



Co-Vice Chair, Rep. Yvonne Davis

Co-Vice Chair, Senator Jose Rodriguez

Co-Vice Chair, Rep. Rene Oliveira

Representative

Desk

**LSG Floor Report For Emergency Calendar- Wednesday, April 26, 2017**

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
<p><b>SB 4</b> By: Perry  House SP: Geren / Workman</p>	<p>Relating to the enforcement by campus police departments and certain local governmental entities of state and federal laws governing immigration and to related duties and liability of certain persons in the criminal justice system; providing a civil penalty; creating a criminal offense.</p>	<p>State Affairs</p>	<p style="text-align: center;"><b><u>Commonly Used Terms</u></b></p> <p><b><u>Sanctuary cities/campuses:</u></b> Municipalities, counties, or campuses that choose not to comply with ICE detainer requests in order to promote dignity and public safety within their communities. <b>Currently, no major Texas cities are sanctuary cities - all Texas cities are in full compliance with federal immigration law.</b></p> <p><b><u>Immigration detainer request:</u></b> a federal government request to a local entity to maintain temporary custody of an undocumented person (US Department of Homeland Security I-247 form or similar successor form). CSSB 4's provisions only apply to written detainer requests. <b>Detainer requests have been found unconstitutional in multiple district courts due to their violation of individual's fourth, fifth, and fifteenth amendment rights; individuals are often held in confinement for longer than statutorily necessary to comply with these requests.</b></p> <p style="text-align: center;"><b><u>Analysis</u></b></p> <p>CSSB 4 applies to campus police departments, governing bodies of municipalities and counties, municipal police departments or sheriff's departments, and officers and employees of the aforementioned entities. The bill <b>does not apply</b> to hospitals or hospital districts, peace officers employed by and performing duties under contract with a religious organization, school districts, open-enrollment charter schools, or public health departments.</p> <p><b><u>Section 752.053 "Policy Regarding Immigration Enforcement"</u></b> states that the aforementioned entities and law enforcement agencies may not adopt rules or ordinances that explicitly prohibit the enforcement of immigration laws or discourage the enforcement of immigration laws through pattern or practice. The broad nature of "pattern or practice" leaves municipalities and law enforcement agencies to interpret this ambiguous provision, which could lead to civil liability. This section also states that these entities cannot prohibit officers from inquiring into the immigration status of an arrested person, sending that information to ICE, exchanging it with another law enforcement agency, assisting an ICE officer with federal immigration enforcement, or permitting an ICE officer from entering and conducting enforcement activities at a jail.</p> <p><b><u>Section 752.054 "Discrimination Prohibited"</u></b> attempts to address concerns of racial profiling by stating that law enforcement officers may not consider race, religion, language, or national origin while enforcing immigration laws. <b>While this nondiscrimination provision is important, it will have little to no impact on ensuring that implicit bias and racial profiling do not influence on the ground enforcement of immigration laws.</b></p> <p><b><u>Section 752.055 "Complaint; Equitable Relief"</u></b> outlines a process for any individual to file a complaint with the attorney general if they feel that their municipality, local law enforcement agency, or higher education institution is in violation of the immigration</p>	<p><b>Unfavorable</b> Evaluated by: Tyler Anderson 281-660-8579 <a href="mailto:Tyler@Texaslsg.org">Tyler@Texaslsg.org</a></p>

enforcement provisions of CSSB 4. If the attorney general determines that the complaint is valid, they may file a petition for equitable relief in district court to compel the entity to come into compliance with the law. This section also stipulates that the attorney general may recover expenses incurred in obtaining relief under this section; this means that municipalities and law enforcement agencies are on the hook for reimbursement of these costs, which will come at a financial detriment to them.

Section 752.056 “Civil Penalty” creates a civil penalty for local entities and law enforcement agencies that are found to be in violation of immigration enforcement provisions; the penalty is \$1,000-1,500 for the first violation and \$25,000-25,500 for each subsequent violation (each day the violation is not remedied constitutes a separate violation and civil penalty). **Costs incurred under this provision could be extremely damaging for municipalities or law enforcement agencies who find themselves in violation of this ambiguous, difficult to interpret law.** Costs collected under this subsection will be deposited to the compensation to victims of crime fund.

Section 752.057 “Community Outreach Policy” attempts to address community fear and mistrust by allowing law enforcement agencies to adopt written policies requiring the agency to perform community outreach activities to inform communities that law enforcement officers may not inquire into a person’s immigration status if they are a victim or witnesses of a crime unless the inquiry is necessary to investigate the offense. Outreach performed under this section must include outreach to victims of family violence and sexual assault. **While well intentioned, this provision is virtually unenforceable; it is permissive and many law enforcement agencies will likely choose not to adopt community outreach policies. This community outreach policy will do little to assuage legitimate community concerns.** Regardless of whether they know the specifics of this law, they will likely still be fearful of reporting crimes or cooperating with law enforcement.

Section 772.0073 “Enforcement of Immigration Law Grant Program” establishes a competitive grant program within the Governor’s criminal justice division to provide financial assistance to localities to offset costs related to enforcing immigration laws or complying with detainer requests. The division is responsible for establishing eligibility requirements, procedures, and amounts for grants provided. It is unlikely that grants provided under this section will be sufficient to offset the costs incurred by local entities; complying with detainer requests alone is extremely costly, as it requires individuals to be held in confinement for extended time periods. An exact funding amount isn’t specified for the grant program, therefore there is no guarantee that the grants will even begin to cover the costs associated with enforcing CSSB 4. **Additionally, establishing a competitive grant program could be problematic if only certain counties are able to obtain funding; law enforcement agencies may be motivated to detain more individuals in order to demonstrate their need for this type of grant.**

Article 42.039 “Completion of Sentence in Federal Custody” outlines the process by which arrested persons subject to detainer requests should be transferred into Federal custody, which is to take place seven days prior to their release.

