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LSG Floor Report For Postponed Business- Sunday, May 21, 2017

<p>SB 1893 By: Birdwell / et al. SP: Smithee</p>	<p>Relating to the administrative judicial regions in this state.</p>	<p>Judiciary & Civil Jurisprudence</p>	<p>SB 1893 amends the Court Administration Act for the purposes of reworking current administrative judicial regions, and amends Chapter 71, Government Code, to require the Texas Judicial Council to collect certain judicial statistics. There are currently nine administrative judicial regions. One presiding judge is appointed by the governor for each region with the responsibility of administration of justice in trial courts in their region. Their duties include: assigning temporary judges to courts as needed, appointing and overseeing the child protection and child support courts, hearing recusal motions filed on the trial courts, reviewing appeals from the denial of public information requests within the judicial branch, and reviewing appeals from the Judicial Branch Certification Commission. These regional presiding judge’s workloads have increased overtime, in particular the first and second administrative judicial regions. Additionally, the current boundaries of these regions have caused several district courts to be split across two regions. This has caused the district judges of such courts to work with two regional presiding judges.</p> <p>Due to these workload concerns, and confusion within the judicial administration boundary structure, SB 1893 reworks the current boundaries to address these issues. The bill creates two new administrative judicial regions, and transfer some counties from the first and second administrative judicial regions to the newly created tenth and eleventh regions.</p> <p>SB 1893 also requires the Texas Judicial Council to collect judicial statistics and other pertinent information that is in relation to the amount and character of any business transacted by the presiding judge of each administrative judicial region. These presiding judges must report any of this information monthly. These efforts are a creative tool for policymakers to measure efficiency, and increase transparency.</p>	<p>Favorable Evaluated by: Serena Ahmed 210-382-4295 Serena@Texaslsg.org</p>
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LSG Floor Report For Major State Calendar- Sunday, May 21, 2017

<p>SB 317 By: Nichols / et al. SP: Burkett / Flynn / Thompson, Senfronia</p>	<p>Relating to the continuation and functions of the Executive Council of Physical Therapy and Occupational Therapy Examiners, the Texas Board of Physical Therapy Examiners, and the Texas Board of</p>	<p>Public Health</p>	<p>SB 317 is the Sunset bill for the Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOT), the Texas Board of Physical Therapy Examiners (TSBPTE), and the Texas Board of Occupational Therapy Examiners (TSBOTE). Collaboratively, these entities are responsible for the regulation and licensure of the practices of physical therapy and occupational therapy in Texas. In addition to extending the entities’ abolishment dates to September 2029, the bill makes substantive changes to various sections of the Occupations code as it relates to the practices of physical therapy and occupational therapy. Primary provisions of the bill include:</p> <ul style="list-style-type: none"> • Updates eligibility and training requirements for serving on ECPTOT, TSBPTE, and TSBOTE - the bill outlines the training requirements in detail, including the timeline within which board members must complete the training 	<p>Favorable Evaluated by: Tyler Anderson 210-382-4295 Tyler@Texaslsg.org</p>
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	Occupational Therapy Examiners; authorizing a fee.		<ul style="list-style-type: none"> • Instructs ECPTOT, TSBPTE, and TSBOTE to develop policies encouraging the use of negotiated rulemaking and alternative dispute resolution - this provision is being implemented in state agency requirements across the board, ensuring consistency in dispute resolution practices • Repeals unnecessary requirements relating to registration of physical and occupational therapy facilities - this provision would also retroactively expunge disciplinary actions related to facility registration from a physical or occupational therapist's file • Requires the boards to adopt rules regarding continuing competency and education. The bill also outlines the process by which the board can contract with outside entities to deliver the continuing education requirements • Updates licensure examination standards, including standards for the jurisprudence exam • Updates licensure examination requirements for physical therapy assistants to be consistent with requirements of other comparable professions • Requires the use of fingerprinting and background checks in licensure decisions - this change is also being implemented across state agencies to ensure public health and safety • Instructing TSBPTE and TSBOTE to adopt a schedule of administrative penalties and sanctions they are authorized to impose. The bill outlines specific provisions to be included in the schedule • Removes outdated statute that is no longer reflective of the practice of physical therapy and occupational therapy <p>In addition to the previously outlined provisions, SB 317 adopts the Physical Therapy Licensure Compact and outlines various provisions of the compact in detail. This compact would allow for interstate practice of physical therapy by offering reciprocity for all practitioners licensed within compact states. Texas has participated in a Nurse Licensure Compact since 1999, and it has shown to attract licensed medical professionals to Texas and lessen the healthcare provider shortage. Adopting the Physical Therapy Licensure Compact will almost certainly have a similar result of increasing healthcare access for Texans. It is also advantageous for Texas to adopt the Physical Therapy Licensure Compact now, as the first 10 states who adopt the compact are guaranteed a seat on its governing board; this will ensure Texas plays a major role in drafting the rules and implementation strategies for the compact. As with any other licensure compact, each state maintains sovereign immunity and state regulations on the practices of physical and occupational therapy will supersede any regulation set by the compact.</p>	
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LSG Floor Report For General Calendar- Sunday, May 21, 2017

<p>SB 1196 By: Kolkhorst / et al. SP: Smithee</p>	<p>Relating to the declaration of a common nuisance involving a computer network or web address.</p>	<p>Judiciary & Civil Jurisprudence</p>	<p>Expands the definition of “place” in the Civil Practice and Remedies Code, Chapter 125, to include web addresses or computer networks that engage in specific prohibited activities already classified as a “common nuisance”, including sex trafficking and sexual abuse of a child, for the purposes of allowing such websites to be declared a common nuisance under Texas law. This provides additional deterrents for bad actors and sexual predators, as SB 1196 authorizes a suit to declare that a person operating a web address or computer network is maintaining a common nuisance. This suit may be brought by the Attorney General, or by the district, county or city attorney. Furthermore, if the lawsuit is successful, the Attorney General may notify applicable Internet service providers, search engine operators, browsing or hosting companies, or device manufacturers on which the activities are hosted of the judicial finding in the suit, or the AG may post it on their website.</p> <p>It is commonly known that much of the activity involving sex trafficking occurs online, instead of physical locations. Sex trafficking thrives on the Internet because it is highly profitable, and authorities have a more difficult time investigating. The National Center for Missing and Exploited Children (NCMEC) reported an 846% increase from 2010 to 2015 in reports of suspected child sex trafficking</p>	<p>Favorable Evaluated by: Serena Ahmed 210-382-4295 Serena@Texaslsg.org</p>
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			and this increase is directly correlated to the use of the Internet as a hub. SB 1196 would help to identify Internet sites profiting off of human trafficking and bring them into the light of day.	
