



Chair, Rep. Garnet Coleman

Treasurer, Rep. Elliott Naishtat

LSG Floor Report For Postponed Business – Saturday, May 23, 2015

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
SB 268 By Sen. Watson, et al. SP: Rep. Anchia	Relating to the duties of a magistrate to inform an arrested person of consequences of a plea of guilty or nolo contendere.	Criminal Jurisprudence	SB 268 adds to the <i>Miranda</i> warning, requiring a magistrate to notify a non-citizen defendant that pleading guilty or “no contest” to a misdemeanor offense may affect that defendant’s immigration status and result in deportation. For felony proceedings, this admonishment is already required. SB 268 provides uniformity to ensure that defendants understand the consequence of their pleas in all criminal cases, upholding fair due process. This is critical to properly administering justice in misdemeanor cases because defendants are rarely assigned court-appointed counsel and would have no way to know that what might appear on its face to be a favorable plea bargain could dramatically jeopardize a life with their family, the opportunity to be naturalized, and have other life-altering implications. SB 268 closes a gaping loophole to equitable due process by enabling non-citizens to make informed pleas.	Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org
SB 1173 By Sen. Nichols SP: Rep. Phillips	Relating to commercial driver’s licenses and commercial learner’s permit and the operation of commercial motor vehicles; creating a criminal offense; amending provisions subject to a criminal penalty; authorizing fees.	Transportation	In 2008, a commercial bus operating in violation of safety rules made national news by losing treading and crashing in north Texas. 17 people died and 39 were seriously injured. Potentially tragic incidents such as these, along with new federal updates to the Commercial Motor Vehicle Safety Act of 1986, necessitate SB 1173. The bill revises state law to comply with tightened federal minimum standards regarding the issuance of commercial driver’s licenses and permits. Major provisions of the bill include: <ul style="list-style-type: none"> • Changes the definition of Commercial Driver Learner’s Permit and Driver License (CDL) to address the new Commercial Learner’s Permit (CLP) • Requires each applicant to obtain a CLP and hold it for a minimum of 14 days before obtaining a CDL • The CLP must be a separate document from the CDL or non-CDL • CLP’s must contain the same information as a CDL • CLP’s may only have certain endorsements for purposes of training • Strengthens the legal presence requirements and increases documentation for the issuance of a CDL and CLP applicants to demonstrate legal presence in the United States • Limits the renewal period for CDLs and CLPs • Identifies when an applicant must surrender a CDL or CLP • Revises the term “Non-Resident CDL” to “Non-domicile CDL” • Establishes a process to downgrade commercial drivers that do not comply with federal medical requirements <p>With the tightened standards mandated by SB 1173, commercial bus drivers will be more properly trained in both driving and safety rules. Compliance with federal standards will also ensure that valuable federal highway funds will not be lost. Noncompliance would</p>	Favorable Evaluated by: Tara Blagg 512-763-0031 tara@texaslsg.org

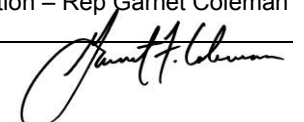
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			result in an expected loss of \$233,548,495 in federal funds over the 16-17 biennium.	
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LSG Floor Report For Major State Calendar – Saturday, May 23, 2015

