount of taxes due on the property value not in dispute, the amount due on the property under the order from which the appeal is taken, or the amount of taxes from the preceding tax year. In 2015, the Texas legislature raised the refund interest rate to 9.5%, from the previous 2% plus the most recent Federal Reserve prime rate in 2011.</p>	<p>Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org</p>



			<p>Taxpayers are also able to pay the full amount of taxes or make payment installments. HB 2253 applies to those taxpayers who paid more tax than due and therefore filed an appeal for what they believe to be an inordinate county district's appraisal of their property value. After prevailing on an appeal in a suit to reduce the property's appraised value, the taxpayer receives a refund plus interest. HB 2253 establishes equity between taxpayers and taxing units through amending laws that may encourage some property taxpayers to profit unfairly by paying their full tax bill up front and contesting the valuation after the refund has accrued from the current 9.5% interest rate.</p> <p>In 2013, Houston commercial property owners saw values increase more than 50%. As taxpayers with potentially highest property appraisals, large commercial companies have the most to gain from an inflexible statute leaving little room for consideration on a case-by-case basis. For taxing units that already face strained resources or those in which individual properties might account for a large percentage of revenue, HB 2253 would ensure unaffordable property tax refunds do not bankrupt these political subdivisions and further deplete funding that could be used for other assistance services for constituents.</p>	
--	--	--	---	--