Section 402.0241 “Defense of Local Entities in Suits Related to Immigration Detainer Requests” mandates the attorney general to defend local entities in any court actions for claims arising out of a that entity’s good-faith compliance with an immigration detainer request. Due to the unconstitutionality of detainer requests, the inclusion of this section helps to mitigate financial risks to localities. However, the costs associated with these court actions will certainly fall back on the state; **we should not be implementing laws that we know are unconstitutional and costly to defend in court.**

Article 4 “Surety Bond” states that bail bondsmen cannot be relieved of their duties unless they surrender the accused person who is undocumented to the proper authorities in federal, state, or county custody. It essentially ensures that bail bondsmen maintain their responsibilities to deliver the accused for both immigration and criminal proceedings.



Section 39.07 “Failure to Comply with Immigration Detainer Request” creates a criminal offense of a class A misdemeanor should a sheriff, chief of police, or constable knowingly fail to comply with an immigration detainer request. In addition to carrying a penalty of up to one year in jail or a \$4,000 fine, these charges will all but ensure that these local officials (some of whom are duly elected) can no longer fulfil their critical public safety functions. **This punitive provision targets local law enforcement officials who prioritize community safety over enforcement of immigration laws, which is a Federal responsibility.**

Article 6 “Inquiry by a Peace Officer Regarding Immigration or Nationality of Crime Victim or Witness” states that law enforcement officers cannot inquire into the immigration status of a witness/victim of crime **except** if the officer determines the inquiry is necessary to investigate the offense or to provide information about federal visas designed to protect individuals who assist law enforcement. This section does not prohibit an officer from inquiring into the witness/victim’s immigration status if the officer believes they have engaged in conduct constituting a separate criminal offense. One of the most detrimental consequences anticipated from this legislation is its likelihood to discourage crime victims, including survivors of sexual and domestic violence, from seeking out law enforcement for protection. **Offering exceptions for when an officer may inquire into a witness/victim’s immigration status renders the protection virtually useless;** “conduct constituting a separate criminal offense” is very vague and could be used to justify inquiring into the status of someone who has not actually committed a crime.

**Additional Concerns**

CSSB 4 will negatively impact the Texas economy in numerous ways. Immigrants are a driving economic force in our state; undocumented immigrants pay about \$1.5 billion annually in state and local taxes and have a combined purchasing power of almost \$100 billion. The Perryman Group estimates that restrictive immigration legislation such as CSSB 4 could result in a loss of \$14.6 billion in revenue sales and \$54.8 billion in gross product annually in Texas. In addition to this loss of revenue, the legislation will likely cost the state millions of dollars due to its unconstitutional provisions that will almost certainly have to be defended in court. Additionally, costs associated with fulfilling detainer requests are not fully reimbursed by the federal government and cause financial strain on the local county jails left to pick up the tab.

Law enforcement agencies and cities have expressed concern with the negative impact CSSB 4 will have on community safety. These entities include: Houston Police Department, San Antonio Police Department, Harris County Sheriff’s Office, Bexar County Sheriff’s Office, El Paso County Sheriff’s Office, Travis County Sheriff’s Office, and the cities of Fort Worth, San Antonio, Houston, Dallas, and El Paso. Law enforcement officials say they have worked hard to build trust through community policing and outreach and they fear that passage of this bill will all but destroy that trust. Their concerns are already coming to fruition; Houston Police Chief Art Acevedo has reported that the number of Hispanics reporting violent crimes, including rape, has decreased by 48% in 2017. This decrease in reporting is likely attributable to the rhetoric and fear surrounding the potential passage of CSSB 4 in Texas.

**CSSB 4 is a fundamentally discriminatory piece of legislation that attempts to addresses a non-issue and puts vulnerable immigrant communities at risk.** The bill will have negative impacts on numerous Texas families, as it is estimated that 834,000 Texas children live in a home where at least one parent is undocumented. It opens the door for racial profiling through its increased on-the-ground enforcement of immigration laws. It attempts to demonize a population that has statistically proven to commit less crime; communities with high immigrant populations, such as El Paso, have some of the lowest crime rates in Texas. The inevitable chilling-effect on immigrant communities, who will be less likely to cooperate with law enforcement or report crimes for fear of being deported, decreases community safety for **all Texans** regardless of immigration status.



**LSG Floor Report For General Calendar- Wednesday, April 26, 2017**

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
<b>HB 657</b> By: Bernal/ Guillen	Relating to procedures for a student enrolled in a special education program who fails to perform satisfactorily on certain assessment instruments.	Public Education	<p>The Admission, Review and Dismissal (ARD) committee is a team that determines a student’s eligibility for special education services, develops their Individualized Education Program (IEP), and makes most of the major decisions about a special education student’s program. The committee is composed of various stakeholders in the student’s education including but not limited to the student’s parent, teacher, and school administrator. Currently, if a special education student fails a statewide standardized test, the student’s parent may request to have the ARD committee meet and decide whether it is necessary for the student to take the test again or whether the student has shown sufficient progress toward the measurable academic goals in the student’s IEP to be promoted to the next grade.</p> <p>HB 657 requires the ARD committee to meet after the first time a special education student fails a statewide assessment, before the student retakes the test. The bill also authorizes the committee to decide if the student’s IEP progress is sufficient to justify promotion in grades 5 and 8. There is nothing in law that requires a special education student to repeatedly retake a state assessment or pass it in order to be promoted to the next grade. In many cases it is not in the student’s best interest to endure the anxiety of retesting if he or she has shown sufficient growth in their IEP. This bill helps prevent the over testing of special education students and reduce grade retention.</p>	<b>Favorable</b> Evaluated by: Arielle Day 210-382-4295 <a href="mailto:Arielle@Texaslsg.org">Arielle@Texaslsg.org</a>
<b>HB 2571</b> By: Gutierrez	Relating to the establishment of a trauma affected veterans clinical care and research center at The University of Texas Health Science Center at San Antonio.	Defense & Veterans’ Affairs	<p>HB 2571 moves to establish the National Center for Warrior Resiliency in San Antonio. The University of Texas Health Science Center at San Antonio (UT Health San Antonio), currently holds a veteran program for treating, study of combat PTSD, and cancer treatment for veterans. On average around 400 veterans are referred UT Health San Antonio for treatment. Veterans who have suffered from combat related PTSD require treatment that differs from civilians with PTSD. Many veterans returning from active duty or combat have difficulty adjusting to civilian life. With the added nature of combat related PTSD many veterans ultimately struggle relating to their family and gaining employment.</p> <p>Without duplicating any Veteran Affairs programs this allows UT Health San Antonio to have national notoriety along with the ability to train 200 health care providers on effective treatments for combat PTSD. The National Center for Warrior Resiliency would conduct research for treatment modalities and answer questions for providers and consumers on best practices. The bill lays out funding strategies, allowing for the center to collect gifts and donations as well as partner with public and private entities.</p> <p>As research arises about the complex effects of combat PTSD, treating those who suffer will help to renew relationships with their families. Raising awareness with the National Center for Warrior Resiliency will help to others understand the stigma and promote normalcy for those who have experienced the trauma of combat. HB 2571 is an important step in educating providers and veterans as well as allowing more access to treatment.</p>	<b>Favorable</b> Evaluated by: Kylie McNaught 210-382-4295 <a href="mailto:Kylie@Texaslsg.org">Kylie@Texaslsg.org</a>
<b>HB 1861</b> By: Elkins	Relating to the confidentiality of certain information related to a	Government Transparency & Operation	Adds to the Government Code, Public Information Act, that information directly arising from a governmental body’s routine efforts to prevent, detect, or investigate computer security incidents, including information contained in and derived from information security logs, is confidential. This sensitive or confidential information may already be redacted. HB 1861 simply ensures confidential	<b>Favorable</b> Evaluated by: Serena Ahmed