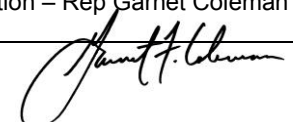
<p>SB 204 By Sen. Hinojosa, et al. SP: Rep. Raymond</p>	<p>Relating to the functions and operations of the Department of Aging and Disability Services; increasing penalties.</p>	<p>Human Services</p>	<p>The Department of Aging and Disability Services (DADS) is a state agency that provides or contracts long-term services for people with disabilities or the elderly and regulation for care providers serving these populations. After review, the Sunset Advisory Commission concluded that DADS should be consolidated with the other health and human service agencies. SB 204 contains the recommendations made by the Sunset Advisory Commission, if DADS is not consolidated and instead remains a separate entity.</p> <p>The following statutory provisions will take place in SB 204:</p> <p>Strengthens DADS’ enforcement authority over nursing homes and other long-term care providers. DADS will make revisions to the repercussions of nursing homes and long-term care providers that commit serious or repeated violations.</p> <p>Begins the process of right-sizing the number of state-operated facilities for people with intellectual and developmental disabilities (IDD) in Texas. Under this provision, DADS is required to close the Austin State Supported Living Center (SSLC) by August 17. Additionally, an SSLC Restructuring Commission will be established to provide the following legislature with information related to SSLCs.</p> <p>Provides extra support for people transitioning from SSLCs to community settings. DAD is required to make changes to support the IDD community in their transition from SSLCs to community settings. These changes include: expanding intervention teams and establish the fees and services permitted for community clients.</p> <p>Places more scrutiny on day habilitation facilities serving people with IDD. An advisory committee will be created by DADS to make improvements to day habilitation facilities. DFPS will be required to track abuses that occur in day habilitation facilities and report the information obtained.</p> <p>Requires improvements to DADS’ long-term care consumer information website.</p> <p>A serious concern of this legislation is the closure of the Austin SSLC and other SSLCs in the future. Several arguments are offered for the closure of these facilities. The first argument is the high costs of the maintenance and operation of these state facilities. Another argument made was that SSLCs face consistent hardship in recruiting and maintaining staff. The most troubling arguments were ones that pointed to incidents that posed a potential threat to the safety or quality of care of residents. While LSG acknowledges and sympathizes with these arguments, we <u>do not</u> believe these reasons justify the closure of the Austin campus and other SSLCs. Several actions could be taken to address these issues, such as conducting staff training and support throughout a staff member's employment at the SSLC. The IDD population deserves quality care for their unique needs, which can <u>only</u> be provided through services at SSLCs due to the holistic, centralized, and immediate 24-hour care. If the Austin SSLC closes, more than 200 residents—belonging to 28 counties surrounding Austin—will have to relocate to another SSLC or seek community or group home services. These services, as indicated by the Sunset review, are currently unequipped, and may never be equipped, to accommodate to the needs of the IDD population who were previously served by SSLCs. The closure of SSLCs is an unethical and life-threatening plan that will produce extremely negative impacts to a vulnerable population. Passing SB 204, will require families of residents at these SSLCs to make drastic, unwanted, and devastating decisions to maintain proper care for family members a part of the IDD community.</p>	<p><u>Unfavorable Unless Further Amended</u> Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org</p>
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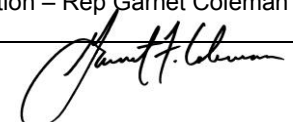
<p>SB 207 By Sen. Hinojosa, et al. SP: Rep. Gonzales, L., et al.</p>	<p>Relating to the authority and duties of the office of inspector general of the Health and Human Services Commission.</p>	<p>Human Services</p>	<p>The Office of Inspector General (OIG) in the HHSC is tasked with the responsibility to prevent, detect and pursue fraud, waste, and abuse occurring in the Commission. From the recent Sunset review, the Sunset Advisory Commission offered recommendations to address the significant concerns related to the OIG’s investigative processes, communication, and accountability. SB 207 contains the recommendations intended to ensure OIG is an effective and transparent unit.</p> <p>The following are the major provisions in SB 207: Strengthens the accountability of OIG. The role of the executive commissioner and the OIG are clarified to improve communication and oversight between the two positions. The OIG is now instructed to report activities and performance as online reports. A special-purpose Sunset review will be conducted for the OIG in six years. Improves the effectiveness of OIG through a series of process improvements to measure and achieve better results. The OIG will have timeframes to complete preliminary and full investigations. Additionally, the Office will make changes to improve basic management practices, such as creating prioritization criteria for investigative processes. The oversight of special investigative units regarding managed care organization will have better oversight and coordination of audits. Streamlines the credible allegation of fraud (CAF) payment hold appeal process. SOAH will now make final decisions on CAF holds, so that proceedings can occur quickly to mitigate financial risks. Also, the requirement for a provider to pay half of their CAF hold and overpayment hearing costs is removed, so that the rules are consistent with other state hearing procedures. Clarifies that “fraud” does not include unintentional technical, clerical, or administrative errors. Strengthens the audit appeal process for pharmacies to promote greater independence in decision-making. Streamlines OIG’s role in the Medicaid provider enrollment process. Gives OIG greater independence through rulemaking and subpoena authority.</p> <p>SB 207 contains necessary changes for the OIG to perform as an effective, efficient, transparent unit. Over the years there were apparent issues that hindered the mission and performance of the Office. The provisions in this bill thoroughly address the problems that occurred and offer a better system that will improve the outcomes of the OIG.</p>	<p>Favorable Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org</p>
<p><u>LSG Floor Report For General State Calendar – Saturday, May 23, 2015</u></p>				
<p>SB 1664 By Sen. Perry, et al. SP: Rep. Burkett</p>	<p>Relating to the establishment of the Texas Achieving a Better Life Experience (ABLE) Program; authorizing the imposition of fees.</p>	<p>Human Services</p>	<p>SB 1664 establishes the Texas Achieving a Better Life Experience (ABLE) Program, which will encourage and assist individuals and families in saving funds to support individuals with disabilities maintain health, independence, and quality of life; and will provide secure funding for qualified disability expenses to supplement benefits provided through insurance plans, including Medicaid and SSI. Qualified disability expenses include expenses for housing; transportation; employment training and support; assistive technology and personal support services; health, prevention and wellness; financial management and administrative services; legal fees; oversight and monitoring; funeral and burial; and other expenses approved under the Internal Revenue Code.</p> <p>ABLE programs are permitted under the Internal Revenue Code. The ABLE program will operate a savings plan account, established as a trust outside of the state treasury. These savings accounts will be made up of monies paid by participants for the purpose of being</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>

