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LSG Floor Report For Postponed Business- Monday, May 1, 2017

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 3013 By: Martinez, "Mando" / Canales / Guillen	Relating to incentives to encourage landowners to destroy, remove, or treat citrus trees located in a pest management zone.	Agriculture & Livestock	<p>Allows for the continuation of agricultural land appraisals even when the land ceases to be used to the degree of intensity in agricultural use generally accepted in the area, when: the land is located in a pest management zone, meaning the citrus producers are participating in a citrus pest control program, and the appraisal basis is primarily for the production of citrus. Additionally, the owner of the land must have executed an agreement with the Texas Citrus Pest and Disease Management Corporation, the Commissioner of Agriculture and the USDA to destroy, remove or treat all the citrus trees located on the land that are or could become infected with pests. The owner must notify the chief appraiser of the agreement within 30 days.</p> <p>HB 3013 protects the Texas citrus industry that is valued over \$200 million per year and employs over 3,000 people, while simultaneously addressing the concern of abandoned citrus groves harboring pests and diseases. The industry is comprised of almost 27,000 acres and grows more than 9 million cartons of fresh oranges and grapefruits per year and another 5 million cartons of juice. Pest and disease outbreaks have cost growers millions of dollars as the care costs per acre have increased. Currently there is an estimated 800 acres of abandoned and untreated infected land. The bill offers a creative solution to combat the spread of this outbreak by giving citrus grove landowners a 5-year window to treat and replace the plants--if they choose--with the incentive of maintaining their agricultural valuation even after the trees are removed.</p>	Favorable Evaluated by: Serena Ahmed 210-382-4295 Serena@Texaslsg.org
HB 2387 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"> • By court order for good cause shown if the information is not available for another source; • With consent from the claimant or victim, or the person providing the information to the Attorney General; • To an employee or another person under the Attorney General's direction; • To another crime victims' compensation program; • 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; • As the Attorney General deems necessary, including presenting the information in court; or 	Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org

			<ul style="list-style-type: none"> In response to a subpoena issued in a criminal proceeding and requests an application for compensation. <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>	
<p>HB 1156 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"> Mandates that dogs have adequate shelter, shade from direct sunlight, and access to water when restrained Bans the use of chains and other weighted restraints for tethering 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 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) 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) <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>Favorable Evaluated by: Tyler Anderson 210-382-4295 Tyler@Texaslsg.org</p>

LSG Floor Report For General Calendar- Monday, May 1, 2017

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
<p>HB 12 By: Price / Murr / Moody /</p>	<p>Relating to individuals who are or may be persons with a mental illness or an intellectual disability and</p>	<p>Public Health</p>	<p>Sheriffs and police officers are often the first responders when helping people potentially needing mental health services. Due to this, numerous people with mental illnesses are being taken into the criminal justice system for safety reasons, and criminal offenses. An estimated 30% of inmates have one or more serious mental illnesses, equating to nearly 20,000 people in Texas county jails with serious mental illnesses. Additionally, lengthy waitlists delay transition into state hospitals and communities for immediate behavioral</p>	<p>Favorable Evaluated by: Fabeain Barkwell 210-382-4295</p>



<p>Coleman / White</p>	<p>who are or have been involved with the court system.</p>		<p>health services, resulting in county jails serving as a holding place for persons with mental illnesses. In 2016 Dallas County alone had 41 individuals waiting over 60 days for forensic beds, and an average wait time of 154 days for maximum security beds with some admissions waiting as long as 278 days. Because county jails are not equipped to effectively manage and treat people with mental illness, many defendants are not getting the full services they need resulting in a continuous revolving door in the criminal justice system for some of Texas’s most vulnerable citizens.</p> <p style="text-align: center;">Major Provisions of HB 12</p> <p>Art. 16.22 Early Identification of Defendant Suspected of Having Mental Illness or Intellectual Disability Implementation of screening protocol guidelines to improve coordination between the magistrate, law enforcement, and the defendant. After receiving information supporting the belief of mental illness or intellectual disability in a defendant, a sheriff or municipal jailer has four hours to provide written, or electronic notice of this information to the magistrate. The notice must contain a description of the defendant’s behavior before and after arrest. The magistrate must order a mental health authority, or intellectual disability authority to collect information to asses for a mental illness or intellectual disability. A written assessment of the agency’s findings must be given to the magistrate. If the defendant refuses to submit to the collection of information, HB 12 allows the magistrate to order the defendant to submit to examination in a jail, or other place deemed appropriate for up to 48 hours.</p> <p>Art. 46B.090 Jail-Based Competency Restoration Program Currently competency restoration services are received mostly by state hospitals, and local treatment programs. After a defendant gets restored to competency they must return to jail to await trial, often losing competency again. This necessitates a return to the state hospital, where there will likely be a wait in readmission because of waitlists at the hospitals. Per the bill, the Health and Human Services Commission (HHSC), may implement a jail-based competency program in any county. HB 12 will direct class B misdemeanants to competency restoration treatment in jail-based settings, outpatient programs if available, and use state hospitals as a last resort.</p> <p>Section. 531.0993. Grant Program to Reduce Recidivism, Arrest, and Incarceration Among Individuals with Mental Illness and to Reduce Wait Time for Forensic Commitment When an officer takes a defendant into custody, that is believed to have a mental illness, there is not current statutory structure to coordinate care for the defendant, HB 12 requires HHSC to establish a program that provides grants to county-based community collaboratives to reduce recidivism of persons with mental illness, and the total waiting time for forensic bed commitment. The collaborative after meeting criteria may petition for a grant, and must provide matching funds from non-state sources. The funds from this grant must be used for jail diversion programs, alternatives to competency restoration in state hospitals, behavioral health treatment, and other related issues.</p>	<p>Fabeain@Texaslsg.org</p>
<p>HB 912 By: Romero, Jr. / Springer / Frullo</p>	<p>Relating to the licensing and regulation of providers of driver and traffic safety education.</p>	<p>Homeland Security & Public Safety</p>	<p>This bill will expand the parent-taught driver’s education course for Class C license option to any adult that fits the following requirements: Has been designated (authorized) by a parent or legal guardian on a form prescribed by Texas Department of Licensing and Regulation (TDLR), is at least 25 years old+, does not charge a fee for the course, has a valid license which hasn’t been revoked for an offense that involves the operation of a motor vehicle in the past 3 years, has not been convicted of criminally negligent homicide, has not been convicted of driving while intoxicated in the past 7 years, and does not have 6 or more points assigned to the person’s driver’s license at the time the person begins conducting the course</p> <p>TDLR shall provide approval of a driver education course conducted by relative or any adult that fits the requirements mentioned above. The expansion of the parent-taught driver’s education course to other adults teaching minors will still require the minimum number of hours in classroom and behind-the-wheel instruction, which consists of:</p>	<p>Favorable Evaluated by: Andrea Elizondo 210-382-4295 Andrea@Texaslsg.org</p>