	computer security incident.		<p>information within the security reports remain protected, and reduces burdens on governmental bodies having to redact all this sensitive information in security logs and reports that vary from a few pages to thousands of pages. Furthermore, it reasserts the public maintains the right to know when a security breach has occurred.</p> <p>Lastly, this bill further clarifies and mandates that information related to computer security that is made confidential by law or is excepted from required public disclosure is to be redacted from the public posting of governmental body contracts.</p>	<p>210-382-4295  <a href="mailto:Serena@Texaslsg.org">Serena@Texaslsg.org</a></p>
<b>HB 1101</b> By: Pickett/ Guillen	Relating to the authority of the chief appraiser of an appraisal district to require a person to file a new application to confirm the person's current qualification-z for the exemption from ad valorem taxation of the total appraised value of the residence homestead of a 100 percent disabled veteran.	Ways & Means	<p>This bill prohibits property tax appraisal districts from requiring permanently disabled veterans to submit recertification documents to retain their exemptions. These veterans are certified by the United States Department of Veterans Affairs, and their condition will not change in the future. Requiring them to submit extra paperwork to the appraisal district places an unnecessary burden on these individuals. HB 1101 streamlines the process and communicates the state's gratitude for the sacrifice of our veterans.</p>	<p><b>Favorable</b>                  Evaluated by:                  Katherine Kirages                  210-382-4295  <a href="mailto:Katherine@Texaslsg.org">Katherine@Texaslsg.org</a></p>
<b>HB 1003</b> By: Capriglione	Relating to investment of public funds.	Investments & Financial Services	<p>This bill seeks to clarify the procedures for municipal governments to invest funds, bringing Texas statute in line with changes to the federal Securities and Exchange Commission's regulations. These changes include:</p> <ul style="list-style-type: none"> <li>• Authorizing deposits to federally-insured accounts that earn interest</li> <li>• Removing minimum share values for money market mutual fund investments, and setting limitations on the duration of eligible funds (at least one year, or limited to investment-grade securities).</li> <li>• Mandating that public funds investment pools keep its portfolio's market value in line with its book value.</li> <li>• Including hedge funds in the list of permissible investment types while limiting the length of hedge contract agreements to 5 years.</li> </ul> <p>HB 1003 will not substantively affect the way that local governments can invest public funds, instead giving them the ability to consider other methods. These options will allow those governments to develop prudent portfolios that meet the current federal requirements and safeguard the public's money.</p>	<p><b>Favorable</b>                  Evaluated by:                  Joel Kissell                  210-382-4295  <a href="mailto:Joel@Texaslsg.org">Joel@Texaslsg.org</a></p>
<b>HB 2387</b> BY: Herrero	Relating to disclosure and use of certain information regarding the Crime Victims' Compensation Act.	Criminal Jurisprudence	<p>HB 2387 would prohibit the Attorney General from disclosing information in Crime Victims' Compensation Act applications, documents, or any other records under state public information law and exempt these documents from disclosure, discovery, subpoena, or other means of legal compulsion for release. The instances in which the Attorney General can release information included in applications for compensation include:</p> <ul style="list-style-type: none"> <li>• By court order for good cause shown if the information is not available for another source;</li> <li>• With consent from the claimant or victim, or the person providing the information to the Attorney General;</li> <li>• To an employee or another person under the Attorney General's direction;</li> <li>• To another crime victims' compensation program;</li> </ul>	<p><b>Favorable</b>                  Evaluated by:                  Katherine Kirages                  210-382-4295  <a href="mailto:Katherine@Texaslsg.org">Katherine@Texaslsg.org</a></p>