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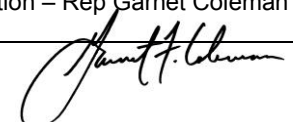
			<p>deposited in their account. Monies in the account are designated for use by the same participant, or the participant’s beneficiary. Unlike other accounts, having money saved in an ABLE account will not be used in determining eligibility for other programs, including Medicaid, so that individuals can save money without fearing losing Medicaid coverage due to assets. The program shall be established, administered, and run by the Prepaid Higher Education Tuition Board.</p> <p>The Board is required to provide information to qualifying individuals with disabilities and their families necessary to establish and maintain an ABLE account. SB 1664 lays out who the Board may or shall collaborate with, what responsibilities the Board has, and a broad overview of how the program shall be operated. An ABLE Program Advisory Committee shall be appointed to assist in the guidance of the program, to offer recommendations and changes where warranted. The ABLE program will provide more options for people with disabilities, allowing them to finance expenses necessary to living an independent life, and allowing them to have a positive quality of life more easily. SB 1664 brings state statute in line with Congress’s recent Achieving a Better Life Experience (ABLE) Act, so that Texans can take advantage of this new program.</p>	
<p>SB 1899 By Sen. Campbell, et al.</p> <p>SP: Rep. Martinez, “M.”, et al.</p>	<p>Relating to the regulation of emergency medical services.</p>	<p>Public Health</p>	<p>Currently, licensed paramedics can work in a hospital, but only as an orderly, which does not allow them to use the skills they have cultivated and been trained to use. This bill allows licensed paramedics to work in hospitals in a way that allows them to use their skills, alongside doctors and nurses. Paramedicine does not allow for much room for advancement, and SB 1899 would provide an additional avenue of work for them, especially as paramedics get older and the fieldwork becomes too strenuous. Paramedics are already trained to do this type of work and this would just allow them to use their skills. This is a policy that already exists in some other states, such as Florida, and has been successful. Licensed paramedics will be supervised by physicians, and only perform the skills they are trained to perform. In accordance with department rules, a hospital must authorize the paramedic to work in the hospital. This would not take away from other professionals in hospitals, but add to the wealth of professional knowledge.</p> <p>SB 1899 also cleans up some general EMS regulations. It provides that DSHS may design and administer a jurisprudence exam twice annually to determine that individuals applying for an EMS or paramedic license or certificate are qualified to perform the required skills. Paramedics applying for a work license must operate out of a physical location and must own or have available to them through long-term lease all equipment needed to provide emergency medical services. The physical location must be owned or leased by the emergency medical services provider, and is only licensed to operate under that location unless authorized by DSHS. Patient records shall be kept at this physical location. Only one EMS provider may operate out of a single location. SB 1899 also lists out which equipment an EMS provider is required to have, either through owning or long-term lease. It designates a complaints and investigation procedure for emergency medical services.</p> <p>Paramedicine is a young career, and it is often a career for the young. It requires a lot of physical stamina. If a paramedic gets injured on the job, their career is often over because climbing in and out of trucks, into ditches, and into dangerous environments requires able-bodied individuals. Giving paramedics a place to work in emergency rooms can help them by allowing them to continue to use their skillset when it is no longer feasible to do so in the field. By also better regulating paramedicine, SB 1899 gives more consumer protection and helps paramedicine grow as a career.</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>
<p>SB 1396 By Sen. West</p> <p>SP: Rep. Paddie</p>	<p>Relating to the sales and use taxation of aircraft.</p>	<p>Ways & Means</p>	<p>SB 1396 defines "certificated or licensed carriers" and expands "sale for resale" to include sale to a purchaser for the purpose of leasing, renting, or reselling the aircraft to another person, including transfer of operational control.</p> <p>Under SB 1396:</p> <ul style="list-style-type: none"> • Use tax would not apply to aircraft brought into the state for the sole purpose of being completed, repaired, remodeled, or 	<p>Will of the House Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>

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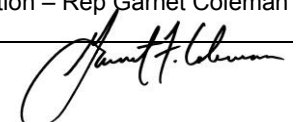


			<p>restored.</p> <ul style="list-style-type: none"> • There would be no presumption of taxable use when an aircraft is brought into the state if the aircraft was not purchased directly from a seller. • No use tax would be levied upon aircraft following out-of-state use. • Transactions involving aircraft between related persons would be treated as transactions between unrelated persons regarding taxability. • Use by a related entity of a purchaser would not be taxable if tax was paid by the purchaser or if, subject to certain exceptions, the purchase was exempt. • Aircraft operated under fractional ownership programs would be exempt from use tax <p>While the bill would clear up current legislation to avoid confusion, it provides more tax exemptions than are offered under current law. The presumption is that SB 1396 would prevent hearings and litigation resulting from unclear statute, and thus balance out the revenue that the state would be forfeiting with the added exemptions. However, the statute could be clarified without giving free tax breaks and lowering the future revenue for Texas. With tax cuts and exemption bill breezing through the House all throughout the 84th session, we don't need another one under the guise of clarification.</p>	
<p>SB 530 By Sen. Hancock SP: Rep. Parker</p>	<p>Relating to the licensing of vehicles for hire and passenger transportation services by certain airport governing boards; authorizing the imposition of fees; expanding the authorization to require an occupational license; amending a provision subject to a criminal penalty.</p>	<p>Transportation</p>	<p>SB 530 authorizes a joint airport board to issue licenses to vehicles-for-hire, including services like Uber and Lyft, for passenger pick-up and drop-off. It allows them to impose a fee for issuance of the license. SB 530 simply grants DFW airport passengers access to the same transportation options available at other Texas airports.</p>	<p>Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org</p>
<p>SB 100 By Sen. Hinojosa SP: Rep. Murphy</p>	<p>Relating to the enterprise zone program.</p>	<p>Economic & Small Business Development</p>	<p>SB 100 restructures the Texas Enterprise Zone Program to move it back toward its original mission of creating jobs in economically distressed areas. While the program was designed with that goal in mind, it has begun to focus more on rewarding job retention; the restructuring of the program will bring the program back to its original focus and spur job growth in Texas. SB 100 expands the program to include giving jobs to veterans, as well as in designated enterprise zones and to economically disadvantaged individuals as was already in statute. The bill removes the population threshold of a county for a governing body's ability to nominate a project or activity as an enterprise project, as well as the maximum number of designations a county is allowed to use in one municipality. It requires interlocal agreements between the county nominating an area as an enterprise zone and the municipality in which the designated area is located in before any zone nomination may be made. The nominating county must include a copy of the interlocal agreement with other documents and information required when making a nomination to the Texas Economic Development Bank.</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>