			<ul style="list-style-type: none"> • 7 hours of behind-the-wheel instruction in the presence of a person who holds a driver education instructor license or who meets the requirements for a driver education course conducted by a parent or other individual • 7 hours of observation instruction in the presence of a person who holds a driver education instructor license or who meets the requirements for a driver education course conducted by a parent or other individual • 30 hours of behind-the-wheel instruction, including at least 10 hours of instruction that takes place at night <p>TDLR shall provide driver education certificates or certificate numbers to each licensed or exempt driver education school and to each parent-taught course provider to enable them to issue department-approved driver education certificates that satisfies the requirements of driver’s education for minors. A certificate issued by a driver education school or parent-taught course provider approved must be in a form required by TDLR, and include an identifying certificate number that may be used to verify the authenticity of the certification. A driver education school, driver safety school, a course provider, and parent-taught course provider shall issue original and duplicate certificates to prevent the unauthorized production or the misuse of the certificates. An application to renew a driver education instructor or driving safety instructor license must include evidence of completion of continuing education. The bill eliminates current education code that states “and be postmarked at least 30 days before the expiration date of the license”.</p> <p>Additionally, a driver safety school may use multiple classroom locations to teach a driving safety course if each location is approved by TDLR thus giving more flexibility. The bill eliminated current Education Code that stated, “is approved by the parent school and the department, has the same name as the parent school, and has the same ownership as the parent school”. The bill also eliminated current Education Code that states “has owners and instructors who are of good reputation and character” for driver education school and course provider licensing requirements. Before a license may be issued to a course provider, the course provider must provide a corporate surety bond in the amount of \$10,000, instead of \$25,000.</p>	
<p>HB 1297 By: Frullo</p>	<p>Relating to a specialty certification for insurance agents who have completed certain training regarding self-insured health benefit plans.</p>	<p>Insurance</p>	<p>This bill amends the Insurance Code to establish a voluntary special certification program for those who have completed a self-insured health benefit plan training. To qualify for a specialty certification, the individual must:</p> <ul style="list-style-type: none"> • Hold a general life, accident, and health license • Satisfy stipulated requirements in the applicable subchapter • Submit evidence of training completion to the department <p>To maintain the certification, the individual must also continually hold a general life, accident, and health license. Any person seeking to obtain a specialty certification must complete a commissioner approved course in self-insured health benefit plans and passed an examination testing the individual’s knowledge and qualification. Individuals seeking a specialty certification may be exempt from the course and examination if they hold a designation as a Registered Health Underwriter (RHU), a Certified Employee Benefit Specialist (CEBS), or a Registered Employee Benefits Consultant (REBC). Continuing education hours must be completed during the two-year certification period in order to renew their specialty certification. This bill also stipulates that each hour of education completed to obtain or renew a specialty certification may be used to satisfy an hour of continuing education credit.</p> <p>This bill also adds that an individual with a specialty certification has the right to advertise. It also stipulates that the department will maintain and publish a list of individuals with these certifications, along with their business address, phone number, and description of their service area, on the department website. The commissioner may adopt all necessary rules to implement the newly required provisions. Some employers have considered implementing self-insured health benefit plans instead of fully-insured plans. These</p>	<p>Favorable Evaluated by: Elizabeth Hann 210-382-4295 Elizabeth@Texaslsg.org</p>



