



Chair, Rep. Garnet Coleman

Treasurer, Rep. Elliott Naishtat

LSG Floor Report for Postponed Business – Monday, April 20, 2015

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 3633 By Rep. Herrero	Relating to reimbursement for the costs of legal services provided to an indigent defendant in a criminal case.	Criminal Jurisprudence	<p>Under the 6th Amendment of the U.S. Constitution and under the Texas Fair Defense Act, criminal defendants have the right to effective counsel regardless of their ability to pay. Currently, some indigent defendants can be ordered to pay all or some of the costs of their legal counsel based upon a judge’s determination that they are able to do so. However, under statute, indigent defendants placed on community supervision can also be ordered to pay but without a similar finding being required of a judge. HB 3633 aligns statute to require a judge to first assess a defendant’s ability to pay in either scenario before ordering payment. It further caps the amount that is to be repaid to the actual costs to the county for providing legal services either by a public defender’s office or by other court-appointed counsel. In addition to ensuring that a low-income defendant is not overcharged for services, the bill prevents them from being doubly-charged under both statutes.</p> <p>HB 3633 encourages consistency in our court practices, promoting an overall fairer criminal justice system. We have made great headway as a state since passage of the Fair Defense Act, including increasing indigent defense service by 45% and expanding public defender services from 7 to over 155 counties. HB 3633 supports such progress towards constitutional compliance for low-income citizens by ensuring that indigent defendants are only ordered to pay when able.</p>	Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org
HB 2769 By Rep. Rodriguez, E.	Relating to the date of expiration of a certain pilot revolving loan program established under the loanstar revolving loan program to provide for energy efficiency measures and renewable energy technology for certain organizations.	Energy Resources	<p>In the 82nd session, legislation was passed establishing a pilot program offering loans to promote renewable and energy efficient technology for non-profit organizations & churches. HB 2769 extends this program two years to end on Dec. 31st, 2017 instead of the current expiration date on Dec. 31, 2015. Utility bills are often some of the largest expenses for non-profit agencies and places of worship. This bill would help to alleviate those costs, allowing these organizations to focus their funds on serving the community.</p>	Favorable Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org

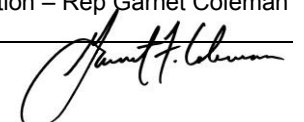
LSG Floor Report For General State Calendar – Monday, April 20, 2015

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<p>HB 2230 By Rep. Larson, et al.</p>	<p>Relating to the authority of the Texas Commission on Environmental Quality to authorize an injection well used for oil and gas waste disposal to be used for the disposal of nonhazardous brine produced by a desalination operation or nonhazardous drinking water treatment residuals.</p>	<p>Natural Resources</p>	<p>Currently, gas and oil operators who operate fracking wells can dispose of the ensuing wastewater in Class II injection wells. HB 2230 allows water desalination plants to also use those wells to inject the nonhazardous drinking water treatment residuals. This prevents us from having to drill additional wells to dispose of the water.</p>	<p>Favorable Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>
<p>HB 675 By Rep. Bonnen, G.</p>	<p>Relating to the use of a mobile phone by a person occupying a voting station.</p>	<p>Elections</p>	<p>Smart phones are now our “go to” device for information. Many voters innocently take out their phones while voting thinking that they may access information regarding races, only to be told that they must turn their phones off. Currently, the use of cell phones is prohibited within 100 feet of a polling location. HB 675 modernizes code by allowing the use of a cell phone at a polling location for the express purpose of accessing information that was downloaded, recorded, or created on a phone prior to entering the polling place.</p> <p>Concerns have been raised that allowing the use of a cell phone for prerecorded information could prompt its use for call or camera functions and consequently present a breach of anonymity or provide entry for electioneering through the use of real-time applications. While it might be difficult to enforce the restricted use of phones, our society is highly dependent on technology, and the disservice of its prohibition outweighs unsubstantiated fears.</p> <p>HB 675 addresses an archaic impediment to informed voting by simply allowing citizens to use applications they have become dependent upon to engage more fully in the democratic process. This could be a highly beneficial measure, particularly in large urban counties with numerous down-ballot races.</p>	<p>Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org</p>
<p>HB 39 By Rep. Smithee</p>	<p>Relating to guardianship for incapacitated persons.</p>	<p>Judiciary & Civil Jurisprudence</p>	<p>HB 39 is a guardianship reform bill that offers permanently or temporarily incapacitated people increased decision-making authority in their care while adopting safety mechanisms to avoid guardianship abuse. In the State of the Judiciary, Chief Justice Hecht discussed the “silver tsunami,” whereby, the population of Texans 65 years and older will double by 2040, and will place an increased responsibility on the courts to oversee guardianship cases. Currently, there are over 50,000 active guardianships in Texas and that number is expected to grow exponentially.</p> <p>This bill adds the following safeguards: (1) attorney training increases from three hours to four hours because the majority of court administrators lack formal legal training, especially regarding guardianship; (2) the court must consider the ward’s input about changes to their care and dependency; (3) in the absence of medical records, physicians must evaluate the ward and make a determination of the existent of the incapacity before any changes in guardianship occur; and (4) the court must take the ward’s input into account in making any residential changes, and the residential changes cannot be more restrictive. Ultimately, this bill addresses negative reports of guardian abuse by requiring the court to consider direct input from the ward about permanent or temporary changes in their care before ordering such changes.</p>	<p>Favorable Evaluated by: Shaina Pomerantz 512-763-0031 shaina@texaslsg.org</p>