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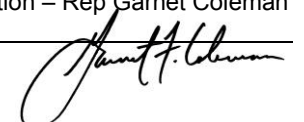


			SB 100 allows that an enterprise project designation may be split into two half designations. A half designation uses one-half of one of the enterprise designations allowed to a nominating body and to the bank. It specifies that, in order for businesses to get refunds, jobs created must be permanent jobs, and per-job refunds are capped at 500 newly created permanent jobs. If the enterprise project is split into two half designations, each half is capped at 250 per-job refunds. SB 100 prohibits multiple concurrent enterprise project designations located at a single qualified business site. This bill will improve the use of the Enterprise Zone Program, incentivizing businesses to develop in economically distressed areas; employ economically disadvantaged individuals; and employ veterans.	
SB 1326 By Sen. Menéndez SP: Rep. Herrero	Relating to the maximum cumulative period allowed for restoration of a defendant's competency to stand trial and to certain time credits awarded against that cumulative period.	Criminal Jurisprudence	SB 1326 authorizes a court to credit "good conduct" time toward the cumulative period that a defendant may be committed to a mental hospital or treatment program. The bill makes a needed revision to a law instated in 2011, which capped the maximum cumulative period of mandated treatment for one found incompetent to stand trial to the maximum term provided by law for the offense. SB 1326 incentivizes good behavior in our county jails, reduces the costly detention of individuals, and ensures that we provide equitable treatment to mentally ill defendants.	Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org
SB 1168 By Sen. West SP: Rep. Villalba	Relating to the operation of certain property owners' associations.	Business & Industry	<p>SB 1168 clarifies current law regarding property owners' associations (POAs). The bill requires a POA that has a website to post all of dedicatory instruments online facilitating greater transparency.</p> <p>If a unit owner sells their unit, current law requires the owner to provide the purchaser with a resale certificate issued by the POA, containing the current operating budget of the association and to provide other applicable statements. The bill adds to the required statements: the association's current operating budget and balance sheet and an itemized statement of all fees associated with the transfer of ownership, including the amount and description of each fee and to whom each fee is paid. It exempts a condominium council of owners and a condominium unit owners' association from law related to the disclosure of information by POAs.</p> <p>The bill makes many necessary revisions and clarifies several important definitions within Property Code. It updates code to ensure that a board meeting held by telephone or internet meet certain standards to adequately provide for board input. It enables a board to take action outside of a meeting, including voting outside of a meeting without providing notice to owners, provided that certain provisions are met. The board must still solicit votes from those owners entitled to vote on the specified matters. The bill expands the matters, which may only be voted upon with proper notification made to owners. It details certain provisions regarding the recount of a vote by a property owners' association and proposes many provisions related to voting, including requiring votes to be made in writing for specified circumstances. It requires that not all but some board members must reside in the subdivision.</p> <p>SB 1168 balances the rights of owners and board members by requiring that proper notice be made to an owner to cure a violation of a dedicatory instrument before action may be taken against them. It stipulates that a cured violation cannot be subject to a fine and also details certain violations considered incurable. It removes a prohibition of an alternative payment plan for collecting certain assessments and gives the POA the discretion to use such a plan.</p> <p>The bill removes a prohibition against a POA foreclosing on an association's assessment lien on real property or commencing a judicial foreclosure action. A property owners' association whose dedicatory instruments grant a right of foreclosure is considered to have any power of sale provided that procedures described by the bill are followed.</p>	Will of the House Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org



