

HARRIS COUNTY OFFICE OF LEGISLATIVE RELATIONS

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SUMMARY OF THE 83rd REGULAR SESSION

OF THE TEXAS LEGISLATURE

REPORT TO THE HARRIS COUNTY COMMISSIONERS COURT

AUGUST 2013

SUMMARY REPORT
83rd REGULAR SESSION
OF THE TEXAS LEGISLATURE
2013

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SESSION RECAP

If there was a theme to the 83rd Regular Legislative Session, it was cooperation. Although derailed during the summer by the special sessions that followed, both chambers and both political parties cooperated during the 83rd Regular Session by setting aside their more significant differences for another day and working together to pass a comprehensive budget and significant educational and criminal justice reforms. The reason for all the good feelings probably had much to do with the fact that, instead of facing a \$27 billion shortfall like the 82nd Legislature, the members of the 83rd had a \$88 billion surplus with which to work.

During the 83rd Regular Session, 6,061 bills and joint resolutions were filed, and 1,421 or 24% passed. The numbers were down somewhat from previous sessions as reflected in the following table. Of the past five sessions, only the 79th Legislature in 2005 had lower numbers.

	<u>Bills Filed</u>	<u>Bills Passed</u>
2005 79 th	5,484	1,388
2007 80 th	6,190	1,481
2009 81 st	7,419	1,459
2011 82 nd	6,236	1,532
2013 83 rd	6,061	1,421

Of the 6,061 bills that were filed, 1,928 or fully 32% potentially impacted Harris County, either directly or because of the county's status as an employer, landlord, building operator, or business entity. Of the 1,421 bills that passed into law, 451 (also 32%) impact counties to some degree.

Harris County was again fortunate this session. Of the 20 bills the county asked members to file, 14 or 70% passed (see Appendix 1, Tracking Chart). The county also successfully advanced 9 of 9 appropriations priorities, with the increase in funding to the county from the budget estimated to total approximately \$20 million (see Appropriations and Budget Issues, beginning on page 52).

Taken together, the result was an overall success rate on county legislative and appropriations issues of 79%, substantially better than the 24% statewide success rate. During the session, the Office of Legislative Relations covered 85 committee hearings, or an average of 7 per week, with the county either taking a position or providing testimony on 117 bills of importance to the county, for an average of 10 per week.

ACKNOWLEDGMENTS

It seems we repeat this every year, but it bears repeating again and again. Navigating the legislative session is a team effort. The Office of Legislative Relations could not function at the legislature without the cooperation and dedication of the county departmental personnel who feed us information and make their way to Austin to make their case to the Legislature, sometimes on just a day's notice.

The Office of Legislative Relations administrative staff, Executive Assistant Karen Garner and Human Resources and Finance Administrator Geanita Brown, keep us going and deftly shepherd us through the daily problems that inevitably arise.

Special thanks go to the County Attorney's Office, especially Rose Garcia, who reviewed every single bill that was filed and forwarded those impacting the county to the Office of Legislative Relations and the impacted departments. It is high-volume and occasionally tedious work, and it makes our job immeasurably easier. Marva Gay, Chief of the General Counsel Division, along with Doug Ray and the rest of the attorneys in the County Attorney's Office, also deserve recognition. They get us the information we need on a timely (meaning, immediate) basis and testify when needed.

The Office of Legislative Relations would also like to thank the Conference of Urban Counties, the County Judges and Commissioners Association of Texas, the Texas Association of Counties, and the governmental relations staffs of our sister urban counties, for their leadership and assistance. Of particular importance are the daily meetings during the session hosted by Don Lee, Director of the Conference of Urban Counties, and attended by the governmental relations staffs of the major urban counties and the county associations. The coordination that results is impressive and invaluable.

Last, but not least, the Office of Legislative Relations would like to acknowledge the efforts of the County Legislative Committee and the staff of the Budget Management Department. The Office of Legislative Relations depends upon their able direction, assistance, and support.

Harris County Legislative Committee

County Judge's Office	Kathy Luhn
Precinct One	Sidney Braquet
	Sherea McKenzie
Precinct Two	Dave Walden
	Hattie Miranda
Precinct Three	Steve Brewer
	Carole Lamont
	Court Koenning
Precinct Four	Elizabeth Neal
	Ella Edmiston
Budget Management Department	David Kester
	Aubrey Pasley
	Doug Wright

ORGANIZATION OF THIS REPORT

The focus of this report is not the bills pursued by Harris County, although they are discussed (and the county's tracking chart is attached as Appendix 1), but the overall impact of the 83rd Texas Legislature on the county as a whole. The purpose of the report is to present a comprehensive overview of legislation affecting the county, but the description of each individual bill is necessarily brief. For details with respect to a particular bill, please refer to the bill itself.