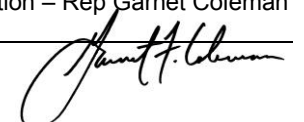
<p>HB 1852 By Rep. Naishtat, et al.</p>	<p>Relating to certain assessments for children in the conservatorship of the Department of Family and Protective Services.</p>	<p>Human Services</p>	<p>In 2014, there were a total of 5,231 children placed in adoptive homes and 16,961 children were placed in foster care. With this high number of children in conservatorship, it is important to ensure that their initial placement is most suitable to serve their needs in their vulnerable state. Conducting thorough assessments prior to a child’s placement will result in safe, appropriate, and secured placements for children.</p> <p>HB 1852 improves the initial process of placement by requiring a child to undergo a developmentally appropriate comprehensive assessment no later than the 45th day DFPS becomes the conservator of a child. This assessment will include a trauma screening and interviews with individuals aware of the child’s needs. Conducting thorough assessments prior to a child’s placement will result in safe, appropriate, and secured placements for children.</p>	<p>Favorable Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org</p>
<p>HB 511 By Rep. Moody</p>	<p>Relating to the prosecution of certain offenses committed against a person in custody.</p>	<p>Criminal Jurisprudence</p>	<p>Employees of both public and private correctional facilities can be penalized and sentenced to jail for violating the civil rights of, or sexually violating, individuals in their custody. HB 511 applies the same standard to employees working in immigrant detention centers by expanding the definition of “correctional facility” to include centers holding those who may be in violation of the Immigration and Nationality Act.</p> <p>Last Wednesday, detainees at the Karnes County Residential Center went on their second hunger strike in a month protesting alleged sexual abuse and mistreatment endured at the facility holding women and children. Many of these individuals have fled traumatic circumstances only to find themselves under such duress in a lengthy deportation process. HB 511 closes a loophole in current law to provide that all employees working with detained individuals be subject to the same consequences for immoral and unethical abuse of their authority. With enhanced operations at the border, it is most relevant to ensure that individuals held in detention be protected from bad actors and be treated with basic human decency.</p>	<p>Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org</p>
<p>HB 518 By Rep. Moody</p>	<p>Relating to certain waivers by a defendant regarding a community supervision revocation hearing.</p>	<p>Criminal Jurisprudence</p>	<p>When a defendant is placed on community supervision and violates a term of that supervision, he can be incarcerated. When this happens, by current statute he must come before a court and waive his right to a revocation hearing. HB 518 promotes a more efficient use of resources by allowing the defendant the option of waiving his right for a revocation hearing in writing before a notary public instead of doing so in-person. This, in turn, saves the counties the high costs of transporting these individuals from other districts or states to the court of jurisdiction.</p> <p>If someone is found guilty of another crime, functionally they do not have a defense to a revocation of community supervision rendering a hearing useless. HB 511 does not infringe upon their right to a hearing, it just offers a less disruptive and more cost-effective means of letting an individual waive their right should they so choose. So long as the inmate has the information necessary to make such a decision, this is a constitutionally sound provision that is a far more effective use of court and county resources.</p>	<p>Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org</p>
<p>HB 2481 By Rep. Smith</p>	<p>Relating to the licensing and regulation of auctioneers and associate auctioneers; amending provisions subject to a criminal penalty; requiring an occupational license; requiring a fee.</p>	<p>Licensing & Administrative Procedure</p>	<p>Changes in technology have drastically modified the way auctions are conducted in Texas. The legacy of the live bid has been virtually replaced by online bidding, and previous legislation that was enacted to activate consumer protection laws in online bidding transactions placed greater restrictions on longtime auctioneers to operate their businesses. HB 2481 will be used as an enforcement mechanism for the consumer protection components enacted last session, and it also looks to correct the harmful changes that alienated Texas auctioneers.</p> <p>HB 2481 amends the definition and eligibility requirements for an auctioneer licensee and reinstates an associative auctioneer license and its eligibility requirements. The statutory restrictions that regulate licensed Texan auctioneers from selling motor vehicles, including acting for an entity, are removed and the guidelines in which these transactions may occur are indicated. The bill makes additional changes to the exempt transactions of statutory provisions, adding exemptions related to online auctioneering and removing the</p>	<p>Favorable Evaluated by: Shaina Pomerantz 512-763-0031 shaina@texaslsg.org</p>