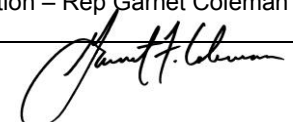
<p>SB 188 By Sen. Watson, et al. SP: Rep. Muñoz, Jr.</p>	<p>Relating to certain insurers' insurance rating and underwriting practices based on certain consumer inquiries.</p>	<p>Insurance</p>	<p>The 83rd Legislature placed certain prohibitions on insurers; disallowing using an underwriting guideline based solely on whether a consumer inquiry has been made by or on behalf of the applicant or insured, from charging a different rate to various customers for the same coverage, or increasing the rate based solely on whether a consumer inquiry has been made by or on behalf of the applicant or insured. Unfortunately, certain policies were left out of said prohibitions. SB 188 includes policies written by a farm mutual insurance company, a county mutual insurance company, a Lloyd's plan, and a reciprocal or interinsurance exchange, to those covered under the prohibition.</p>	<p>Favorable Evaluated by: Cathryn Taub 512-763-0031 cathryn@texaslsg.org</p>
<p>SB 1007 By Sen. Eltife SP: Rep. Kuempel</p>	<p>Relating to the practices and professions regulated by the Texas Appraiser Licensing and Certification Board.</p>	<p>Licensing & Administrative Procedures</p>	<p>There are approximately 1000 appraisers throughout Texas that will be impacted by the provisions laid out in SB 1007. The bill makes some substantive and clean-up provisions which most significantly impact the Texas Appraiser Licensing and Certification board, Sunset oversight, and process and procedure for appraisers that are licensed or certified within Texas. The following highlight changes made within SB 1007:</p> <p>Texas Appraiser Licensing and Certification Board The number of board members is increased from three to five and appointments are made by the governor. Training and is mandatory for appointed and qualifying board members. Staggered term limits change from 2 years to 6 years, however, appointed members to the advisory committee cannot serve more than 2 consecutive 2-year terms. SB 1007 lays out terms for appointment and removal, salary; oversight and responsibilities in its official capacity, such as professional conduct, gratuitous contributions, and oversight for the administration and issuance of licenses and certifications. Board members can receive reimbursement acting in official capacity; however, they may not receive compensation for facilitating continued education course to its members. The Board has discretionary oversight of probationary licenses and certificates; late renewals; examinations; appraiser trainees and supervisors; professional standards; complaint procedures, including review, investigation, hearing requests, and post-hearing recovery. The board has the authority to issue a cease and desist order for any action that is in violation of the provisions laid out in SB 1007.</p> <p>Sunset Oversight The Texas Appraiser Licensing and Certification Board is now subject to Sunset review in 2019.</p> <p>New and Existing Texas Appraisers An out-of-state appraiser may not offer opinions on a review but can operate in an appraisal capacity. An appraiser who has an expired license or certification will be placed on an inactive status within one year of the expiration and no later than 180 days. SB 1007 replaces prior provisions of the Appraiser Qualification Board allowing the Board to elect a new applicant or renewal to submit to a criminal background check; guidelines are laid out in the bill. Examinations are offered at least a month in Austin, or any time and place designated by the Board. Exam dates will be made public on the Board's website. Exam results changed from 31 days to 10 days and any delayed results will require a notification within 10 days of the exam, which is changed from 90 days. A fee is now mandatory with the registration application.</p>	<p>Will of the House Evaluated by: Shaina Pomerantz 512-763-0031 shaina@texaslsg.org</p>
<p>SB 1032 By Sen. Watson, et al. SP: Rep. Israel</p>	<p>Relating to authority for certain state employees to work flexible hours and to work from home or other authorized alternative work sites.</p>	<p>State Affairs</p>	<p>Current law prohibits full-time state agency employees from working at their residence without obtaining prior written authorization from the administrative head of the agency. Current law also requires that agencies always have at least one person on duty during normal office hours.</p> <p>These provisions discourage state agencies from adopting telework and flexible work hour policies—both of which would reduce traffic congestion & pollution, and improve employee quality of life, morale and retention.</p>	<p>Favorable Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>

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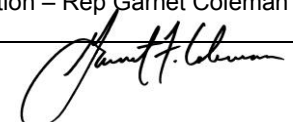
			<p>SB 1032 authorizes agency administrative heads to adopt a policy permitting supervisors to allow their employees to regularly work from an alternative work site, including an employee’s residence. The bill further allows employees, at manager discretion, to work outside of regular working hours if already offsite.</p> <p>This legislation requires state agencies to consider if the position requires on-site resources and if the provision of in-person service or interaction is essential to the position. It also mandates a clear expectations from the employee and agency regarding the employee’s responsibilities and requirements for communicating with and reporting to the agency. The Texas Department of Information Resources will compile and submit a report on the pertinent outcomes for this program by November 1 of each even numbered year.</p> <p>None of these provisions allow employees to work from home or during alternative hours without obtaining their supervisor’s approval; instead, SB 1032 merely streamlines the process so that supervisors do not have to review each request on a case-by-case basis.</p> <p>SB 1032 would allow employees to have work/life balance, saving them money with child care, and ancillary expenses. It also lets employees to work the hours that are best for them, allowing for higher productivity, and better quality work.</p>	
<p>SB 1070 By Sen. Hinojosa SP: Rep. Moody</p>	<p>Relating to allowing certain defendants to successfully complete education at a substance abuse treatment facility in lieu of attending an education program; changing required conditions of community supervision for certain defendants.</p>	<p>Criminal Jurisprudence</p>	<p>A defendant convicted of certain intoxication offenses is required to attend an educational program on the dangers of substance abuse as part of their community supervision. SB 1070 requires a judge to waive certain educational requirements for a defendant who has been mandated to undergo treatment as a resident of a substance abuse treatment facility as a condition of community supervision and successfully completes equivalent education as a part of that treatment. The bill transfers the responsibility to approve, certify, and provide training for educational programs and equivalent education from TABC to DSHS.</p> <p>Under the bill, the director of the residential treatment facility is required to notify DPS once the individual has successfully completed equivalent education, so that DPS may include that information the person’s driving record. DPS must also reinstate the individual’s license upon completion of the education and upon receipt of payment an applicable fee.</p> <p>The educational component of treatment should satisfy any condition of community supervision. Often substance abuse treatment facilities provide a more holistic and intensive approach to substance abuse education that is coupled with other rehabilitative work for successful behavior modification. The bill will save a defendant the expense of redundant education and lost wages. Further, the bill places administration of educational programs within the purview of DSHS, which can more appropriately assess program curriculum and standards.</p>	<p>Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org</p>
<p>SB 135 By Sen. Whitmire, et al. SP: Rep. Dutton</p>	<p>Relating to the organization of a grand jury.</p>	<p>Criminal Jurisprudence</p>	<p>“Key man” jury selection is a method of impaneling a grand jury in which a grand jury commissioner chooses jurors instead of randomly selecting those individuals as would be done for petit juries. Often, this results in juries largely comprised of individuals already working in the criminal justice system. The “key man” system, while still found facially constitutional, is subject to partiality and abuse, and impedes a diverse jury and fair trial.</p> <p>SB 135 repeals use of the “key man” system of grand jury selection. Instead, it requires the district judge to select jurors, taking into consideration the county’s demographics related to race, ethnicity, sex, and age, from a randomly-selected pool of individuals, as would be done for civil cases. The bill adds to questions, which may disqualify a citizen from serving on a jury, to include whether or not they have been indicted for or convicted of misdemeanor theft. It further authorizes the court to dismiss a juror for any reason that they determine is good cause.</p>	<p>Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org</p>