SB 654 By: Seliger / et al. SP: Smithee / Howard	Relating to the participation of an advanced practice registered nurse as a primary care or network provider for certain governmental and other health benefit plans.	Public Health	<p>In recent years, Texas has been experiencing a healthcare provider shortage; as of December 2016, there are 432 primary care provider shortage areas in Texas, including 35 counties that have zero physicians serving their community. For many health shortage areas, especially rural communities, practitioners such as Advance Practice Registered Nurses (APRNs) function as the only providers of primary care services. APRNs work under a delegating physician who offers supervision and case consulting; current law is unclear, however, regarding whether APRNs can accept Medicaid or CHIP patients if their delegating physician does not also accept Medicaid or CHIP. This ambiguity has resulted in HHSC not credentialing some primary care APRNs as Medicaid or CHIP providers.</p> <p>In an attempt to address the primary care provider shortage, SB 654 permits Medicaid and CHIP managed care organizations (MCOs) to credential APRNs for reimbursement within their networks, regardless of whether the APRN’s delegating/supervising physician is also credentialed under Medicaid and CHIP. APRNs work collaboratively with their delegating physicians, but in practice that physician may live 50-100 miles away and will never see the APRN’s patients. If an APRN wants to treat Medicaid and CHIP patients, that should be within their purview regardless of their delegating physician’s decision on the matter. This bill does not change the physician’s delegating authority or increase the APRN’s scope of practice. It simply allows the APRN to determine the needs of their community and to electively become credentialed as a Medicaid or CHIP provider if they so desire. SB 654 will help address the primary care provider shortage and will ensure that the most vulnerable Texans have access to quality healthcare services in their home communities.</p>	Favorable Evaluated by: Tyler Anderson 210-382-4295 Tyler@Texaslsg.org
SB 715 By: Campbell / et al. SP: Huberty	Relating to municipal annexation.	Land & Resource Management	<p>SB 715 seeks to amend the Local Government Code to insert subchapters regulating the annexation authority and procedures of municipalities wholly located in one or more counties each with a population of over 500,000 or a municipality wholly located in a county with a population of 500,000 or less which proposes to annex an area in a county with a population of 500,000 or more. The bill generally maintains the current statutory framework of rules governing annexation for municipalities in counties with less than 500,000 people. SB 715 strikes from the previously stipulated rules the ability for a person residing or owning land in an annexed area within a municipality, with a population of 1.6 million or more, to enforce a service plan by use of a petition for change in policies and procedures, of which without compliance the person maintains the right to arbitrate.</p> <p>It gives the municipality, with a population of at least 500,000, the authority to annex non-contiguous areas that are within the municipality’s extra-territorial jurisdiction. The bill also maintains that if the municipality agrees to provide solid waste collection services to the annexed area and the annexed resident continues to use a private service provider, then the municipality is not required to provide the solid waste collection services and they cannot charge the resident for the municipality waste services for a period of two years.</p> <p>A municipality with a population of at least 500,000 may annex an area if:</p> <ul style="list-style-type: none"> • each land owner in the area requests the annexation; • the municipality and the land owners enter into a written agreement stipulating the services to be provided by the municipality; • the municipality holds at least two public hearings no less than ten days apart; and • the municipality provides adequate notice of the hearings 	Unfavorable Evaluated by: Elizabeth Hann 210-382-4295 Elizabeth@Texaslsg.org



		<p>The bill provides an alternate set of rules in statute to address the annexation, by municipalities in counties with 500,000 or more people, of areas with populations of less than 200 or 200 or more. If the targeted annexation area has a population of less than 200, then the municipality may annex the area if:</p> <ul style="list-style-type: none"> • a consent petition is signed by more than 50% of the registered voters of the area; • the municipality adopts a formal resolution to annex the area; • the municipality mails a notice of the proposed annexation; and • the municipality holds at least one public hearing <p>If the petition fails, the municipality must wait at least one year to restart the proposed annexation process. Also, if a petition protesting the annexation is signed by at least 50% of the number of voters who voted in the most recent municipal election, then the municipality must hold an election to vote on the annexation.</p> <p>If the targeted annexation area has a population of 200 or more, then the municipality may annex the area if:</p> <ul style="list-style-type: none"> • the municipality holds an election and the majority of voters approve the annexation; • the municipality gets a petition signed by more than 50% of the land owners in the area if the registered voters of the area do not own more than 50% of the land • the municipality adopts a formal resolution to annex the area • the municipality provides notice to each property owner in the area • the municipality holds at least two hearings <p>If the election fails, the municipality must wait at least one year to restart the proposed annexation process. Also, if a petition protesting the annexation is signed by at least 50% of the number of voters who voted in the most recent municipal election, then the municipality must hold a separate election to vote on the annexation. The bill stipulates that municipalities in counties with populations of 500,000 or more may follow the general rules for municipalities with less than 500,000 people for the annexation of:</p> <ul style="list-style-type: none"> • an industrial district • land subject to a strategic partnership agreement between the municipality and a water conservation and reclamation district <p>The bill also stipulates that areas with reservoirs or airports may be annexed without consent of any owners or residents of the area if the annexing municipality is in a county with less than 500,000 people or if the annexing municipality is in a county with more than 500,000 people and there are no owners of the land other than the municipality and residents of the area.</p> <p>The bill maintains current statute in regard to the annexation of roads, highways, private ways, and other ways without consent of any person with respect to municipalities in counties with populations of less than 500,000. The bill provides a municipality in a county with a population of 500,000 or more may annex a road or other right-of-way on request of the owner or the governing body of the road by using the procedures for annexing an area by a municipality in a county with less than 500,000 people.</p>	