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			<p>exemption for individuals selling their property if they do so at an auction regularly. An auctioneers name, license, and contact information are no longer required to be listed in auction advertisements, but the Texas Commission of Licensing and Regulation must adopt advertisement standards for licensed auctioneers and associate auctioneers.</p>	
<p>HB 2718 By Rep. Parker, et al.</p>	<p>Relating to a program to allow faith- and community-based organizations to offer supplemental assistance to certain recipients of public assistance.</p>	<p>Human Services</p>	<p>Faith-based and community-based organizations have long offered services and support for individuals who live in poverty. Additionally, these organizations have sought to work in connection with state agencies to further assist these individuals. HB 2718 allows these organizations, through a program established by HHSC, to assist applicants in obtaining benefits from the Temporary Assistance for Needy Families (TANF) program, Medicaid, the supplemental nutrition assistance program (SNAP), or the child health plan program (CHIP).</p> <p>In February of this year there were approximately 1.5 million SNAP cases, and 27,000 one-parent and child-only TANF cases, 4.1 million preliminary Medicaid cases, and 324,000 children enrolled to receive CHIP. Allowing these organizations to provide assistance will help mitigate caseload from state agencies and offer quality support to this vulnerable population.</p>	<p>Favorable Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org</p>
<p>HB 2903 By Rep. Davis, S.</p>	<p>Relating to training requirements for certain child-care workers.</p>	<p>Human Services</p>	<p>Many working parents use child-care facilities as their primary choice of day-care for children under five years old. Children from birth to five years of age experience significant cognitive development, becoming familiar with their sensory, motor, language and behavioral skills. Therefore, it is extremely important to set high standards for child-care workers so that they can best assist and support children in their experiential learning.</p> <p>HB 2903 requires new minimum training for an employee, director, or operator of a day-care center, group day-care home or registered family home, with no previous training or less than two years of employment experience in a regulated child-care facility. The new training required is as follows: at least 16 hours of initial training before the employee is given responsibility for a group of children, 32 hours of the initial training no later than the 90th day after the employee's first day of employment, and 48 hours of initial training that must be completed no later than the first anniversary of the first day of employment. Additionally, employees working in a day-care center or group day-care are required to complete 24 hours of training, 6 hours of which must be completed in teacher-child interaction, each subsequent year.</p>	<p>Favorable Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org</p>
<p>HB 3327 By Rep. Alvarado, et al.</p>	<p>Relating to a grant program to fund domestic violence high risk teams.</p>	<p>Human Services</p>	<p>One hundred and nineteen women have died as a result of domestic violence in 2013, making it a tragic issue among Texas families. To address this escalating issue other states have established domestic violence high-risk teams composed of multidisciplinary professionals. HB 3327 encourages the creation of domestic violence high-risk teams by establishing a grant program to award money for the formation and support of these teams and their efforts. The request and evaluation of the grant proposals will be handled by the attorney general. This bill offers an effective solution to stop escalating behaviors relating to domestic violence, prevent homicides as a result of domestic violence, and increases the safety of families.</p>	<p>Favorable Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org</p>
<p>HB 1704 By Rep. Deshotel</p>	<p>Relating to disclosure of pregnancy or the existence of a gestational agreement in a suit for the dissolution of a marriage and standing of an intended parent under a gestational agreement</p>	<p>Juvenile Justice & Family Issues</p>	<p>HB 1704 makes changes to the existing surrogacy law to allow both husband and wife as the intended parents of a child born through surrogacy to be recognized as the legal parents of the child, regardless of whether the child has been born. Under current law, Texas recognizes the intended father as the legal parent, but the intended mother is not similarly recognized. This change in law is necessary because in the event divorce occurs between the intended parents both will be equally recognized as the legal parent and have standing in a custody arrangement.</p>	<p>Favorable Evaluated by: Shaina Pomerantz 512-763-0031 shaina@texaslsg.org</p>