			<p>employers are concerned that various insurance agents may not be adequately informed about these plans to suitably educate employers about the important differences. This bill seeks to address this issue by implementing a voluntary specialty certification program for individuals who have completed training in accordance with the aforementioned provisions.</p>	
<p>HB 2561 By: Thompson, Senfronia</p>	<p>Relating to the continuation and functions of the Texas State Board of Pharmacy; authorizing a reduction in fees.</p>	<p>Public Health</p>	<p>CSHB 2561 is the Sunset bill for the Texas State Board of Pharmacy (TSPB), the entity responsible for regulating and licensing the practice of pharmacy in the state. In addition to extending the agency’s abolishment date to September 2029, the bill makes substantive changes to various sections of the Occupations code as it relates to the practice of pharmacy.</p> <p>Many of the bill’s provisions attempt to strengthen regulations on the prescribing of controlled substances including opioids, benzodiazepines, and barbiturates. Opioids abuse is on the rise; nationwide, 78 people die from opioid overdoses each day. Pharmacists and pharmacies have a direct impact on the supply-chain of opioids; while some are pumped into the market through other channels, many opioids that end up being abused are dispensed or stolen from pharmacies. CSHB 2561 builds on previous legislation in an attempt to control the supply-chain for opioids and curb drug abuse. The bill does this by:</p> <ul style="list-style-type: none"> • Requiring TSPB to identify prescribing practices that may be potentially harmful and patient prescription patterns that may indicate drug abuse • Requiring TSPB to determine what conduct constitutes harmful prescribing and develop indicators for levels of prescriber or patient activity that suggest drug abuse may be occurring • Allowing TSPB to send electronic notifications alerting dispensers and prescribers that are demonstrating potentially harmful prescribing patterns that they are in violation of the law • Requiring wholesale distributors to report controlled substance sales to TSPB, allowing for a clearer picture of the supply-chain for controlled substances, which will allow for trend identification and the development of substance distribution diversion initiatives • Requiring pharmacists to access patient information on the prescription monitoring program database before dispensing opioids, benzodiazepines, barbiturates, or carisoprodol <p>The bill also updates training requirements for members of the Pharmacy Board to ensure consistency and competency. Updated requirements include:</p> <ul style="list-style-type: none"> • Requiring the executive director of TSPB to create a training manual to be distributed annually to board members that includes information on laws governing the boards operations, the scope and limitations of its rulemaking authority, laws related to disclosing conflicts of interest, and programs, functions, and rules of the board • Requiring board members to sign and submit a statement acknowledging receipt of the manual • Requiring that the aforementioned signed statements be published on TSPB’s website <p>CSHB 2561 also makes changes to licensure renewal fees and continuing education requirements for pharmacy technicians. These provisions include:</p> <ul style="list-style-type: none"> • Updating continuing education requirements • Creating a late payment fee structure for expired license registration renewal fees. This fee structure mirrors that which is already in place for pharmacists, and encourages pharmacy technicians to renew their license registration without being overly punitive 	<p>Favorable Evaluated by: Tyler Anderson 210-382-4295 Tyler@Texaslsg.org</p>



			<ul style="list-style-type: none"> Stipulating that a pharmacy technician whose license registration has been expired for one year or more may not renew the registration and will be required to complete all procedures for initial license registration, including any examination requirements Requiring TSPB to adopt rules relating to continuing education for pharmacy technicians and outlining specifications for these rules <p>Additional provisions of the bill include mandating TSPB to develop a policy encouraging the use of negotiated rulemaking and alternative dispute resolution procedures to be modeled after guidelines issued by the State Office of Administrative Hearings. The board will be responsible for coordinating implementation of these policies and collecting data on the effectiveness of these procedures. Finally, the bill repeals language "of good moral character" as a licensure requirement for both pharmacists and pharmacy technicians due to its subjective and broad nature; in some cases this provision has been used to improperly deny individual's licensure. Behavioral and ethical requirements for both pharmacists and pharmacy technicians are sufficiently covered under Chapter 53 of the Occupations Code, therefore the easily used "good moral character" language is unnecessary.</p>	
<p>HB 2895 By: Price / Turner / Clardy / Moody / Burkett</p>	<p>Relating to the requirement that certain public institutions of higher education post mental health resources on the institution's Internet website.</p>	<p>Public Health</p>	<p>Mental health issues are extremely prevalent among young adults; studies show that 25% of adults between ages 18-24 have a diagnosable mental illness. Being a college student can further exacerbate mental health conditions, as 40% of college students report experiencing extreme levels of stress frequently. To address this issue, the 84th Legislature passed HB 197 requiring public higher education institutions to post mental health resources to their website. During the interim, the Select Committee on Mental Health discovered that 54 of 129 public higher education institutions subject to this bill have failed to comply with its requirements.</p> <p>HB 2895 seeks to encourage timely compliance to ensure that students at these institutions know where to seek mental health resources. The bill adds a requirement that higher education institutions maintain a conspicuous link on the homepage of their website that links to their mental health resource webpage, ensuring that students don't have to go digging for the information. Additionally, it institutes an annual reporting requirement for an institution's president or president's designee to certify compliance to the Texas Higher Education Coordinating Board. These common-sense changes will ensure that students have quick access to reliable, vital resources when they are experiencing mental health crises.</p>	<p>Favorable Evaluated by: Tyler Anderson 210-382-4295 Tyler@Texaslsg.org</p>
<p>HB 683 By: Wu / Phillips / Herrero / King, Phil / Hinojosa, Gina</p>	<p>Relating to the prosecution of the offense of possession or use of law enforcement identification, insignia, or vehicles in a municipality and the clarification of the offenses of false identification as a peace officer and misrepresentation of property.</p>	<p>Homeland Security & Public Safety</p>	<p>This legislation seeks to address the use of an insignia associated with law enforcement by private security officers who does not hold the same privileges or powers of law enforcement. This bill clarifies the applicability of certain offenses relating to false identification as a peace officer and misrepresentation of property. HB 683 revises the applicability of an offense relating to possession or use of law enforcement identification, insignia, or vehicles. This bill will make sure any individual that seeks to misrepresent a law enforcement officer will have criminal consequences in doing so and deter bad actors from misrepresenting law enforcement.</p> <p>The bill would amend the Local Government Code and Penal Code by allowing municipalities to charge a person with a Class B misdemeanor if the person uses, possess, wears, or operates false identification as a peace officer or misrepresentation of property including a vehicle. An item bearing an insignia of a law enforcement agency includes an item that contains the word "police," "sheriff," "constable," "trooper," "ranger," "agent," or any other designation commonly used by law enforcement agencies in this state. Current statute only includes municipalities that have a population 1.18 million or more located primarily in a county with a population of 2 million or more to charge a person a person with a Class B misdemeanor for the crime mentioned previously. Additionally, current statute, didn't include vehicle as a method of misrepresenting law enforcement.</p>	<p>Favorable Evaluated by: Andrea Elizondo 210-382-4295 Andrea@Texaslsg.org</p>