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<p>SB 2078 By: Taylor, Larry SP: Bonnen, Dennis</p>	<p>Relating to the duties of school districts, open-enrollment charter schools, the Texas Education Agency, and the Texas School Safety Center regarding multihazard emergency operations plans and other school safety measures.</p>	<p>Public Education</p>	<p>SB 2078 includes several provisions intended to ensure the safety of Texas children in public schools. Currently charter schools are not subject to the same school safety requirements as independent school districts. SB 2078 amends the Education code to require charter schools to abide by certain school safety requirements. The bill also provides specific requirements for a district’s multi-hazard emergency operations plan, including a requirement that the plan include provisions for ensuring the safety of students in portable buildings. The bill requires the Texas Education Agency to solicit input from the Texas School Safety Center in adopting a model multihazard emergency operations plan that school districts may use in developing district-specific plans. The TEA would post information on their website that identifies each school district that fails to submit a plan that meets the standards provided under this bill. SB 2078 also provides specifics regarding a district’s school safety and security committee’s membership and meeting requirements, including a requirement that the committee be subject to the Open Meetings Act. Finally, the bill requires schools to notify parents if they receive a bomb or terroristic threat.</p>	<p>Favorable Evaluated by: Arielle Day 210-382-4295 Arielle@Texaslsg.org</p>
<p>SB 1873 By: Hinojosa SP: Wilson / VanDeaver / Oliverson / Lucio III / Meyer / et al.</p>	<p>Relating to a report regarding certain health and safety information prepared by the Texas Education Agency.</p>	<p>Public Education</p>	<p>HB 1873 requires the Texas Education Agency to complete and publish on their website, a report on physical education (P.E.) that includes, but is not limited to: the number of P.E. classes offered at each campus, the average physical education class size at each campus, and the number of licensed P.E. teachers in each school district. The intent of this bill is to increase access to information concerning student participation in P.E.</p>	<p>Favorable Evaluated by: Arielle Day 210-382-4295 Arielle@Texaslsg.org</p>
<p>SB 73 By: Nelson / et al. SP: Geren</p>	<p>Relating to leave policy and procedures for state employees.</p>	<p>General Investigating & Ethics</p>	<p>SB 73 changes the Government Code by mandating that state agencies create and adopt a leave policy for their employees. These leave guidelines must follow the statutory guidelines that relate to the state employee sick leave pool. Once the leave policies are adopted they must be posted somewhere online or in an otherwise easily accessible location for the public and the employees. This bill bars any state agency head from giving emergency leave to an employee unless the head believes that the employee in “good faith” will return once the leave granted has ended. The information for anyone granted more than 32 hours of emergency leave must be reported to the controller of public accounts by a designated date. The bill also required the office of the controller to create a standardized reporting system that all state agencies will use.</p>	<p>Favorable Evaluated by: Ana Ramon 210-382-4295 Ana@Texaslsg.org</p>
<p>SB 1910 By: Zaffirini SP: Capriglione</p>	<p>Relating to state agency information security plans, information technology</p>	<p>State Affairs</p>	<p>As technology rapidly develops, the threat of a cybersecurity attack concurrently increases. As state agencies begin utilizing innovative technology, it is imperative to ensure that they are protected from cybersecurity threats such as hacking or leaking of classified data. SB 1910 attempts to address this issue by taking cybersecurity best practices utilized in the private sector and implementing them for use by state agencies. The provisions of the bill are as follows:</p>	<p>Favorable Evaluated by: Tyler Anderson 210-382-4295</p>



	employees, and online and mobile applications.		<ul style="list-style-type: none"> Requires the Department of Information Resources to select and audit a portion of each agency’s security plan, which is to be submitted biennially Requires each executive state agency who employs a chief information security officer or information security officer to ensure that the officer is independent from the agency’s information technology operations within the agency’s organizational chart Requires state agencies to adopt data security plans before implementing any type of website or mobile application that processes personally identifiable or confidential information. These data security plans are to be submitted to the Department of Information Resources prior to initiating any beta testing for the website or app. The bill outlines specific contents to be included in these data security plans including data flow diagrams, storage locations, and security measures in place to protect the data <p>Texas has taken a holistic approach to addressing cybersecurity threats in recent years; SB 1910 would continue this trend by implementing best practices for cybersecurity into state agency requirements. Increased cybersecurity is not only good for business by increasing our state’s competitiveness, but also protects Texans by ensuring that their sensitive and confidential information is protected.</p>	Tyler@Texaslsg.org
SB 1842 By: Lucio SP: Phelan	Relating to an application for the amendment of a certificate of public convenience and necessity in an area within the boundaries of a political subdivision.	Natural Resources	SB 1842 would allow a Class A utility the ability to receive a certificate of convenience and necessity by the Texas Commission on Environmental Quality which will afford the utility the same rights and powers as the district. Class A utilities are ones that provide water or wastewater service through 10,000 or more taps or connections. This would not apply to a MUD located, either partially or wholly, within an incorporated area or an extraterritorial jurisdiction of a municipality. The bill also lays out the stipulations needed for an application and it would be prohibitive for any other information to be requested. The Public Utility Commission will review the application within 60 days of filing. Once the application is reconsidered it is final.	Favorable Evaluated by: Erin Eriksen 210-382-4295 Erin@Texaslsg.org