			<ul style="list-style-type: none"> <li>To a person the Attorney General authorizes to receive the information for the purpose of conducting audits required by state or federal law; verification or health care services review or mental/physical examination or autopsy; to prevent, deter, or punish fraud; to assert subrogation or restitution rights;</li> <li>As the Attorney General deems necessary, including presenting the information in court; or</li> <li>In response to a subpoena issued in a criminal proceeding and requests an application for compensation.</li> </ul> <p>Should a subpoena request information within an application for compensation, the Attorney General must redact any confidential information, including the name, social security number, address, telephone number, or any other identifiable information of a crime victim. However, the court can still order the release of additional information. The effective date for HB 2387 is September 1, 2017 and applies only to information requests received on or after this date.</p> <p>Ensuring confidentiality for crime victims is paramount to the nature of criminal justice. Current statutes protect crime victims from open records requests, but vulnerable personal information is still available through subpoenas. For victims of domestic violence, confidentiality protects them from the threat of further violence committed at the hands of their abusers: In 2015, 158 women were killed by domestic partners, 78% of which occurred in the home. HB 2387 would ensure protection of sensitive information through the criminal justice system, and would serve to put a stop to the revictimization of claimants seeking compensation under the Crime Victims' Compensation Act for injustices done to them.</p>	
<b>HB 2611</b> By: VanDeaver	Relating to broker agreements for the sale of real property by school districts.	Public Education	Currently if a school district wishes to sale real property they must follow the procedures delineated in the Texas Local Government Code 272. This process requires the property to have a certified appraisal and a proper notice for bidding be published in a countywide circulation. This process of notice and bidding does not always garner the same interest that a property would if it were listed in a multiple listing service. HB 2611 addresses this issue by allowing school districts to sale certain real property using a multiple-listing service. This bill does not eliminate a districts opportunity to utilize the notice and bidding procedures or subvert real estate laws. It gives districts an alternative way to dispose of property when the existing one fails to produce a buyer.	<b>Will of the House</b> Evaluated by: Arielle Day 225-588-1221 <a href="mailto:Arielle@Texaslsg.org">Arielle@Texaslsg.org</a>
<b>HB 3722</b> By: King, Ken/ Faircloth	Relating to funding adjustments for school districts that annex unacceptable school districts.	Public Education	Current law incentivizes districts that annex failing districts by adjusting the new district's Tier 1 funding by the percentage of the students required by the annexation for 5 years. Since the law only adjusts Tier 1 funding, a Chapter 41 district is ineligible for this incentive. HB 3722 gives the Texas Education Agency the ability to authorize consolidation incentives or annexation incentives, whichever is greater, to a school in addition to their other funding regardless of whether they're Chapter 41 or 42.  This bill essentially creates a simple benefit for wealthy districts. Wealthy districts enjoy a number of funding advantages over property poor districts under current law. Passing this legislation before rectifying elements of the system that create inequity is unfair to poor districts.	<b>Unfavorable</b> Evaluated by: Arielle Day 225-588-1221 <a href="mailto:Arielle@Texaslsg.org">Arielle@Texaslsg.org</a>
<b>HB 2059</b> By: Phillips	Relating to the expunction of certain convictions or arrests of a minor for certain alcohol-related offenses.	Licensing & Administrative Procedures	Currently the Alcoholic Beverage Code provides a procedure by which a person who was convicted for an Alcoholic Beverage Code violation as a minor can have their record expunged. HB 2059 allows for that procedure to include the expunction of arrest records. A person who was arrested as a minor for an offense related to alcoholic beverages may petition the court with original jurisdiction of the offense to have their arrest record expunged. Under current law, the procedure for the expunction of a record relating to an offense involving alcohol that did not result in a conviction is more time consuming and expensive than the procedures for expunction of records relating to an offense involving alcohol that did result in a conviction. This bill addresses that problem.	<b>Favorable</b> Evaluated by: Arielle Day 210-382-4295 <a href="mailto:Arielle@Texaslsg.org">Arielle@Texaslsg.org</a>



<p><b>HB 578</b> By: Turner</p>	<p>Relating to certain leave policies for state employees.</p>	<p>General Investigating &amp; Ethics</p>	<p>This bill expands the ability of agencies to approve emergency leave for reasons not specifically listed out in current statute, provided that the request originates with the employee. Emergency leave can only be granted to employees who will return afterwards, closing a loophole in code where leave could be used as severance for employees being fired. Reporting procedures for leave are strengthened, with agencies reporting to the Legislative Budget Board about any employees receiving more than one month's leave, defined as 168 hours. The comptroller's office is also required to established standardized reporting through CAPPS and any future systems. HB 578 simultaneously makes agencies more responsive to their employees' needs and eliminates ambiguities in statute that allowed inappropriate uses of emergency leave.</p>	<p><b>Favorable</b> Evaluated by: Joel Kissell 210-382-4295 <a href="mailto:Joel@Texaslsg.org">Joel@Texaslsg.org</a></p>
<p><b>HB 2378</b> By: Larson</p>	<p>Relating to extensions of an expired permit for the transfer of groundwater from a groundwater conservation district.</p>	<p>Natural Resources</p>	<p>HB 2378 seeks to align the permitting renewal process for the transferring of groundwater out of a district with the operating permit renewal cycle. Adding subsections (j-1) and (j-2) to Chapter 36 of the Water Code would grant the transferring permit to not be shorter than the operating permit that is in effect of the time of the extension and for each additional term. An extended permit will be subject to the same conditions contained in the permit before its automatic extension. Combining the extension process of permits for transferring groundwater to the operating permit, will allow for a more streamlined approach to the permitting process for Groundwater Conservation Districts.</p>	<p><b>Favorable</b> Evaluated by: Erin Eriksen 210-382-4295 <a href="mailto:Erin@Texaslsg.org">Erin@Texaslsg.org</a></p>
<p><b>HB 279</b> By: Howard / Alvarado / Minjarez / Davis, Sarah / Blanco</p>	<p>Relating to the continuation of the women's health advisory committee.</p>	<p>Public Health</p>	<p>HB 279 extends the abolishment date for the of the women's health advisory committee (WHAC) from September 2017 to September 2019. WHAC was established in 2014 to provide recommendations to HHSC on the consolidation of major women's health programs. While this consolidation has been completed, it is critical that WHAC have ample time to evaluate the accessibility and effectiveness of women's health care services in Texas. At a time when the overall health of women is declining, it is imperative that Texas women have access to reliable, quality care. Some programs under the committee's jurisdiction, such as Healthy Texas Women, were rolled out as recently as June 2016. Extending the committee's abolishment date ensures that program implementation and effectiveness can be accurately measured, and that any necessary programmatic adjustments can be made.</p>	<p><b>Favorable</b> Evaluated by: Tyler Anderson 210-382-4295 <a href="mailto:Tyler@Texaslsg.org">Tyler@Texaslsg.org</a></p>
<p><b>HB 1266</b> By: Geren</p>	<p>Relating to notice for hearings and trial settings in criminal cases.</p>	<p>Criminal Jurisprudence</p>	<p>HB 1266 adds a requirement for trial courts to grant a motion for a continuance of a criminal action on an oral or written motion from the state or the defendant should the trial court set a hearing or trial and fail to notify the attorney for the state and the defendant, or the defendant's attorney, of the hearing/trial date at least three business days beforehand. The period between the date the trial begins and the date the judgment is entered is not applicable for the proposed three business day notice.</p> <p>This provision would only apply to criminal actions pending before a trial court on or after the effective date of September 1, 2017, regardless of when the offense was committed.</p> <p>HB 1266 seeks to codify what is already current practice in civil code for pre-trial motions. By failing to provide either the state or the defense adequate time to prepare for the hearing, the trial court leaves little time for both parties to contact witnesses. Provisions in HB 1266 seek to allow both the state and the defense a fair trial by allowing time for both parties to properly prepare for a case.</p>	<p><b>Favorable</b> Evaluated by: Katherine Kirages 210-382-4295 <a href="mailto:Katherine@Texaslsg.org">Katherine@Texaslsg.org</a></p>
<p><b>HB 743</b> By: Farrar / Bernal / González, Mary / Allen</p>	<p>Relating to social work services in public schools.</p>	<p>Public Education</p>	<p>Currently, there is not a definition for school social work services in the Texas Education Code. HB 743 addresses this by codifying the role of public school social workers and the services they may provide to a district's students and family. Many Texas school children are faced with significant obstacles to learning, such as: bullying, child abuse, substance abuse, gang violence, teen pregnancy, domestic violence, suicide, and other personal crises. A school social worker is uniquely trained to provide social work services that identify and address these complex problems and meet the needs of the whole child. This bill does not mandate a school to hire a school social worker; it provides school administrators with a clear definition of what role social workers can play.</p>	<p><b>Favorable</b> Evaluated by: Arielle Day 210-382-4295 <a href="mailto:Arielle@Texaslsg.org">Arielle@Texaslsg.org</a></p>