			A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.	
HB 1504 By: Allen	Relating to a community supervision and corrections department policy regarding supervision officer meetings and visits.	Corrections	<p>HB 1504 requires a community supervision and corrections department to adopt a new policy for scheduling meetings or visits with an individual currently on parole and supervised by the department. The bill requires a department to adopt a policy that is cognizant and considerate of the person’s work, treatment, or community service schedule as applicable. Each community supervision and corrections department in Texas must adopt the policy by January 1, 2018.</p> <p>The Texas Department of Criminal Justice (TDCJ) works with 123 community supervision and corrections departments across Texas, in which each of those systems are overseen by the district judge. Therefore, each individual system has individualized policies regarding the scheduling of meetings for community supervision. For individuals placed on community supervision, one of the most impactful factors in the success of their treatment and rehabilitation process is accommodation. Previous defendants trying to actively work towards creating a positive change in their lives by maintaining employment or continuing their education can face unexpected obstacles in completing community supervision requirements when they face difficulty reporting for mandatory meetings with their parole officer, such as scheduled reporting times midday or after business hours. Asking parolees about their schedule preferences and allowing parole officers flexibility will ensure our criminal justice system does not continue to place undue burdens on persons trying to succeed in life.</p>	Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org
HB 1442 By: Wu / Thompson, Senfronia / Moody / Phillips	Relating to the release of certain defendants pending a motion for new trial or an appeal from a misdemeanor conviction.	Criminal Jurisprudence	Currently, a defendant filing an appeal while still in jail will remain there until they pay the bail bond. HB 1442 would allow defendants, pending the determination of a filed motion for a new trial or appeal for a misdemeanor conviction, to be released upon completion of their jail sentence on a personal bond. The bill specifies that when a defendant completes their sentence, the trial court cannot require any conditions of the personal bond or another type of monetary bail bond or security. There is no fiscal note attached, but HB 1442 has the possibility of saving counties money as they will not be spending any money holding defendants after they have completed a jail sentence.	Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org
HB 2180 By: Flynn / VanDeaver	Relating to the Sulphur River Basin Authority, following recommendations of the Sunset Advisory Commission.	Natural Resources	HB 2180 seeks to codify the changes put forth by the Sunset Advisory Commission for the Sulphur River Basin Authority. This bill updates the sunset review date to 2029 and decreases the purview of the authority to be more focused on water issues and less on recreation and forestry. The board is increased from six to seven members and stipulates that one be an at large member and that each member resides in the district they represent. The governor will appoint one member as the presiding officer. Each member will go through a training regarding authority, programs, functions and rules of the board. Policies will be developed by the board on the rules of the board and the executive director. HB 2180 also includes new policies for water development involving permits which must be advised on by the judge of the county. The changes are important to the overall viability for the Sulphur River Basin Authority.	Favorable Evaluated by: Erin Eriksen 210-382-4295 Erin@Texaslsg.org
HB 1724 By: Guillen	Relating to the establishment of the commercial license buyback account managed by the Parks and Wildlife Department.	Culture, Recreation & Tourism	Creates one unified commercial license buyback account to replace the separate license buyback programs for the shrimp licenses, finfish, and commercial crab licenses. These buyback programs were established around 1995 and are voluntary programs that offer the opportunity for participants in these fishing industries to sell their licenses. Reducing the number of working licenses results in healthier and more productive ecosystems. HB 1724 simply unifies these separate license buyback programs into one account, and clarifies that their funding can only be used to buy back commercial licenses from willing license holders.	Favorable Evaluated by: Serena Ahmed 210-382-4295 Serena@Texaslsg.org