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	to file a suit affecting the parent-child relationship.			
HB 2419 By Rep. Wray	Relating to the relationship between the Estates Code and the former Texas Probate Code.	Judiciary & Civil Jurisprudence	HB 2419 is a cleanup measure to ensure continuity in the statute and the instruments used to execute the changes in the law. It clarifies changes in the law made in the last biennium to reflect the Texas Estate Code and the Probate Code as one continuous statute; under this bill any instruments referencing the old Probate code require the Estate Code to be considered an amendment to the Texas Probate Code. The Probate Code was recodified as the Estates Code during the last biennium, but Wills and Trusts documents still reference the old Probate code, not the new Estates Code.	Favorable Evaluated by: Shaina Pomerantz 512-763-0031 shaina@texaslsg.org
HB 1690 By Rep. King, P., et al.	Relating to the prosecution of offenses against public administration, including ethics offenses.	General Investigating & Ethics	<p>This bill transfers the authority to conduct certain criminal investigations of public officials from the Public Integrity Unit to the Texas Rangers. While HB 1690 strives to increase accountability and integrity in Texas by proposing changes to how public integrity crimes are prosecuted, this bill misses the mark. The bill charges the Texas Rangers with investigating the public integrity complaints, currently handled by the Public Integrity Unit under the Travis County DA's office who generally delegate to other agencies unless there is a conflict of interest (for example, HHSC OIG), and puts the prosecution of public officials in the district and county courts where the public official was originally elected.</p> <p>Proponents of the bill say moving the investigating of public integrity complaints to the Texas Rangers, with prosecution at in local county and district courts, will eliminate the bias against public officials because they are a statewide agency. The main concern is that the current Public Integrity Unit, in Travis County, is biased against Republicans. However, there have been 21 elected officials indicted during the PIU's existence; 15 have been Democrats and only 6 have been Republicans.</p> <p>The bill allows the Texas Rangers the option to delegate investigation to another DPS unit if there is a conflict of interest, but it does not require them to recuse themselves nor does it allow the accused to request Texas Rangers recuse themselves. The same applies for District Attorneys and Prosecutors, but the accused MAY request their prosecutor recuse him/herself. Even if an official requests recusal of the prosecutor, the burden of proof is very high to get a prosecutor knocked off a case, meaning the official may not succeed if he/she cannot show a due process violation. There are also concerns that a DA who is friends with the official on trial will not recuse him-/herself and the official will not want that person recused either, nor potentially will a judge, so all protections to a fair trial are decimated. Similarly, the law permits prosecutors to recuse themselves if they perceive a conflict of interest, but does not require them to do so. This could create an additional layer of conflict of interest.</p> <p>Prosecuting in the home counties of public officials raises the concern of holding a trial on "home field advantage," where all those the official has campaigned with and all those the official may have given favors to in the past reside. Another problem with putting the prosecution back in the home counties of the officials rests in statewide officials who have been in office many years. If someone was elected from 'County X' 15 years ago, but has held a statewide position and therefore lived, worked, and voted in Travis County for the past 15 years, is 'County X' really home? This bill would contend it is, but the individual's peers are just as likely to be in Travis after that many years.</p> <p>Without requirements for recusal, and coupled with the potential for long-time officials being tried in an area they may not have lived in for 20 years, there are too many problems with this bill for LSG to stand behind. This attempted solution just trades one problem for another. It is impossible to avoid all corruptions in the system, and this system is no different.</p>	Unfavorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org

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