<p><b>HB 1424</b> By: Murphy/ Workman</p>	<p>Relating to the operation of an unmanned aircraft over certain facilities or sports venues; creating a criminal offense.</p>	<p>Criminal Jurisprudence</p>	<p>HB 1424 creates a Class B misdemeanor offense for the operation of drones over a local, state, or federal correctional or detention facility, as well as a sports venue. Persons flying drones over a county jail, facilities operated by or under contract with TDCJ, operated/under contract with the Federal Bureau of Prisons, or facilities operated/under contract with the U.S. Immigration and Customs Enforcement would commit a Class B misdemeanor unless committed by:</p> <ul style="list-style-type: none"> <li>• A federal, state, or local government entity, or an individual under contract with or under the direction/on behalf of the entity,</li> <li>• A law enforcement agency, or an individual under contract with or under the direction/on behalf of the entity, or</li> <li>• An individual operating a drone for a commercial purpose if authorized by the Federal Aviation Administration.</li> </ul> <p>The provisions prohibiting drone operation over a sports venue refers to an arena, automobile racetrack, coliseum, stadium, or other type of facility primarily used for professional or amateur sports or events with a seating capacity of 30,000 or more people. Drone operation for both correctional facilities and sports venues prohibits operation less than 400 feet above ground level, and the same provisions listed above for correctional facilities apply, with added protections for an owner of the sports venue or anyone with prior written consent of the sports venue owner.</p> <p>HB 1424 as an effective date of September 1, 2017 and applies only to offenses committed on or after this date. Innovations in technology have created a new avenue for abuse by individuals wishing to transport contraband to minimal security correctional facilities. There is currently no enforcement mechanism for people flying drones in high volume spaces.</p>	<p><b>Will of the House</b> Evaluated by: Katherine Kirages 210-382-4295 <a href="mailto:Katherine@Texaslsg.org">Katherine@Texaslsg.org</a></p>
<p><b>HB 1284</b> By: Thompson, Senfronia</p>	<p>Relating to the licensing and regulation of a journeyman lineman.</p>	<p>Licensing &amp; Administrative Procedures</p>	<p>This bill clarifies the licensing and regulation of a journeyman lineman as well as matters relating to the journeyman lineman examination. Currently, there are parts of the journeyman lineman licensing exam that require the person testing to be proficient in areas related to electrical work that are not within the purview of a journeyman lineman’s job. HB 1284 requires the Texas Department of Licensing and Regulation to remove test barriers and to make the test more reflective of the work performed by journeyman lineman. The intent of this bill is to remove barriers for entry into the journeyman license occupation to ensure greater accessibility for individuals pursuing a journeyman lineman license.</p>	<p><b>Favorable</b> Evaluated by: Arielle Day 210-382-4295 <a href="mailto:Arielle@Texaslsg.org">Arielle@Texaslsg.org</a></p>
<p><b>HB 1655</b> By: King, Phil</p>	<p>Relating to the reporting of certain offenses committed by members of the Texas military forces.</p>	<p>Criminal Jurisprudence</p>	<p>HB 1655 seeks to clarify the notification and reporting requirements for domestic violence incidents, offenses against the person, and offenses constituting family violence committed by members of the Texas military forces. The bill specifies that the court clerk must provide written notice of the conviction or deferred adjudication to the staff judge advocate general’s office. HB 1655 applies only to judgements of conviction entered, or deferred adjudication granted, on or after September 1, 2017.</p> <p>Current statute requires reporting notifications to be sent to the Joint Force Headquarters and does not specify to exactly whom to send the notice within such a large office as the Headquarters. Adding clarifying language for notifying the staff judge advocate general’s office of domestic violence incidents and family violence offenses committed by Texas military forces, including the Army National Guard, Air National Guard, and Texas State Guard, ensures the information will be disseminated appropriately within the criminal justice system.</p>	<p><b>Favorable</b> Evaluated by: Katherine Kirages 210-382-4295 <a href="mailto:Katherine@Texaslsg.org">Katherine@Texaslsg.org</a></p>
<p><b>HB 1469</b> By: Bailes</p>	<p>Relating to qualifications for certain teachers employed by certain open-enrollment</p>	<p>Public Education</p>	<p>This bill revises the qualifications for a person to teach a noncore vocational course in an open enrollment charter school that serves youth referred to or placed in a residential trade center by a local or state agency. The current qualification includes a baccalaureate</p>	<p><b>Favorable</b> Evaluated by: Arielle Day</p>