<p>HB 1787 By: Wray</p>	<p>Relating to the execution of a declaration for mental health treatment.</p>	<p>Public Health</p>	<p>HB 1787 adds acknowledgement before a notary public to the list of legal methods for execution of a declaration for mental health treatment form. The form, which is regularly completed as part of an individual’s estate planning package, allows an individual to make important advance decisions about mental health treatment they may need in the future. Adding the notary public option aligns the declaration for mental health treatment form with other legal documents completed as part of an estate planning package. The bill does not mandate utilization of the notary option, but rather expands methods by which the form may be legally executed.</p>	<p>Favorable Evaluated by: Tyler Anderson 210-382-4295 Tyler@Texaslsg.org</p>
<p>HB 3193 By: Alvarado</p>	<p>Relating to the relationship between public employers and fire and police employees.</p>	<p>Urban Affairs</p>	<p>This bill amends the Local Government Code section that dictates the how local governments can evaluate the compensation for firefighters and police officers. Since 1973 statute has stated that compensation to be as much as those in private sectors that have similar duties. Currently there are not private sector trades equivalent to firefighters and police officers. HB 3139 would allow for municipalities to set salaries that are comparable to other fire and police departments. On average firefighters work roughly 800 more hours than most workers in the private sector. Overtime for first responders does not usually start calculating until 53 hours into their work week. This bill is essentially updating decades old legislation to fit the needs to current fire and police departments to allow cities to provide them compensation equivalent with those doing the same job elsewhere.</p>	<p>Favorable Evaluated by: Kylie McNaught 210-382-4295 Kylie@Texaslsg.org</p>
<p>HB 1920 By: Flynn</p>	<p>Relating to the Palo Duro River Authority, following recommendations of the Sunset Advisory Commission.</p>	<p>Natural Resources</p>	<p>HB 1920 codifies the changes put forth by the Sunset Advisory Commission. Changes were made to classify the river authority as a water district. The district is not allowed to build a dam, for the purposes of impounding water. The district will be overseen by a board, who will serve a staggered two-year term. Four directors shall be appointed by the commissioner’s court of each county contained in the district except for Hutchinson County and one member from the city of Stinnett. The board by resolution may increase fees for each meeting attended. Board members are required to attend training and will not have voting power until the training is completed. The board will need come up with strategies to strengthen the public's ability to attend meetings. Municipalities may withdraw from the district and also rules are set forth in the bill to give the district the ability of dissolution. Board members will disclose conflicts of interest and the bill also lays out groundwork for addressing complaints against a member of the board. Policies will also be created to distinguish responsibilities of the board and the staff for the district. The bill also removes imprisonment for breach of any regulation of the district.</p> <p>The district may also: generate and sell electric energy by means of renewable energy resources, lease hunting rights within the district, develop manage and lease property for recreational purposes.</p>	<p>Favorable Evaluated by: Erin Eriksen 210-382-4295 Erin@Texaslsg.org</p>
<p>HB 34 By: Smithee</p>	<p>Relating to measures to prevent wrongful convictions.</p>	<p>Criminal Jurisprudence</p>	<p>The average number of death row exonerations in Texas from 2011-2015 is 22. Not only are wrongful convictions devastating and traumatic for those individuals placed on death row and for their families, but they are also costly for the state: Recent data shows Texas paying the most in the US at \$80,000 for each year served in compensation of those wrongfully incarcerated, \$30,000 more than the federal level of compensation. HB 34 seeks to address this issue of wrongful convictions by adding provisions related to the following areas:</p> <ul style="list-style-type: none"> • Minimum standards of electronic recording for custodial interrogations, • Policies on tracking and disclosing of the use of testimony from informants who are imprisoned in the same correctional facility as the defendant, for use by the defense lawyer, • Developing and implementing training for eyewitness identification techniques through the use of evidence-based practices for photographic and live lineups by January 1, 2018, and 	<p>Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org</p>



			<ul style="list-style-type: none"> Studies conducted by the Texas Forensic Science Commission regarding law enforcement use of drug field test kits and how crime scene investigations are conducted, and reporting the findings to the governor, lieutenant governor, and the legislature by December 1, 2018. <p>These provisions will serve to help both those wrongfully convicted and law enforcement officers, as well as attorneys. Specifically relating to informants imprisoned with the defendant, the defendant and defense attorney will be able to establish an informant’s credibility regarding the frequency in which they have given testimony and any plea bargains or offers of immunity from the prosecution in exchange for the testimony. Notable measures in the bill provide that a statement of an accused is not admissible without an electronic recording, except in the case that the attorney introducing the statement shows “good cause” for the lack of recording, including some of the following exemptions:</p> <ul style="list-style-type: none"> The accused refused to cooperate or respond to questioning, and a contemporaneous recording of the refusal was made or the accused was unwilling to have the refusal recorded and the officer subsequently documented the refusal; The statement made was not exclusively the result of a custodial interrogation, including spontaneous statements not in response to an officer’s question; or The officer attempted in good faith to record the interrogation but the equipment malfunctioned or stopped operating without the officer’s knowledge. <p>The provisions in HB 34 intended to prevent wrongful convictions are based on recommendations from the Timothy Cole Exoneration Review Commission from the 84th Legislature. 68% of law enforcement agencies in Texas are currently implementing electronic recording of custodial interrogations for felonies, and the addition of provisions in the bill will provide best policy practices and uniformity throughout the state. The provisions in HB 34 apply to actions, including the commission of the offense, on or after the effective date of September 1, 2017.</p>	
HB 61 By: Guillen	Relating to consideration under the public school accountability system of performance on assessment instruments by certain students formerly receiving special education services.	Public Education	Under the current public school accountability system, districts are not rewarded or recognized for the academic achievements of students who exit a special education program. HB 61 addresses this issue by establishing a new achievement indicator and an academic distinction for schools with successful special education programs. For grades 3 through 8, this bill would include the percentage of students who were formally enrolled in a special education program and performed satisfactorily on standard assessments after being dismissed from special education as an indicator of achievement within the school accountability system. Effectively, this would create a method that allows the state to recognize positive outcomes for special education students, and it would give districts an incentive to encourage special education students to advance. HB 61 also updates the statute to reflect compliance with the Every Student Succeeds Act.	Favorable Evaluated by: Arielle Day 210-382-4295 Arielle@Texaslsg.org
HB 3226 By: Phillips	Relating to the creation of a temporary health insurance risk pool.	Insurance	This bill allows for the commissioner to apply for federal funding and use those funds to establish a temporary health insurance risk pool in Texas. According to the bill, the purpose of this type of pool is to maximize the available federal funding to aid state residents in obtaining access to quality health care at minimal cost. It specifically lays out that this newly created pool may not be used to expand Medicaid, Medical Assistance Programs, or the Medicaid Managed Care Program.	Will of the House w/Concerns Evaluated by: Elizabeth Hann 210-382-4295 Elizabeth@Texaslsg.org
			The commissioner may use these pool funds to:	
			<ul style="list-style-type: none"> provide alternative individual health insurance coverage to individuals that does not diminish the availability of traditional commercial health care coverage 	