SB 1784 By: Taylor, Larry SP: Huberty	Relating to state-developed open-source instructional material for public schools	Public Education	SB 1784 updates the definition of “open source material” to the one that is now generally used. The bill also includes a provision which recognizes that open-source instructional material may include content that is not owned by the state and for which pre-existing rights may exist. The use of open-source instructional materials can cause districts to save substantially. To encourage the use of state-developed open-source instructional materials by school districts, the bill requires the commissioner to provide a license for a state-developed open-source instructional material that allows for the free use, reuse, modification, or sharing of the material by any person. The bill also seeks to protect the state’s interest by requiring more licensing provisions that, for example, require a link back to the original content whenever the material is reproduced.	Favorable Evaluated by: Arielle Day 210-382-4295 Arielle@Texaslsg.org
SB 1383 By: Perry SP: King, Ken	Relating to the operation of vehicles transporting fluid milk; authorizing a fee.	Transportation	<p>This bill creates a permit requirement for trucks transporting liquid milk, including size and weight restrictions for the vehicles. The weight limit is increased from 80,000 to 90,000 pounds to accommodate larger shipments, which could reduce the number of trucks required to transport products from larger dairies and affect the amount of wear on local roads. Most dairy production in Texas is concentrated in rural Panhandle counties, and issued permits are limited to specific counties listed on the application. Fifteen percent of the \$1200 annual permit fee is set aside to be divided among the counties authorized for each permit while the rest of the fee is split between the State Highway Fund and the Department of Motor Vehicles.</p> <p>The updates in SB 1383 reflect improvements in transportation technology that allows larger vehicles to safely transport products, but some concerns about safety and the effect of the bill on local control remain. There are no provisions requiring the DMV to notify affected counties about the issuance of these permits, even though that information could be useful to them. Consultation with</p>	Favorable w/Concerns Evaluated by: Joel Kissell 210-382-4295 Joel@Texaslsg.org



			counties to identify the most appropriate routes through their jurisdiction would be an appropriate measure to introduce in the permitting process. Overall, SB 1383 brings state law in line with current federal statute and helps dairy producers remain competitive in the market.	
SB 2080 By: Taylor, Larry SP: Guillen	Relating to a requirement that school districts and open-enrollment charter schools report certain information regarding children with disabilities who reside in residential facilities.	Public Education	SB 2080 requires each school district and open-enrollment charter school to include in their Public Education Information Management System (PEIMS) report, the number of children with disabilities residing in a residential facility who are required to be tracked by the Residential Facility Monitoring (REM) System and receive educational services from the district or school. The intent of this bill is to satisfy the reporting requirements regarding students with disabilities by streamlining the process for submitting the report and PEIMS information.	Favorable Evaluated by: Arielle Day 210-382-4295 Arielle@Texaslsg.org
SB 1748 By: Hinojosa SP: Canales	Relating to use of tax revenue by certain development corporations for job-related skills training.	Economic & Small Business Development	During the 83rd Legislature, a bill was passed that allowed certain economic development corporations (EDCs) in counties with high unemployment rates to use Development Corporation Act funds to provide job-skills training to business corporations, so long as those businesses agreed to create competitive paying jobs in the community. SB 1748 expands the eligibility for EDCs that can use these funds for job-related skills training to include an EDC whose creation was authorized by a municipality with a population of 10,000 or more, is located in a county that borders Mexico in which four municipalities with populations of 70,000 or more are located, and that has an unemployment rate that has been at least 2% higher than the national average for at least 2 consecutive years. In effect, this bill will only impact Hidalgo County. Allowing EDCs in Hidalgo County to use Development Corporation Act funds for job skills training will contribute to the growth of their local economy and will result in a lower unemployment rate for Texans living in that region.	Favorable Evaluated by: Tyler Anderson 210-382-4295 Tyler@Texaslsg.org
SB 1462 By: Hinojosa / et al. SP: Lucio III	Relating to local health care provider participation programs in certain counties and municipalities.	County Affairs	The Texas Legislature has overwhelmingly passed legislation to grant 11 counties and the city of Beaumont the flexibility to create local provider participation funds, or LPPF's during the last two legislative sessions. Senate Bill 1462 contains technical changes to streamline the administration of LPPFs. The bill does this by amending the hearing requirement to require that notice of the annual hearing be provided not later than the 5th day before the date of the hearing instead of the 10th day. SB 1462 also ensures that eligible hospitals benefit from the recent implementation of Uniform Hospital Rate Increase Program (UHRIP). Lastly, SB 1462 amends the existing LPPF assessment and collection process to provide that the county, funding district or city may collect or contract for the assessment and collection of mandatory payments. This bill will strengthen the administration of a program that helps hospitals cover their expenses for indigent care.	Favorable Evaluated by: Tiffany Williams 210-382-4295 Tiffany@Texaslsg.org
SB 331 By: West SP: Rose / Alonzo	Relating to the temporary approval of a private or independent college or university to continue to participate in the tuition equalization grant program.	Higher Education	SB 331 amends the Education Code relating to the Higher Education Coordinating Board approving colleges and universities for Texas Equalization Grants. Current statute states that the coordinating board may grant temporary approval for a period of two years and may renew the approval of an institution once. Per SB 331, the coordinating board may now renew the temporary approval twice.	Favorable Evaluated by: Fabeain Barkwell 210-382-4295 Fabeain@Texaslsg.org