	charter schools.		degree, and this bill allows a person to be qualified if the person has demonstrated subject matter expertise related to the course and has received at least 20 hours of classroom management training.  This bill does not lower the standard for academic teachers. It creates an exemption that helps charters hire people with industry knowledge and experience to teach noncore vocational courses (i.e. auto technology and culinary arts).	210-382-4295 <a href="mailto:Arielle@Texaslsg.org">Arielle@Texaslsg.org</a>
<b>HB 1704</b> By: Kuemple	Relating to the award of court costs and attorney's fees in actions to determine the applicability of certain local government regulations.	Judiciary & Civil Jurisprudence	Gives courts the discretion to award court costs, and reasonable and necessary attorney's fees to the prevailing party in vested rights actions under Chapter 245, Local Government Code. Although the Uniform Declaratory Judgments Act, which authorizes the award of court costs and reasonable attorney's fees in action against cities, has been applied in vested rights proceedings for years, recent case law found that Chapter 245 does not authorize the court this discretion. This is inconsistent under the law between the Uniform Declaratory Judgments Act and the Vested Rights Statute.  Permit rights determinations are generally contentious disputes between cities and developers. On the one hand, allowing courts to award associated costs and reasonable attorney's fees to prevailing parties in these actions would create consistency in Texas law, and might create more of an incentive for developers to litigate when they begin a costly project, but are halted by a city from completing it because of a new regulation or ordinance. Thus, this would help developers in situations where cities might not be complying with state law in development regulations. However, vested rights cases also involve developers bypassing new city rules that have been enacted; for example, a local ordinance to protect trees. This bill might then just be stirring up more litigation and awarding attorney's fees and court costs from taxpayer dollars in situations where the city is trying to regulate developer projects for the well-being of the city.	<b>Will of the House</b> Evaluated by: Serena Ahmed 210-382-4295 <a href="mailto:Serena@Texaslsg.org">Serena@Texaslsg.org</a>
<b>HB 2413</b> By: Burkett	Relating to certain identifying information regarding career school or college students.	Economic & Small Business Development	HB 2413 expands qualifications for protected student information to include information in the possession of the Texas Workforce Commission (TWC), career schools or colleges, or any other entity from which TWC receives student information. Currently, students at technical colleges or in vocational programs do not have their personal information protected; this information can include social security numbers, birth dates, and passport information. It is critical that students' sensitive information is protected regardless of what type of educational institution or career program they choose to enroll in.	<b>Favorable</b> Evaluated by: Tyler Anderson 210-382-4295 <a href="mailto:Tyler@Texaslsg.org">Tyler@Texaslsg.org</a>
<b>HB 2332</b> By: Thompson, Ed	Relating to the creation of the Brazoria County Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.	Special Purpose Districts	HB 2332 creates Brazoria County Management District No. 1 in an unincorporated area outside of the city of Alvin. The Management District will enhance economic opportunities in the area a supply recreational facilities. The implementation of a sales and use tax would be impose after voter approval. This bill lays out additional authorities, powers, taxes, and includes language for its dissolution. This bill does not create powers for eminent domain.	<b>Favorable</b> Evaluated by: Erin Eriksen 210-382-4295 <a href="mailto:Erin@Texaslsg.org">Erin@Texaslsg.org</a>
<b>HB 1669</b> By: King, Tracy	Relating to appeals and complaints arising from school laws brought by parents and public school students; authorizing the award of attorney's fees.	Public Education	This bill grants the commissioner of education the authority to consider an appeal brought against a district by a parent or student relating to a complaint about a student's participation in an extracurricular activity that does not involve the violation of a guaranteed parental right frivolous. HB 1669 also authorizes the commissioner to order the parent or student to pay the district's attorney's fees if and when the appeal of the complaint is found to be frivolous. This bill also clarifies that the board of trustees is not required to address a complaint concerning a student 's participation in an extracurricular activity that does not involve a violation of the student's or parent's rights.	<b>Favorable w/Amendments</b> Evaluated by: Arielle Day 225-588-1221 <a href="mailto:Arielle@Texaslsg.org">Arielle@Texaslsg.org</a>