			<ul style="list-style-type: none"> • provide funding to individual health benefit plan issuers that cover individuals with certain health or cost characteristics in exchange for lower enrollee premium rates • provide a reinsurance program for health benefit plan insurers in the individual market in exchange for lower enrollee premium rates <p>The commissioner may also engage in a stop-loss insurance agreements for risks incurred. It also requires the commissioner to transfer money from the healthy Texas small employer premium stabilization fund to the TDI operating account in an amount equal to the amount appropriated to TDI from that fund. The commissioner may not use state money to fund the pool unless they are specifically appropriated for that purpose and may use federal funds to administer the aforementioned provisions. Funds may also be used by the commissioner for marketing purposes.</p> <p>The bill authorizes the commissioner to apply to the United States secretary of health and human services for a waiver of applicable provisions of the Patient Protection and Affordable Care Act and any applicable regulations with respect to health insurance coverage in Texas. The commissioner may take any action the commissioner considers appropriate to make such an application. It authorizes the commissioner to implement a state plan under requirements of a waiver granted as consistent with state and federal law.</p> <p>It gives the commissioner the ability to exercise any authority granted under state law to a reinsurer or a health benefit plan issuer authorized to write health benefit plans in Texas. The bill requires TDI to submit a report that summarizes the activities conducted under this bill. It also mandates the commissioner to transfer any money remaining outside the state treasury in the Texas Treasury Safekeeping Trust Company account to the healthy Texas small employer premium stabilization fund on the bill's effective date.</p> <p>HB 3226 will create authority for a temporary health insurance pool in Texas if funding is provided to the state for risk pools or reinsurance by the federal government in an attempt to stabilize the individual markets. In this case, if the federal government passes reforms, the state would then be able to utilize a state reinsurance funds or risk pool to reduce premiums. This would permit TDI to apply for an ACA State Innovation Waiver which uses alarmingly broad language. Due to the broad authority of the waiver, there is concern that the implementation of this waiver would allow the Governor to remove additional provisions not related to the health insurance pool. Under this broad authority, if Texas tried to waive the individual mandates without a strong replacement, our market would further destabilize.</p> <p>In its essence, insurance spreads the cost of the few ill individuals over the pool of primarily healthy individuals. High risk pools only cover the sick. The only reasonable way to ensure affordable coverage is to guarantee that high-risk pools would have extensive funding which is something Congress may be disinclined to offer. Texas also has a bad history with risk pools. These high-risk pools that Texas used to have are known for their exorbitant premiums, low enrollment, high deductibles, lifetime limits, and pre-existing condition waiting periods. In 2013, this Texas high-risk pool only covered about 23,000 people and a majority of the pool participants paid premiums were double the cost of typical market rates.</p>	
<p>HB 16 By: Lozano / Canales / Zerwas /</p>	<p>Relating to sexual harassment, sexual assault, dating violence, and stalking at public and private</p>	<p>Higher Education</p>	<p>The incidence of campus sexual assaults is a rising epidemic that is impacting institutions of higher learning across the state. The University of Texas Austin conducted an empirical investigation into the prevalence and perceptions of sexual harassment, stalking, dating and domestic abuse and violence, and unwanted sexual contact of all UT Academic Institutions. For these thirteen institutions alone, it was discovered that 59% of victims were female, 25% of students reported having experienced student-perpetrated sexual</p>	<p>Favorable Evaluated by: Fabeain Barkwell 210-382-4295</p>



<p>Howard / Davis, Sarah</p>	<p>postsecondary educational institutions</p>		<p>harassment, 13% of female undergraduate students and 11% of students overall reported stalking victimization, 12% of students reported experiencing unwanted sexual touching, and 6% of students reported experiencing rape since enrolling at a UT academic institution. Additionally, victims of sexual assault are often revictimized leading to sexual violence cases often being underreported causing statistics on the frequency of sexual violence on campuses to be vastly higher. Failing to address the occurrence of campus sexual assault could lead to a myriad of consequences on both systemic and individual levels. Risks to overall health and well-being like sexually transmitted infections, increased emotional distress, depression, PTSD, and social isolation are consequences victims face. HB 16 amends the education code by creating provisions that will address issues of sexual violence, and establish a safer environment for students free from the danger of sexual violence.</p> <p>HB 16 mandates that every higher education institution must adopt a policy that targets sexual harassment, assault, stalking, and dating violence. The policy must include a description of prohibited behaviors, sanctions, protocols for reporting, measures that protect victims from retaliation, and a statement detailing the importance of going to the hospital post sexual assault and notifying law enforcement. The policy must be available to faculty, staff, and students through a handbook, and a website solely for the policy. Each institution must also develop a prevention and outreach program. The policy must be reviewed each biennium and revised as necessary. Each institution must establish an online reporting system through which anyone affiliated with the institution may report an allegation anonymously. Victims of sexual assault can request an institution not investigate their incident. However, the institution has authority to decide based on severity of the allegation, and protection of the community to pursue the investigation. HB 16 states that if a student attempts to withdraw, or graduate during an investigation the institution may not issue a transcript, or end the disciplinary process until the investigation is over. Institutions however, must expedite the disciplinary process to accommodate a speedy resolution for the student. Upon request by another institution, the current institution must provide information relating to the determination of the case. To establish effective communication and management of allegations for sexual violence, an institution must enter a memorandum of understanding with one or more of law enforcement, advocacy programs, or hospitals and resource providers. Educational institutions must annually submit a report to their governing board detailing any reports of the aforementioned issues, and may not identify any person related to the incident. Per HB 16, if any public institution is found out of compliance with this bill's provisions, the coordinating board may reduce their allocation of state funds. If a private institution is found noncompliant the, the coordinating board may assess a penalty no larger than 2 million dollars, or declare students at the institution ineligible for Texas Equalization Grants.</p> <p>Concerns: HB 16 establishes guidelines that will positively help reduce the occurrence of sexual assault related incidents. However, removing grant funds for students based on the university's responsibility could be harmful to students pursuing their education. If a university is found noncompliant it should be their obligation solely to be reprimanded not students who are uninvolved.</p>	<p>Fabeain@Texaslsg.org</p>
<p>HB 2669 By: Shine</p>	<p>Relating to remedies in certain taxpayer suits against the state.</p>	<p>Ways & Means</p>	<p>HB 2669 creates a new section within the code that would prohibit a court from awarding attorney's fees in taxpayer suits against a state, state agency, state officer, or employee for cases involving applicability, assessment, collection, constitutionality, or amount of fees collected or imposed that are collected by the state or local comptrollers. In addition, this bill repeals section 112.108 of the Tax Code, which the courts have deemed as unconstitutional.</p>	<p>Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org</p>



