



Chair, Rep. Garnet Coleman

Treasurer, Rep. Elliott Naishtat

Vice Chair, Rep. Lon Burnam

LSG Floor Report For General State Calendar – Tuesday, March 26, 2013

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 281 by Rep. Lucio III	Relating to the right of one immediate family member of certain deceased peace officers to make an oral statement regarding the terms of a plea bargain agreement.	Criminal Jurisprudence	<p>In cases concerning the death of peace officers in the line of duty, prosecutors often offer a plea bargain to defendants in order to ensure a guaranteed conviction. Surviving family members of the peace officer typically do not agree that the punishment fits the crime and would rather see the case move to trial. HB 281 amends the Code of Criminal Procedure to allow one family member designated by the peace officer's immediate family to make an oral statement to the court about whether they support or oppose the plea bargain. This bill requires the court to consider their statement before sentencing and allows the defendant's council to cross-examine this family member in the case of factual inaccuracy.</p> <p>HB 281 advocates for victim's rights and gives the families of peace officers a voice during court proceedings. The ultimate discretion by the presiding judge still remains, and if the judge does not accept the plea bargain, there is no "admission" of guilt by the defendant in the event that the case goes to trial.</p>	Favorable Evaluated by: Muna Javaid 512-763-0031 muna@texaslsg.org
HB 677 by Rep. Geren	Relating to the regulation and enforcement of dam safety by the Texas Commission of Environmental Quality.	State Affairs	<p>Currently, the Texas Commission on Environmental Quality (TCEQ) exempts private dam owners from meeting regulatory requirements included in the Dam Safety Program as long as they meet specific private dam safety specifications. To meet current specifications, a private dam must be located in a county with a population less than 215,000. Additionally, the dam must be classified as "low" or "significant" hazard, meaning the dam presents no hazard relating to public safety and poses improbable threat to economic or environmental loss. There are presently 3,056 dams in 233 counties that qualify.</p> <p>HB 677 expands this exemption to include counties with a population of up to 350,000 people, which would encompass an additional 135 dams in 8 additional counties. The bill also repeals the Sunset date of August 31, 2015 for these exemption requirements to be included in the Water Code, thus permanently exempting the owners whose dams presently meet TCEQ requirements.</p> <p>This bill creates a permanent balance of private property rights and public safety matters regulated by the TCEQ for counties of 350,000 people or less. The privately owned dams under consideration are typically found on small family farms and ranches that are used as stock and fish ponds. They do not face the same safety challenges as larger dams in more populated counties.</p> <p>Although the Dam Safety Program is aimed to mitigate the risk of dam failure and safety concerns, these requirements are excessive for private dams and burden landowners with expensive and unnecessary repairs and engineering costs.</p>	Favorable Evaluated by: Amanda Williams 512-763-0031 amanda.williams@texaslsg.org

OK for Distribution – Rep. Garnet Coleman