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			The federal government scrapped “key man” jury selection in 1968 as part of the Jury Selection and Service Act. We are shamefully the only state that still uses this system. Strong data supports that minorities are over-represented in our criminal justice system and under-represented on our juries. The “key man” system is an archaic practice that sustains systemic and overt racism. This bill is long overdue.	
SB 1071 By Sen. Hinojosa SP: Rep. Thompson, S.	Relating to requiring notice of the scheduling of an execution date and the issuance of a warrant of execution.	Criminal Jurisprudence	SB 1071 prohibits a convicting court from setting an execution date, unless the attorney representing the state files a written motion to set an execution date. A copy of the motion must be served to the attorney representing the individual in the most recent post-conviction hearing and to the Office of Capital Writs at least 10 days prior to setting the execution date. The bill requires the court clerk to issue a copy of the warrant of execution to the attorney representing the state, the attorney representing the individual being put to death, and to the Office of Capital Writs. The bill gives all parties notice, regarding the setting of an execution date.	Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org
SB 1560 By Rep. Zaffirini SP: Rep. Lozano	Relating to the regulation of chemical dependency treatment facilities and certain other facilities.	Human Services	SB 1560 affirms the right of patients in chemical dependency treatment facilities to consent to treatment, the right to consent to medications, and the right to refuse medications. It states that patients must be informed in writing that consent may be revoked at any time by the patient or the patient’s representative. It stipulates that medications may not be administered by the treatment facility to patients as punishment or as a convenience to staff. Further, SB 1560 provides that patients have a right to information about medications provided to them, including the classes of the medications, what the medications are used to treat, what side effects the medications may cause, beneficial effects of the medications, and where the information provided comes from. Within two working days of providing the information to the patient, the physician prescribing the medications must meet with the patient and, if warranted, a representative of the patient to answer any questions regarding the medications. A full list of all medications prescribed for administration by the facility shall also be provided within four hours to the patient, patient’s designated representative, and/or patient’s legal guardian or managing conservator at the request of any of those listed. If there is not time to give the patient or representative a list within four hours due to the patient’s discharge, the list shall be mailed within 24 hours instead. SB 1560 makes it clear that patients have rights when they are receiving chemical dependency treatment, and keeps patient rights at the forefront of all treatment provided.	Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org
SB 316 By Sen. Hinojosa SP: Rep. Leach	Relating to the prioritization of certain available legal defense services when appointing representation for an indigent defendant in a criminal case.	Criminal Jurisprudence	SB 316 requires that in a county that has an existing public defender’s office, the assignment of a public defender should be prioritized over alternate counsel. The bill provides for certain exceptions: if the court has reason to appoint other counsel, of if a managed assigned counsel program also exists in that county. The county would then save money by utilizing the public defender’s office over paying private attorneys to handle indigent defense. However, our public defender’s offices are already overburdened by their caseloads. TIDC estimates that we need to spend 50% more time on misdemeanor offenses and 19% more time on felony cases to provide effective representation of our indigent defendants. In basic protection of 6 th Amendment rights, it’s important that we take caseload into consideration as we assign more cases to public defenders. SB 316 prioritizes quantity over quality. Automatically prioritizing public defender’s offices will not ensure that minimum standards of adequate representation are met.	Will of the House Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org
SB 1467 By Sen. Watson SP: Rep. Gonzales, L.	Relating to authorizing the collection of a service charge on certain electronic toll collection customer account payments.	Transportation	SB 1467 encourages third party vendors to enter into an agreement with TxDOT to provide more options for TxTag customers to pay their TxTag bills. Currently, there is only one customer service center where customers may pay their bills in person. The bill authorizes a third party vendor entering into an agreement with TxDOT to provide for toll charge collection to also collect a service charge not to exceed \$3 for the payment transaction. Incentivizing these agreements through a modest profit will allow for customers to more conveniently make payments.	Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org

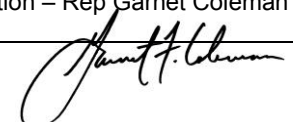
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LSG Floor Report For Resolutions Calendar – Saturday, May 23, 2015