<p>HB 2671 By: Dean / Price / Clardy / Moody / Oliverson / et al.</p>	<p>Relating to the placement of certain substances in Penalty Groups 1 and 3 of the Texas Controlled Substances Act for the purposes of prosecution of criminal offenses involving those substances.</p>	<p>Criminal Jurisprudence</p>	<p>HB 2671 updates the Texas Controlled Substances Act of Penalty Groups 1 and 3 with the following drugs:</p> <p>Penalty Group 1: phenazepam, U-47700, AH-7921 Penalty Group 3: carisoprodol, etizolam, tramadol</p> <p>This updated list includes drugs that have become increasing popular for recreational use and some are synthetic “alternatives” to already illegal substances.</p>	<p>Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org</p>
<p>HB 3016 By: Thompson, Senfronia / Alonzo / Workman</p>	<p>Relating to the eligibility of a criminal defendant for an order of nondisclosure of criminal history record information.</p>	<p>Criminal Jurisprudence</p>	<p>HB 3016 extends eligibility for certain defendants filing an order of nondisclosure of personal history record information for an offense committed before, on, or after September 1, 2017. The individuals impacted by this expanded eligibility include:</p> <ul style="list-style-type: none"> • Persons convicted of a state jail felony for possession of certain controlled substances (Penalty Groups 1, 1-A, 2, 2-A, and marihuana), • Persons convicted of a first-time DWI offense, as well as first-time DWI offenses charged as a Class B misdemeanor, except in the case that the motor vehicle accident involved another person, including a passenger in the defendant’s vehicle, and • Those individuals placed on community supervision and have not been previously convicted of or placed on deferred adjudication community supervision for an offense other than a fine-only traffic violation. <p>These individuals can petition a court for an order of nondisclosure following successful completion of a confinement sentence, provisions of community supervision, and payment of all fines, costs, and restitution imposed. In the order of nondisclosure, a judge must include evidence that the person is entitled to file the petition; the judge is then required to issue an order prohibiting criminal justice agencies from disclosing any criminal history record information related to the offense resulting in community supervision after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition. HB 3016 requires judges to file a statement of affirmative finding in a defendant’s case file if they determine it is not in the best interest of justice for the defendant to receive an automatic order of nondisclosure. Added provisions outlined in the bill would allow criminal justice agencies to disclose criminal history record information within an order of nondisclosure only for the purpose of complying with federal law requirements or if a federal law requires the disclosure as a condition of receiving federal highway funds.</p> <p>Through these added expansions, people with a criminal record history can be able to successfully move forward with their lives without the cursory stigma associated with their past. HB 3016 would incentivize good behavior for those placed on community supervision and allow judges to utilize discretion for each case when determining whether granting a nondisclosure order would be in the best interest of justice for the defendant. In this way, people will have an easier avenue to reintegrate into society.</p>	<p>Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org</p>
<p>HB 3024 By: Price</p>	<p>Relating to the removal of a public school student from an interscholastic athletic activity on the basis of a suspected concussion.</p>	<p>Public Education</p>	<p>Under current statute, if a coach, physician, or licensed health care professional believes a student might have sustained a concussion during practice or competition, the student must be removed from playing. This bill seeks to improve the health and safety of student-athletes by adding licensed chiropractors to that list of people.</p>	<p>Favorable Evaluated by: Arielle Day 210-382-4295 Arielle@Texaslsg.org</p>