SB 1221 By: Watson / et al.	Relating to an annual report submitted to the comptroller by a municipality that imposes certain hotel occupancy taxes	Ways & Means	SB 1221 requires municipalities to submit an annual report to the Comptroller outlining the use and imposition of the hotel occupancy tax (HOT) and amounts of revenue collected during the preceding fiscal year from certain sources. Specific information within the report include the tax rate imposed under the HOT and through sports and community venues, preceding tax year revenue from the imposition of the aforementioned tax rates, and the amount and percentage of revenue allocated to the following: <ul style="list-style-type: none"> • Convention center and tourism planning, • Promotion and application of arts and production costs related to the performances/exhibitions, 	Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org



<p>SP: Hinojosa, Gina</p>			<ul style="list-style-type: none"> • Historical restoration and preservation projects to promote tourism to historic sites/museums, • Signage directing the public to sights and attractions visited by hotel guests within the municipality. <p>The bill further outlines the submission process, as well as requiring reporting of the information on the municipality’s website. The Comptroller is authorized to adopt any necessary rules to administer the required reports; the initial reports are to be submitted by February 20, 2018. SB 1221 seeks to create a streamlined and uniform process for municipalities to report comprehensive information regarding the use of the municipal HOT and associated revenues.</p>	
<p>SB 1172 By: Perry SP: Geren / et al.</p>	<p>Relating to the regulation of seed by a political subdivision.</p>	<p>Agriculture & Livestock</p>	<p>SB 1172 prohibits political subdivisions from adopting an order, ordinance, or other measure, that regulates any seed in any manner, including planting seed and cultivating plants grown from the seed. The only exceptions are if a city or county needs to comply with any federal or state regulations, avoid a federal or state penalty or fine, implement a voluntary program as part of a conservation water management strategy, or attain compliance with federal or state environmental standards.</p> <p>Prohibiting local control of seed regulation, including the cultivation of plants grown from the seed, prevents local governments from addressing concerns related to the contamination of high-value crops, harm to bee populations and human health. SB 1172 would prevent regulation of when or where herbicides are sprayed, the drift of pesticides, and the application of chemical fertilizers to manure. It would further prevent local regulation of neonicotinoids, which are used as sprays and seed treatments, and have long-lasting negative effects on insects, animals and bees, which are extremely vital to the planet, humans and our food supply, and the economy.</p> <p>Overall, SB 1172 blocks cities and counties from responding to situations and issues specific to their local condition. Although the intent of this bill is to relieve regulatory burdens for farmers, it has the potential of increasing burdens on farmers who need a local ordinance to protect their crops and, sometimes, their health. Since conditions are not uniform across the state, it is important to allow local ordinances to allow for the consideration of local climate and topography, the types of crops grown in that region, and the likelihood of any contamination.</p>	<p>Unfavorable Evaluated by: Serena Ahmed 210-382-4295 Serena@Texaslsg.org</p>
<p>SB 1131 By: Hinojosa SP: Herrero</p>	<p>Relating to the powers and duties of a designated officer of a navigation district.</p>	<p>Transportation</p>	<p>This bill amends the Water Code so that the designated officer of a navigation district can make payments without approval of the district’s treasurer. The term “designated officer” is more commonly used by municipalities to identify their treasurer as the one responsible for interacting with their financial institution, although another representative is currently allowed to fill this role. All other regulations still apply to the appointed individual’s interactions with their depository. This change gives navigation districts the option of streamlining their financial operations in certain situations through this type of appointment and does not affect their other responsibilities.</p>	<p>Favorable Evaluated by: Joel Kissell 210-382-4295 Joel@Texaslsg.org</p>
<p>SB 1105 By: Hinojosa / et al. SP: Phelan</p>	<p>Relating to the abolishment of the used oil recycling account, deposits of used oil recycling fees, and use of the water resource management account.</p>	<p>Appropriations</p>	<p>This bill transfers funds and responsibilities from the Used Oil Recycling Account to the Water Resource Management Account and abolishes the UORA. The influx of the UORA’s existing balance, estimated at \$21.3 million by the end of FY 2017, as well as the \$2.2 million in annual collections, would allow the Texas Commission on Environmental Quality to avoid raising its fees associated with the WRMA. Local governments are primarily responsible for the WRMA’s fees, so SB 1105 would avoid increasing their expenditures. The programs funded by both accounts would continue after the consolidation.</p>	<p>Favorable Evaluated by: Joel Kissell 210-382-4295 Joel@Texaslsg.org</p>



<p>SB 705 By: Birdwell SP: Price</p>	<p>Relating to an exception from disclosure under the public information law for certain personal information of an applicant for an appointment by the governor.</p>	<p>General Investigating & Ethics</p>	<p>SB 705 would allow for the exemption of the following information from <i>Sec.552.021 Availability of Public Information</i>: Home address, home telephone number, and the social security number if the person is an applicant for an appointment by the Governor. This bill would give the same protections that are afforded the same disclosure protections as some state officials, employees as stipulated in Sec.552.024(a) of the government code.</p> <p>While this may protect those seeking appointment from the Governor, it would provide less available information for those seeking to profile and investigate individuals applying for high profile positions within the state.</p>	<p>Favorable w/Concerns Evaluated by: Ana Ramon 210-382-4295 Ana@Texaslsg.org</p>