<p>HCR 52 By Rep. Guillen, et al.</p>	<p>Authorizing the State Preservation Board, subject to state law and rules of the board, to approve and permit the relocation of the Texas Game Warden Memorial to a site at the State Capitol, south of the Sam Houston Building, just outside of the historical grounds.</p>	<p>Culture, Recreation & Tourism</p>	<p>Game wardens provide an invaluable service to Texas, preserving our land and wildlife for future generations to enjoy. The current memorial honoring the 18 game wardens who have lost their lives is located at a fish hatchery in Athens, TX, and there is no significant or emotional attachment to the location. HCR 52 authorizes the State Preservation Board to move the memorial to the south side of the Sam Houston building, and allow more people to visit and learn about the role and responsibilities of game wardens. The cost of the move will be provided by private donation.</p>	<p><u>Favorable</u> Evaluated by: Cathryn Taub 512-763-0031 cathryn@texaslsg.org</p>
<p>HCR 61 By Rep. Flynn, et al.</p>	<p>Urging Congress to reimburse the State of Texas for bearing the financial burden of the federal government’s responsibility to secure the Texas-Mexico international border.</p>	<p>State & Federal Power & Responsibility</p>	<p>In 2012, the ACLU and other civil rights organizations demanded independent investigations after several undocumented immigrants were mistakenly shot and killed or injured by pilots of a DPS helicopter thinking their truck was transporting drugs. In reality, the truck, driven by a 14-year-old, was attempting to transport three Honduran brothers into the U.S.</p> <p>Reality, however, is not something widely considered by the Texas government when dealing with border security. Drug busts along the border have steeply declined over the past decade. Further, 80% of border drug bust perpetrators are actually US citizens. FBI crime statistics show that border cities are much safer than inland cities; for example - Brownsville, a prominent border city, is ranked the safest out Texas’ 24 metro areas, with a murder rate lower than all cities except Abilene. Rumors of terrorist groups, such as ISIS, gaining access though the border are unfounded. The only recent spike in border activity has come in the form of Central American immigrants, largely minors, crossing the border to flee gang violence.</p> <p>The 2012 incident begs to question whether the costly militarization of the border is truly the best way to deal with the only statistically-proven border issue on the rise – an influx of young immigrants fleeing violence. HCR 91 urges the federal government to reimburse Texas \$603,600,000 for eschewing the responsibility to secure the border. However, the federal government should not be obligated to pay for Texas’ costly and inappropriate solution to a misidentified problem.</p>	<p><u>Unfavorable</u> Evaluated by: Tara Blagg 512-763-0031 tara@texaslsg.org</p>
<p>HR 1835 By Rep. Capriglione</p>	<p>Expressing support for the implementation of the Next Generation Air Transportation System.</p>	<p>State & Federal Power & Responsibility</p>	<p>HR 1835 formally expresses Texas’ support to the federal government and the Federal Aviation Administration for the Next Generation Air Transportation System (NextGen). NextGen is an airport improvement program which includes performance-based navigation flight procedures, improved surface management systems, reduced aircraft exhaust emissions, and technology upgrades. Its implementation would ensure that air travel is safer, more efficient, less congested and less environmentally harmful. A reduction in congestion is particularly important in Texas airports such as Houston’s George Bush International, which is expected to see significant increases in flights.</p>	<p><u>Favorable</u> Evaluated by: Tara Blagg 512-763-0031 tara@texaslsg.org</p>

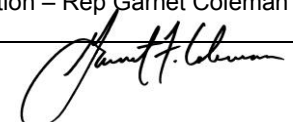
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LSG Floor Report for SB 204 Amendments—Saturday, May 23, 2015


Author	Analysis
<p>Rep. Crownover 841990</p>	<p>This amendment removes the language that members of the legislature cannot propose amendments to legislation that considers recommended closures of an SSLC.</p>
<p>Rep. Crownover 841992</p>	<p>This amendment requires the department to compile a quarterly report regarding the well-being and service access for former residents relocated after the closure of the Austin State Supported Living Center. It mandates that the first report be prepared no later than 3 months after the closure and stipulates the data to include reports of neglect, abuse, or death of the former residents. By each 12 month anniversary of the closure, the department will provide a 12-month aggregate report of its findings to the Lt. Governor, Speaker of the House, and presiding officers or the standing committees of the Senate & House representatives with primary jurisdiction over intellectual and developmental disability issues, and finance issues. This amendment would expire Jan 1, 2023.</p>
<p>Rep. Guerra 841986</p>	<p>This amendment allows permit holders to develop their site in accordance with regulations and rules in effect when the permit was issued.</p>
<p>Rep. King, S. 842005</p>	<p>This amendment allows an elected member of the legislature to propose the closure of a state supported living center to the restructuring commission as long as that living center is located in the member’s own district. The amendment adds that recommendation to the list of things that the restructuring commission must consider when evaluating state supported living centers.</p>
<p>Rep. King, S. 842004</p>	<p>This amendment strikes the requirements for the member of the SSLC restructuring commission and adds that the members only include 5 members who are appointed by the governor and the executive commissioner or a designee.</p>
<p>Rep. King, S. 842003</p>	<p>HB 204 requires the SSLC restructuring committee’s evaluation of each state supported living center to include proposing the closure of certain centers, if applicable. This amendment expands the evaluation to include the repurposing of certain centers based on state or local needs, or the downsizing or consolidation of certain centers to build new, modern facilities.</p>