<p>HB 4280 By: Lambert</p>	<p>Relating to the 32nd Judicial District Juvenile Board.</p>	<p>Corrections</p>	<p>HB 4260 amends the Human Resources Code for Fisher, Mitchell, and Nolan counties to be under the 32nd Judicial District Juvenile Board for the purposes of efficient and effective board processes as other multi-county boards have done.</p> <p>The bill stipulates that the board must be composed of county judge, statutory county judges, and district judges of the three counties, with one member being elected as chair. A treasurer or auditor must be designated. The county commissioners court may compensate the board members. There are to be regularly scheduled meetings or emergency meetings at the request of the chair. An advisory committee will also be appointed comprised of one member from each county.</p>	<p>Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org</p>
<p>HB 3987 By: Larson/ Workman</p>	<p>Relating to the authority of the Texas Water Development Board to use the state participation account of the water development fund to provide financial assistance for the development of certain facilities.</p>	<p>Natural Resources</p>	<p>HB 3987 amends the Water Code for the creation of the Texas State Water Investment Fund Act from money within the Texas Water Development Fund II (No. 371) for desalination and aquifer storage and recovery projects(ASR). Any projects funded under this account must be added into the State Water Plan, and if not then the facility or project would be ineligible for funding. The Texas Water Development Board (TWDB) may contract with a person, a public or private business, city, state, the federal government, or another country as permitted by law. The TWDB will create a priority system of different facilities around the state to receive financial assistance. The board may not issue more than \$200 million for financial assistance bonds. The comptroller must establish a subaccount for fund 371. Funds under this sub account for use by the TWDB will not be allowed if at least one project has not been funded by September 1st, 2022. All permits must be acquired prior to money being received.</p> <p>A provision within current law was removed that requires the TWDB to affirm that the cost of the construction or reconstruction of a facility exceeds the local area’s ability to finance. And while it’s fair for the fund to focus on desalination and ASR projects undue priority might be awarded as a result of the broadening of language.</p>	<p>Will of the House Evaluated by: Erin Eriksen 210-382-4295 Erin@Texaslsg.org</p>
<p>HB 3803 By: Faircloth</p>	<p>Relating to certain authorized investments for domestic life, health, and accident insurers.</p>	<p>Insurance</p>	<p>This bill expands the range of authorized investments available to insurance companies to include real estate that has a current lien against it. This authorization is limited to investments where the principal could be paid off in the event that the lease is terminated early, with exceptions for investments that constitute less than 75% of the total lease obligation and for situations where the lessee can purchase the property before the lease is up for less than 10% of the outside investment in the lien. Property insurance is required unless the tenant or lessee is contractually obligated to cover the cost of repairs as part of their original agreement. HB 3803 brings the Texas statutes on this issue in line with other states to provide insurance companies a greater range of potential investments for their portfolios.</p>	<p>Favorable Evaluated by: Elizabeth Hann 210-382-4295 Elizabeth@Texaslsg.org</p>
<p>HB 3329 By: Paddie</p>	<p>Relating to regulation of electricians by local governments.</p>	<p>Licensing & Administrative Procedures</p>	<p>Currently, electricians are required to pay a state licensing fee to the Texas Department of Licensing and Regulation as well as a fee to register their license in the municipality they’re working in. This bill prohibits a municipality from collecting a permit fee, registration fee, or administrative fee from a state-licensed electrician for work performed in the municipality. Effectively, this bill eliminates fee redundancies that create a financial burden on electricians. HB 3329 does not prohibit a municipality from collecting a building permit fee.</p>	<p>Favorable Evaluated by: Arielle Day 210-382-4295 Arielle@Texaslsg.org</p>
<p>HB 2783 By: Smithee</p>	<p>Relating to the assessment of litigation costs and attorney fees in certain lawsuits under the public information law.</p>	<p>Judiciary & Civil Jurisprudence</p>	<p>In specific civil lawsuits under the Public Information Act, such as suit for writ of mandamus, HB 2783 allows the courts to assess litigation costs and reasonable attorney fees incurred by a plaintiff by whom a governmental entity has voluntarily released the requested information in answer to the suit. Currently, when a member of the public files a Texas Public Information request of a governmental body, but the governmental entity refuses to comply, the member of the public may file a lawsuit against the governmental entity. Sometimes the governmental entity may voluntarily turn over the requested information on the eve of the</p>	<p>Favorable Evaluated by: Serena Ahmed 210-382-4295 Serena@Texalsg.org</p>



			lawsuit which avoids the actual trial; however, at this point, the member of the public has incurred incredibly expensive attorney's fees. The code does not permit the court to assess these litigation costs and fees incurred by the plaintiff since it never reached trial. HB 2783 simply clarifies that the court may assess such costs. This can help deter governmental entities from waiting to voluntarily release this information on the eve of the suit. Currently, the public may not want to file a lawsuit for information that they allege a right to receive because of the amount of costs associated, and thus this aids in greater efforts towards government transparency.	
HB 2848 By: Burkett / Bonnen, Greg	Relating to consultations with contracted physician networks and physician systems during certain investigations of child abuse and neglect.	Juvenile Justice & Family Issues	Certain medical conditions produce symptoms that might wrongfully lead a physician to believe that a child has been abused or neglected. The intent of this bill is to improve upon existing networks in order to prevent wrongful child abuse allegations. HB 2848 requires that any agreement between the Department of Family and Protective Services (DFPS) and the Forensic Assessment Center Network (FACN) or the Texas Medical Child Abuse Resources and Education System (MEDCARES) must require FACN and MEDCARES to have the ability to obtain consultations with physicians who specialize in identifying unique health conditions, including certain metabolic bone diseases and connective tissue disorders. The bill also requires FACN and MEDCARES to use a peer review process to resolve cases where the physicians disagree about the cause of the child's injury or the presence of certain medical conditions. HB 2848 raises awareness of certain metabolic bone diseases and connective tissue disorders to prevent the removal of a child from a safe home due to an inaccurate abuse diagnosis.	Favorable Evaluated by: Arielle Day 210-382-4295 Arielle@Texaslsg.org
HB 2351 By: Nevarez	Relating to the investigation of fire fighters employed by certain municipalities and districts.	Urban Affairs	HB 2351 adds statute to the Local Government Code that places rights for firefighters being interrogated for allegations of misconduct. Currently there are no laws in place to protect fire fighters when conducting said investigation. Firefighters who have received allegations of misconduct can be subject to threats of punitive actions, be suspended for time without pay and may have to used their free time during the investigation. In 2013, the Texas Supreme Court found that firefighters do not have the right to a union rep during an interrogation. This bill lists out implements rights given to firefighters, such as interrogations must take place during their paid hours that there shall be no threats of punitive action during said interrogation. This also states that municipalities or emergency services districts can take out punitive action without conducting an interrogation. This bill simply provides these first responders the right to protect themselves like many employees in the public and private sector when being faced with any allegation of misconduct against them.	Favorable Evaluated by: Kylie McNaught 210-382-4295 Kylie@Texaslsg.org