			<p>The intent of HB 1669 is to prevent the abuse of a district’s grievance process by reserving academic complaints for the commissioner and complaints regarding extracurricular activities for the board of trustees. Certain appeals and complaints brought to the commissioner have no legal basis. These kinds of complaints drain the district’s resources because the district is required to investigate the grievance, hold a hearing, conduct a thorough and detailed investigation, respond to public information request, and obtain an intervention from the district’s legal counsel. However, interested parties contend that this bill could have the unintended effect of limiting a parent’s or student’s ability to advocate effectively.</p> <p>An amendment that reduces the bill to only having the effect of clarifying that the board of trustees is not required to address a complaint concerning a student’s participation in an extracurricular activity that does not involve a violation of the student’s or parent’s rights creates a more favorable solution.</p>	
<p><b>HB 2356</b> By: Cospers / Shine</p>	<p>Relating to the applicability of the law governing the provision of state aid to certain local governments disproportionately affected by the granting of ad valorem tax relief to disabled veterans.</p>	<p>Ways &amp; Means</p>	<p>This bill expands the range of municipalities that can qualify for reimbursement of lost property taxes resulting from an exemption for disabled military veterans. Currently, such reimbursement is only available to municipalities located in the same county as a military installation; HB 2356 includes adjacent counties as well. The process of receiving reimbursements is not automatic, as the municipalities must submit an application to the comptroller’s office demonstrating that they are disproportionately affected by the exemptions. The bill does not affect the property tax exemption for the veterans, only the ability of the local governments to seek relief from the state. This bill will mainly affect the region surrounding Fort Hood, home to one of the highest concentrations of veterans in the state.</p>	<p><b>Favorable</b> Evaluated by: Katherine Kirages 210-382-4295 <a href="mailto:Katherine@Texaslsg.org">Katherine@Texaslsg.org</a></p>
<p><b>HB 2750</b> By: Hinojosa, Gina / Lozano / Raney / Clardy</p>	<p>Relating to requiring a public employer to give notice to new employees of the ability of certain employees to participate in the Public Service Loan Forgiveness Program.</p>	<p>Government Transparency &amp; Operation</p>	<p>HB 2750 seeks to help inform new and existing state employees on a program that would help alleviate the crushing student loan debt many Texans live with every day. Nationwide, between only the third and fourth quarter of 2016, there was a \$31 billion increase in student loan debt, which now totals \$1.31 trillion. For the first time, ever student debt surpasses total national credit card debt. The average monthly student loan payment is currently \$351, which is a significant share of income for most public employees. On average, the debt per student in Texas is estimated at \$27,000. Once a student completes the program the amount of spendable income they would have to put back into the Texas economy is immeasurable.</p> <p>This bill requires state employers as defined by Sec.620.001 to inform employees of their ability to participate in the Public Service Loan Forgiveness program administered by the US Department of Education. The Public Service Loan Forgiveness Program rewards employees who work in the nonprofit or public sectors and make 120 on- time payments on their Federal Direct Loans by forgiving the remainder of their debt. There is no cost associated with the bill and has the potential to provide financial relief to state employees who qualify.</p>	<p><b>Favorable</b> Evaluated by: Ana Ramon 210-382-4295 <a href="mailto:Ana@Texaslsg.org">Ana@Texaslsg.org</a></p>
<p><b>HB 1571</b> By: Paddie</p>	<p>Relating to energy savings performance contracts.</p>	<p>Energy Resources</p>	<p>HB 1571 addresses infrastructure and maintenance needs pertaining to performance contracting, by expanding contracts to account for costs that are avoided from installing new equipment. Performance contracting is a voluntary contract between a governmental entity and a contractor that guarantees savings from energy, or water conservation that occurs as a result of upgrading the entities existing facilities. HB 1571 amends Education Code related applicable to public and higher education, and Government code by striking the current definition of energy savings performance contracts, and replacing that language with the definition of energy savings contracts from Section 302.001, Local Government Code to provide clarity and uniformity amongst the market places. The bill</p>	<p><b>Favorable</b> Evaluated by: Fabeain Barkwell 214-659-3072 <a href="mailto:Fabeain@Texaslsg.org">Fabeain@Texaslsg.org</a></p>



			permits the governing boards of public education, higher education, and state agencies to use any available money to pay the provider of the energy, or water conservation. The boards are not required to pay for these costs solely out of savings realized by their agency. HB 1571 amends the Local Government Code by requiring that avoided anticipated costs be included in baseline calculations and net operating costs. The bill also removes the restrictions that prevent the governing body of local government from using money borrowed from the state to pay energy and water conservation providers.	
<b>HB 2802</b> By: Larson	Relating to the review of river authorities by the Sunset Advisory Commission.	Natural Resources	HB 2802 repeals River Authorities from being reviewed through the sunset process. River Authorities already go through a management audit every 5 years and a financial audit each year. The cost of going through the Sunset Review can be up to 30% of their revenue. This bill would allow for the management and financial auditing already in place be the determining factor in their efficiency and eliminate duplicative review.	<b>Favorable</b> Evaluated by: Erin Eriksen 210-382-4295 <a href="mailto:Erin@Texaslsg.org">Erin@Texaslsg.org</a>
<b>HB 1735</b> By: Faircloth	Relating to the powers and duties of certain election officers.	Elections	HB 1735 allows for an election judge or election clerk to be removed, replaced, or reassigned who causes disruption or willfully disobeys provisions within the Election Code in accordance with their duties. An oral warning will be given, and the appropriate measures will be, as described by statute, taken to fill their replacement. Elections judges will be replaced through an Emergency Appointment and be affiliated with the same political party of the prior judge. An election clerk will be appointed by the presiding judge and if application will be of the same party affiliation. This bill also requires members of the Early Voting Ballot Board and Central Counting Station Officers to take an oral oath and will be issued identification prior to performing duties as an election officer.  This bill also sets forth a provision regarding the resolution of an incorrect ruling on a ballot by the early voting ballot board before the canvassing authority convenes through a petition to the district court to seek injunctive or other measure for remedy. Elections that are ordered by the governor or county judge the county clerk will confer and establish an agreement with each political party before submitting a petition.	<b>Favorable</b> Evaluated by: Erin Eriksen 210-382-4295 <a href="mailto:Erin@Texaslsg.org">Erin@Texaslsg.org</a>
<b>HB 239</b> By: Hernandez/ White	Relating to a report regarding the confinement of pregnant inmates by the Texas Department of Criminal Justice.	Corrections	HB 239 would require the Texas Department of Criminal Justice (TDCJ) to conduct and prepare a report on the treatment and confinement of pregnant inmates in both facilities operated by or under contract with TDCJ. Information included in the report must include: <ul style="list-style-type: none"> <li>• A description of TDCJ implementation of policies and procedures relating to providing adequate care to pregnant inmates while confined within the affiliated facilities, and any adopted policies regarding placement of inmates in administrative segregation (security detention, pre-hearing detention, protective custody, or temporary detention);</li> <li>• Data regarding health care provided to pregnant inmates, including availability of obstetrical or gynecological care, prenatal visits, mental health care, and drug abuse/chemical dependency treatment services;</li> <li>• A detailed summary of nutritional standards (including average caloric intake and other dietary information), work assignments, housing conditions, and situations in which pregnant inmates were restrained (including reasons the determination to use restraints was made), as applicable; and</li> <li>• The number of miscarriages between September 1, 2017 to September 1, 2018 while pregnant inmates were confined in a TDCJ-operated or contracted facility</li> </ul>	<b>Favorable</b> Evaluated by: Katherine Kirages 210-382-4295 <a href="mailto:Katherine@Texaslsg.org">Katherine@Texaslsg.org</a>