<p>SB 524 By Birdwell SP: Geren</p>	<p>Relating to increasing the punishment for the offense of abuse of a corpse.</p>	<p>Criminal Jurisprudence</p>	<p>SB 524 increases the punishment for the offense of abuse of a corpse from a Class A misdemeanor to a state jail felony. The bill provides an exception to behavior of an individual that vandalizes, damages, or treats the space in which a human corpse has been interred, such as a tomb or grave, in an offensive manner as a Class A misdemeanor. SB 524 seeks to rectify damages incurred by gross negligence of an individual failing to provide proper mortuary and funeral services, and increases criminal punishments for the complete mishandling of rectifying the situation thereafter. Texas families trusting mortuary and funeral services to care for their loved ones in a respectful and competent way will be able to regain a marginal sense of comfort and control through provisions ensuring more severe punishment for the nature of the crime.</p>	<p>Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org</p>
<p>SB 295 By: Hinojosa SP: Flynn</p>	<p>Relating to the issuance of certain capital appreciation bonds by political subdivisions.</p>	<p>Investments & Financial Services</p>	<p>SB 295 expands exemptions within the Public Security Procedures Act to a political subdivision's issuance of capital appreciation bonds (CAB), specifically regarding the issuance of refunding bonds and CAB for the purpose of financing transportation projects. The provisions within this bill apply only to the aforementioned bonds issued on or after September 1, 2017. SB 295 gives local political subdivisions the ability to repay debt more efficiently and effectively by correcting a technical error that narrowly tailored the scope of exemptions.</p>	<p>Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org</p>
<p>SB 36 By: Zaffirini SP: Thompson, Senfronia</p>	<p>Relating to the regulation of certain guardianship programs.</p>	<p>Judiciary & Civil Jurisprudence</p>	<p>This bill provides the Judicial Branch Certification Commission (JBCC) with additional authority to register and monitor guardianship programs, and ensure compliance with the minimum standards for operation of such programs. Guardianship programs are local, county or regional programs that provide guardianship and related services to incapacitated persons in need of assistance in making decisions related to their finance or own welfare.</p> <p>While Chapter 155, Government Code, requires the JBCC to create minimum standards for guardianship programs, which are required to hold proper certification, there is presently no authority for the enforcement of these minimum standards. This "loophole" has created circumstances where an individual guardian may be penalized, but a program itself may not and will continue operations. For instance, a guardian may be ordered by officials of a guardianship program to engage in conduct that violates the minimum standards, but only the guardian can be penalized. The Texas Judicial Council, the policymaking body for the Judicial Branch, has recommended SB 36. It requires the Supreme Court to adopt procedures for conducting complaints and alleged violations related to noncompliance with the minimum standards, and related to suspending or revoking the program's certificate if found to be acting in noncompliance. Without such mechanisms for enforcement, there is a severe lack of protection for the wellbeing of individuals under guardianship.</p> <p>SB 36 also provides greater transparency and oversight of guardianship programs in this state. It requires the JBCC to make available on their website a publicly accessible list of all registered guardianship programs, and whether their certificate is in good standing.</p>	<p>Favorable Evaluated by: Serena Ahmed 210-382-4295 Serena@Texaslsg.org</p>



<p>SB 1656 By: Watson SP: Rodriguez, Eddie / Bernal</p>	<p>Relating to the eligibility of certain municipalities to establish homestead preservation districts and reinvestment zones.</p>	<p>Urban Affairs</p>	<p>SB 1656 increases the population requirements for homestead preservation districts and reinvestment zones. The current maximum population is 550,000. This allow those cities with smaller populations to create homestead preservation districts and reinvestment zones. These areas are designated as a having 75% of their residents qualifying as low income. They are created to ensure that these residents are not displaced due to a city's growth and evolution. This bill increases the qualifying population to 800,000. Allowing for certain municipalities such as Austin to be able to create homestead preservation districts and reinvestment zones. As the population of Texas increases cities grow and change, this will help those who already reside in premium areas not be priced out of their homes.</p>	<p>Favorable Evaluated by: Kylie McNaught 210-382-4295 Kylie@Texaslsg.org</p>
<p>SB 1444 By West SP: Davis, Sarah</p>	<p>Relating to de novo hearings in child protection cases.</p>	<p>Human Services</p>	<p>This bill amends the Family Code to clarify the processes for certain parties to request a de novo hearing in a child protection permanency suit. A de novo hearing is a way of rehearing the entire case without pertaining to previous factual findings. Currently, the law states that a de novo hearing in a case heard by an associate judge needs only have the request filed with the referring court and their clerk. This bill adds that the request can also be filed with the associate judge. It also states that a de novo hearing may not be granted if the order was agreed upon or a default judgement. The bill also outlines timelines for the court to dismiss the request for a hearing or a deadline for which the de novo hearing can take place. Due to the vagueness in the law surrounding de novo hearing after the initially permanency order, many were concerned that this was delaying the child's ability to find a permanent home. SB 1444 will help ensure that children achieve permanency sooner, rather than keeping them longer in state conservatorship.</p>	<p>Favorable Evaluated by: Kylie McNaught 210-382-4295 Kylie@Texaslsg.org</p>
<p>SB 37 By: Zaffirini SP: Gutierrez</p>	<p>Relating to the requirement to obtain certification for attorneys representing persons in guardianship proceedings.</p>	<p>Judiciary & Civil Jurisprudence</p>	<p>Requires all attorneys in a guardianship proceeding to be certified in guardianship law and alternatives to guardianship. Currently, attorneys who represent an applicant in a guardianship case, a court-appointed attorney in guardianship proceedings, including an attorney ad litem, all must complete a four-hour certification course sponsored by the Texas State Bar relating to guardianship and alternatives to guardianship. However, this requirement does not apply to attorneys representing interested intervening third parties in guardianship litigation. This loophole results in trained attorneys having to respond to and correct motions filed by attorneys without even minimal training in this highly-specialized area, which comes as greater costs to the estates of the persons under guardianship. Compensation for attorneys in these cases typically comes from the estates of such persons. SB 37 remedies these concerns by requiring all attorneys in guardianship proceedings to complete this certification requirement. This legislation increases the quality of guardianship representation in these cases, and reduces unnecessary legal fees and court time.</p>	<p>Favorable Evaluated by: Serena Ahmed 210-382-4295 Serena@Texaslsg.org</p>