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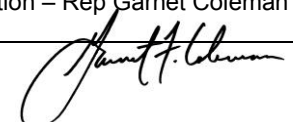
<p>Rep. King, S. 842002</p>	<p>This amendment changes the requirements of the SSLC restructuring commission’s report provided to the legislature, to include the evaluation of each SSLC; and any proposals to close certain centers and why. In addition, an electronic copy of the report will be posted on the DADS website.</p>
<p>Rep. King, S. 842001</p>	<p>This amendment requires the SSLC restructuring commission to receive input from parents or guardians of residents of the center.</p>
<p>Rep. King, S. 842000</p>	<p>This amendment requires DADS to track the health of former residents, specifically to include mortality information of those individuals. Additionally, the department must have the record of information available detailing the number of former residents that have died after living in an SSLC that closed. The executive commissioner of HHSC is required to adopt rules, to include how long residents shall be tracked for the purposes of mortality tracking, which can be no shorter than 5 years.</p>
<p>Rep. King, S. 841999</p>	<p>This amendment specifies that a member of the SSLC restructuring commission may not have a current or future financial interest in the closure of an SSLC.</p>
<p>Rep. King, S. 841998</p>	<p>The amendment requires the HHSC executive commissioner, in addition to establishing a list of services a SSLC may provide under contract, to establish procedures for DADS to create, maintain, and amend as needed a schedule of fess that a SSLC may charge for a service. When creating a schedule DADS is required to use the reimbursement rate under the Medicaid program. Additionally, an SSLC may charge a fee for a service other than those provided in the schedule of fees by DADS, if the SSLC makes negotiations with a managed care organization.</p>
<p>Rep. King, S. 841997</p>	<p>This amendment removes the language that members of the legislature cannot propose amendments to legislation that considers closure of an SSLC.</p>
<p>Rep. King, S. 841996</p>	<p>This amendment requires the SSLC restructuring commission to consider the economic impact of the center’s closure on the municipality in which the center is located, among other considerations.</p>

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<p>Rep. King, S. 841995</p>	<p>This amendment specifies that the SSLC restructuring commission must hold a public hearing at each of the SSLC in Texas.</p>
<p>Rep. King, S. 842007</p>	<p>This amendment establishes a temporary work group composed of stakeholders to offer advice, guidance, and information to best support and protect residents’ health, safety and their civil rights. This will include developing neighborhood and community engagement plans.</p>
<p>Rep. King, S. 842006</p>	<p>This amendment changes the factors that the SSLC restructuring commission is prescribed to consider before closing an SSLC; replacing 9 of the 12 requirements. New requirements include the availability of, level of regulatory compliance of, and quality of services of community service providers; specialty services provided at the center; comments about the center from parents and guardians of the center’s residents; availability of employment opportunities for center employees if the center closes; and whether closure would adversely affect the geographic distribution of centers in the state. The commission will give priority to requirements as they are listed.</p>
<p>Rep. Martinez Fischer 841987</p>	<p>This amendment adds a new section reinforcing DADS’s authority to direct, manage, amend, or nullify provisions regarding the organization, powers, regulation, and management of DADS, any offices they have created, and direction of any advisory committees created under SB 204.</p>
<p>Rep. Peña 841988</p>	<p>This amendment adds a section mandating DADS work with the commission in the event of a state supported living center closure, to educate the parent or guardian of a former resident of a state supported living center on the availability of home & community-based services, as well as service delivery options under Medicaid state plan programs.</p>
<p>Rep. Raymond 842009</p>	<p>This amendment clarifies what information DADS must maintain and make available to the public regarding day habilitation services, including the physical address of and contact information for providers in the state; how long providers have provided services; the internet website of each provider, or a description of the services offered if there is no website; and the average number of individuals receiving services from each provider as well as the estimated maximum number of individuals each provider is able to serve in a day.</p>
<p>Rep. Raymond 842008</p>	<p>This amendment adds a section related to contracts for home-delivered meals. It directs the executive commissioner of HHSC to consult with DADS, and adopt rules requiring any person contracted with DADS providing home-delivered meals for clients to offer: hot, frozen, chilled, or shelf-stable meals to accommodate client needs and preferences; package and transport the meals separately as necessary to maintain appropriate food temperatures; and deliver meals at reasonable times that accommodate client needs and preferences. The contracting person must notify the client’s case manager if the client or person responsible for the client has failed to accept a delivery of a scheduled meal.</p>

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<p>Rep. Raymond 842010</p>	<p>This amendment clarifies that the Sunset Provision section will only apply if HHSC is not consolidated into one agency in the 84th Legislature, Regular Session, 2015.</p>
<p>Rep. Workman 841982</p>	<p>This amendment moves the closure of the Austin State Supported Living Center from 2017 to 2019 and moves the date of DADS’ review of how the closure was carried out from 2018 to 2020. This gives the living center ample time to find new places for their clients to go, as well as gives the legislature time to consider alternative solutions in the next legislative session. The amendment also directs DADS to conduct a study of possible alternative uses for the Austin State Supported Living Center campus, including: using the campus to provide mental health services and IDD services; leasing or selling portions of the property for state agency use, health care use, or private use; and using the campus to provide IDD services through a Medicaid waiver program; DADS shall also coordinate with DSHS and TFC to examine potential costs and mitigation strategies when considering alternative uses of the ASSLC.</p>
<p>Rep. Workman 841989</p>	<p>This amendment will give the Austin State Supported Living Center an additional two years to implement closure, giving the legislature time to create alternative plans in the 85th session if desired. The closure plan will be extended to August 31, 2019 and the evaluation of the closure will be extended to August 31, 2020.</p>

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