			<p>TDCJ must report the data findings to the Governor, Lieutenant Governor, Speaker of the House, and each standing committee of each chamber in the Legislature with primary jurisdiction over matters relating to corrections. The bill has an effective date of September 1, 2017 and expires February 1, 2019.</p> <p>In 2015, the 84h Legislature passed HB 1140 which required the Commission on Jail Standards to produce a similar report regarding the treatment and services available to pregnant inmates confined in county jails. HB 239 seeks to provide uniformity between county jails and TDCJ facilities for standard care for pregnant inmates. Recent data from TDCJ shows that the department has received 265 pregnant women: 80 women were released prior to giving birth and 39 women remain incarcerated and have yet to deliver, while 2 women experienced stillbirths. An estimated, 144 women in TDCJ-related facilities that gave birth through January 2017.</p>	
<p><b>HB 1156</b> By: Davis, Sarah / Minjarez / Laubenberg / Farrar / et al.</p>	<p>Relating to the unlawful restraint of a dog; creating an offense.</p>	<p>Public Health</p>	<p>Inhumane tethering practices can cause grave health consequences for dogs including embedded collars, choking, and even death. Law enforcement agencies and animal rights advocates assert that current statute related to unlawful restraint of a dog is ambiguous and unenforceable due to contradictory sections and vague definitions, allowing dog abusers to repeatedly offend. HB 1156 completely rewrites Subchapter E of the Health and Safety Code to ensure there are clear, enforceable laws related to unlawful tethering. It outlines clear definitions for adequate shelter, collar, harness, restraint, and proper fit to make the law easily interpretable for both dog-owners and law enforcement. Major provisions of the new code include:</p> <ul style="list-style-type: none"> <li>• Mandates that dogs have adequate shelter, shade from direct sunlight, and access to water when restrained</li> <li>• Bans the use of chains and other weighted restraints for tethering</li> <li>• Stipulates that items used for tethering must be five times the length of the dog or at least 10-feet and that the tether must be attached to a properly fitted collar or harness</li> <li>• Streamlines the enforcement process by removing the mandatory written warning 24-hour window (which allows offenders to rectify the violation, avoid a criminal penalty, and then repeatedly re-offend)</li> <li>• Creates offenses for tethering a dog in violation of this subchapter of a Class C misdemeanor (for first time offenses) or a Class B misdemeanor (for repeat offenses)</li> </ul> <p>To ensure that the law isn't overly punitive, the bill outlines certain exceptions including dogs restrained on public camping sites, dogs restrained for the use of shepherding or herding livestock, and dogs left in open-air truck beds for no longer than the time required for the owner to complete a temporary task. Additionally, the bill explicitly states that it does not preempt local tethering ordinances, should those ordinances meet the minimum requirements of the law.</p>	<p><b>Favorable</b> Evaluated by: Tyler Anderson 210-382-4295 <a href="mailto:Tyler@Texaslsg.org">Tyler@Texaslsg.org</a></p>
<p><b>HB 104</b> By: White</p>	<p>Relating to notification provided to certain victims of criminal offenses.</p>	<p>Corrections</p>	<p>HB 104 would create an optional notification procedure for victims of 3G felony offenses when a previously-incarcerated defendant is indicted of a subsequent offense of the same severity. 3G offenses are first-degree felonies that include capital murder, aggravated kidnapping, trafficking of persons, sexual assault, sexual performance of a child, drug offenses involving the use of a child in commission or taking place within 1,000 feet of a school, or offenses with affirmative finding regarding the use of a deadly weapon, and subsequently make the defendant ineligible for judge-ordered community supervision. The bill applies only to indicted defendants who have received a sentence for imprisonment at a facility operated by or under contract with the Texas Department of Criminal Justice (TDCJ) and were released (either on parole, to mandatory supervision, or following discharge of the sentence) as a result of a previous conviction of a 3G offense. The bill further requires the attorney representing the state in a criminal proceeding to notify an officer designated by TDCJ of the offense charged within 10 days after the new indictment.</p>	<p><b>Favorable</b> Evaluated by: Katherine Kirages 210-382-4295 <a href="mailto:Katherine@Texaslsg.org">Katherine@Texaslsg.org</a></p>



		<p>Should TDCJ receive notice of an indictment under this statute, the department must notify each victim, guardian of a victim, or close relative of a deceased victim of the previous crime of the new offense charged in the indictment, upon the victim or family's request. A victim, guardian, or relative opting into this procedure must provide their address to TDCJ for notification purposes. The board or the department must provide confidentiality to the victim or family member's personal information, unless those opting in approve TDCJ to disclose of their name or address or if a court determines there is good cause for the information and issues an order for disclosure.</p> <p>Provisions in the bill require TDCJ to adopt rules to implement this notification process by November 1, 2017. The provision requiring notification to TDCJ applies only to criminal cases in which the indictment is presented on or after December 1, 2017. HB 104 has an effective date of September 1, 2017.</p> <p>For some victims of traumatic violent crimes, comfort and reassurance is knowing that you no longer have to live in fear of the person that caused you such pain. TDCJ reports that for FY16 alone, approximately 200,000 cases were filed by indictment. Victims and families' lives are forever changed by a crime committed against them, and the knowledge that a defendant has committed additional offenses can provide peace of mind. HB 104 serves to provide transparency and accountability to these victims by creating an opt-in notification program.</p>	
--	--	---	--