<p>SB 298 By: Hinojosa SP: Geren</p>	<p>Relating to the creation and funding of the Texas Forensic Science Commission operating account.</p>	<p>Appropriations</p>	<p>This bill establishes an account to operating account for the Texas Forensic Science Commission, the agency responsible for investigating complaints about forensic scientists in the state. SB 1297 (84th Leg.) requires the TFSC to begin licensing forensic scientists beginning on January 1, 2019. This bill creates a mechanism for the Commission to deposit the licensure fees into this operating account to fund the agency, which is standard for licensing agencies in the state.</p>	<p>Favorable Evaluated by: Joel Kissell 210-382-4295 Joel@Texaslsg.org</p>
<p>SB 78 By: Nelson / et al. SP: Price</p>	<p>Relating to the disposition of state surplus or salvage data processing equipment by the Texas Department of Criminal Justice.</p>	<p>State Affairs</p>	<p>SB 78 seeks to increase access to computers for youth in foster care by adding Court Appointed Special Advocates of Texas (CASA) to the list of entities eligible to receive refurbished surplus or salvaged computers from the state. The Texas Department of Criminal Justice (TDCJ) Computer Recovery Program takes salvageable computers from state agencies and refurbishes them so they can then be donated to entities such as school districts or other state agencies. This bill would simply add CASA to the list of entities eligible to receive these computers.</p> <p>Computer access is critical to youth in foster care for numerous reasons; it allows them to complete schoolwork, apply to college, complete job applications, and stay connected with friends and family. Many foster youth do not have access to a computer at home or cannot save information onto their foster family's computer for fear that they will lose the information when they inevitably move.</p>	<p>Favorable Evaluated by: Tyler Anderson 210-382-4295 Tyler@Texaslsg.org</p>



			Allowing CASA to receive computers from the TDCJ Computer Recovery Program and distribute them will allow foster youth to own their own computers, which will benefit them tremendously.	
SB 39 By: Zaffirini SP: Farrar	Relating to guardianships, substitutes for guardianships, and durable powers of attorney for persons with disabilities or who are incapacitated.	Judiciary & Civil Jurisprudence	<p>SB 39 implements a number of recommended improvements to the Estates Code, specifically the Durable Power of Attorney Act, provisions related to procedures for appointing guardians, and the Supported Decision-Making Agreement Act. These changes are proposals from the Real Estate, Probate, and Trust Law Section of the State Bar of Texas for purposes of improving the wellbeing of persons involved in guardianships, power of attorneys, and supported decision-making agreements. Guardianship proceedings, power of attorneys, and supported-decision making agreements are all legal ways by which a person may appoint someone else to make important decisions on their behalf in the event they become incapacitated.</p> <p>The main proposals include: a clarification that children and siblings do not need court permission to intervene in guardianship cases involving their loved ones, allowing an application for guardianship to omit the address of any person with a guardian who was ever protected by a protective order, rather than just a person who had a protective order at the time of filing the application, and clarifying the suspension of a power of attorney when instead a guardianship of an estate is established. Furthermore, the bill provides specific duties of supporters who enter into a supported decision-making agreement: act in good faith, act within the authority of this agreement, act loyally and without self-interest, and avoid conflicts of interest. A supported-decision making agreement is an agreement between an adult with a disability and a supporter. It is a less restrictive mechanism than a guardianship for adults with disabilities who need assistance with decisions regarding daily living, but are not incapacitated. Additionally, this bill meets the general goal to reduce the need for guardianship proceedings when possible, as they are a very time-consuming and costly legal mechanism for one person to manage another person’s affairs when they are incapacitated. This legislation does such by clarifying court procedure as it relates to removing an agent with a power of attorney who engaged in wrongdoing, and then appointing a new successor agent in the power of attorney, so that they court does not have to resort to a guardianship proceeding. Similarly, it allows for this sort of procedure as it relates to supported-decision making agreements.</p>	Favorable Evaluated by: Serena Ahmed 210-382-4295 Serena@Texaslsg.org
SB 1253 By: West / et al. SP: Smithee	Relating to the electronic recording and admissibility of certain custodial interrogations.	Criminal Jurisprudence	<p>SB 1253 requires law enforcement agencies to electronically record custodial interrogations for individuals suspected of or charged with committing certain offenses against the person or public indecency. Some of the crimes covered under this proposed statute include murder, kidnapping, trafficking of persons, continuous sexual abuse of children, improper relationship between educator and student, and sexual performance by a child. Per the bill, requirements regarding a complete electronic recording of a custodial interrogation specify the beginning and end of the recording. The bill further outlines circumstances in which the recording is infeasible as a result of good cause, including the accused refusing to respond or cooperate, a statement was made spontaneously and not in response to a question asked by a peace officer, recording equipment malfunctioned or a peace officer attempted to record in good faith but operated the equipment incorrectly, exigent public safety concerns negatively impacted making a recording of the statement, or a peace officer believing that the accused was not being interrogated concerning a commission of an aforementioned offense at the time the recording began. The bill provides that any recording complying with proposed provisions is exempt from public disclosure. Furthermore, the bill exempts any statement made by a person accused of an aforementioned crime as admissible against the accused in a criminal proceeding, unless an electronic recording was made of the statement or the attorney representing the state offers evidence that good cause existed and therefore made recording of the statement infeasible. SB 1253 seeks to create a statewide uniform procedure for recording custodial interrogations performed by law enforcement agencies. Moreover, electronic recordings of testimony can serve to benefit attorneys, law enforcement, and those wrongfully convicted.</p>	Favorable Evaluated by: Katherine Kirages 210-382-4295 Katherine@Texaslsg.org



<p>SB 570 By: Rodríguez / et al. SP: Walle</p>	<p>Relating to the regulation of the retention, storage, transportation, disposal, processing, and reuse of used or scrap tires; providing a civil penalty; creating a criminal offense.</p>	<p>Environmental Regulation</p>	<p>SB 570 sets forth new regulations in order to deal with the illegal dumping of tires. By amending the Health and Safety code all used or scrap tires within a facility must be contained to prevent theft. Additionally, if a project requires the use of 1,000 or more tires than the person must receive approval from TCEQ which involves the consideration of the health and safety impact on the community. A tire is considered scrap when it no longer has the viable amount of tread as defined by DPS and cannot be used for its original intended purpose.</p> <p>After removal by a retailer, a customer may keep both a used or scrap tire but it must be inventoried by the retailer that a scrap tire was taken, which the customer may keep for up to three years. A notice of this regulation must be posted in the establishment. Scrap tires that are kept by the retailer must be disposed of properly.</p> <p>A generator of used or scrap tires must only use transporters that are registered by the TCEQ and carries financial assurance. A generator that knowingly uses an unregistered transporter will be responsible for the same criminal and civil penalties as the transporter. Additionally, there will be a civil penalty of \$1,000 for each violation and a separate penalty can be added for each day of the violation.</p> <p>A transporter or tire processor with under 500 tires must register with TCEQ annually, which they will receive a vehicle insignia. There are exemptions to these provisions for: municipalities; for someone returning tires to a manufacturer and those retreading tires; and, individuals who have 5 or less tires. The transporter will also be responsible for providing financial assurance of \$25,000 or more either through a bond, a trust account, or certification of a credit limit. The tire processor is responsible for an amount to sufficiently finance a cleanup and closure of a site. Records must be kept by the transporter to ensure that all tires are accounted for and delivered to an appropriate storage site and the records will be submitted to TCEQ annually. A transporter that fails to meet the requirements of this provision will not have their registration renewed.</p> <p>An individual who recklessly violates these provisions could face up to \$50,000 in penalties and/or up to a year in prison; a business or corporation could face up to \$100,000 in penalties. An individual who knowingly or intentionally violates these provisions could face \$100, 000 in penalties and up to 2 years in prison; a business could be fined up to \$250,000.</p> <p>Illegal dumping of tires is a huge problem in Texas. Tires clog up drainage ditches, are an eyesore for communities that hurt property values, and are an environmental hazard. However, and most notably, dumping illegal tires has a huge impact on public health. When tires are burned as a means of removal particles and noxious chemicals are released into the air. Tires are also a perfect breeding ground for mosquitoes as they hold water, and provide for and protect the larvae. Reducing the number of illegal tires could have a significant impact in lowering mosquito populations up to 30 - 40 percent. The species of mosquito that carries the Zika virus needs a much smaller amount of water (a bottle caps worth) to breed. This type of source reduction on mosquito populations caused by man-made malfeasance is only common sense.</p>	<p>Favorable Evaluated by: Erin Eriksen 210-382-4295 Erin@Texaslsg.org</p>
<p>SB 1326 By: Zaffirini / et al. SP: Price</p>	<p>Relating to procedures regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability and to</p>	<p>Public Health</p>	<p>Sheriffs and police departments 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 health services, resulting in county jails serving as a holding place for persons with mental illnesses. In 2016 Dallas County alone had</p>	<p>Favorable Evaluated by: Fabeain Barkwell 210-382-4295 Fabeain@Texaslsg.org</p>



	<p>certain duties of the Office of Court Administration of the Texas Judicial System related to persons with mental illness.</p>		<p>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>Major Provisions of SB 1326</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 twelve 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, SB 1326 allows the magistrate to order the defendant to submit to examination in a jail, or other place deemed appropriate for up to 72 hours.</p> <p>Art. 46B.090 Competency Restoration Education 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. SB 1326 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. A defendant charged with a Class B misdemeanor may be committed to a mental health or residential care facility for restoration services only if a jail-based competency restoration program is not available, or a licensed mental health professional determines that a jail-based program is not appropriate.</p>	
<p>SB 1062 By: Perry SP: Dean</p>	<p>Relating to documentation for the transfer of a motor vehicle title.</p>	<p>Transportation</p>	<p>This bill changes language concerning disclosures related to the transfer or sale of a motor vehicle to conform with federal statute, by replacing “buyer and seller” with “transferor and transferee” in statute. This change to the language in statute is expanded to include donations and other title transfers that do not constitute a sale. In addition to the language updates, HB 1693 requires the Department of Motor Vehicles to contract with an outside system to verify the identity of an electronic signatory and accept their signature for this purpose.</p>	<p>Favorable Evaluated by: Joel Kissell 210-382-4295 Joel@Texaslsg.org</p>