The report is organized by subject matter so that court members and departmental staff may turn to an area of interest for a summary of the legislation impacting that particular area. The first major section of the report includes bills by department. The following sections are by topic.

COUNTY AUTHORITY, RESPONSIBILITIES, AND OPERATIONS

This chapter summarizes the bills passed during the 83rd Legislative Session that impact county authority, responsibility and operations. It includes legislation impacting specific departments.

Note: Other bills that impact county departments and operations more generally are summarized by topic in subsequent chapters. Please check the table of contents.

NEW AND EXPANDED AUTHORITY

Game Room Regulation

Probably the most important bill to pass this session regarding the ability of the county to protect its residents is **HB 1127 by Smith (Effective 6/14/13)**, which grants to the county the authority to regulate and inspect game rooms. Game rooms have become significant crime magnets in the unincorporated area since the City of Houston passed its game-room ordinance, driving those establishments out of the city and into the county. To address the problem in the unincorporated area, the county needed regulatory authority similar to that of cities. **HB 1127** authorizes the commissioners court of a county with a population of four million or more to regulate game room operations and to inspect any business in the county to determine if the business contains legitimate "amusement redemption devices" or illegal gambling machines.

Salvage Yards

HB 248 by Walle (Effective 9/1/13) increases the distance requirement, in Harris County only, for salvage yards from 300 to 600 feet from a church, school, or residence.

Approval of Emergency Medical Services Transporters

As of the date of this report, the Texas Department of State Health Services (DSHS) has declared a moratorium on the issuance of EMS transport licenses. Should license issuance begin again, **HB 3556 by Kolkhorst (Effective 9/1/13)** would require an applicant whose service area would include any part of the unincorporated area of the county to obtain from commissioners court a letter of approval before being granted a license by DSHS. This applies only to new licenses and does not apply to city, county, ESD, hospital, or volunteer providers. If the county issues the letter it must make findings that the addition of another licensee in the area (1) will not "interfere with or adversely affect" the provision of services by current licensees, (2) will "remedy an existing provider shortage," and (3) will not "cause an oversupply of licensed EMS providers." This is a reaction to the growth in Medicaid transport fraud committed by fly-by-night providers.

Establishing Water and Energy Improvement Districts

SB 385 by Carona (Effective 6/14/13) extends to counties the authority cities currently have to create water and energy improvement districts and impose assessments on property owners to repay the county or a third party for the cost of financing a water or energy project.

Reinvestment Zones

Homestead Preservation Reinvestment Zones

HB 3350 by Rodriguez, Eddie (Effective 9/1/13) allows a city to create a homestead preservation reinvestment zone without the currently-required county participation, but preserves the ability of a county to participate if it so desires. The bill also eliminates some population and ownership requirements for the establishment of a zone.

Transportation Reinvestment Zones

SB 1110 by Nichols (Effective 9/1/13) allows a city or county to designate a transportation reinvestment zone for a transportation project outside city or county boundaries if the project "will serve a public purpose of that county or municipality" and an agreement is entered into between one or more counties or cities within the project boundaries who has also created a zone.

Roads and Bridges

Accepting Donations

HB 1384 by Bell (Effective 6/14/13) authorizes commissioners court to accept donations of labor, money, or property to aid in building or maintaining roads.

Prohibiting Use of a Road by Large Vehicles

HB 2612 by Flynn (Effective 6/14/13) expands the authority of a county road supervisor to prohibit the use of a road (currently limited to situations involving potential damage from wet weather or construction, or an unsafe bridge or culvert) by vehicles of over 60,000 pounds if an alternate route is available, the route is identified, and appropriate notice is given.

Speed Limit

HB 1607 by Farney (Effective 6/14/13) increases the maximum speed the court may set on county roads from 60 mph to 70 mph.

Regulation of Traffic on Roads Owned, Operated or Controlled by a Special District

SB 1411 by Deuell (Effective 6/14/13) allows the court to regulate traffic on a public road owned, operated, and maintained by any special district (including MUD's, but also other districts) if the court finds it is in the county's interest.

Classifying as Abandoned a County Road to a Cemetery

SB 1487 by Watson (Effective 6/14/13) provides an exception to current law prohibiting a county from abandoning a county road to a cemetery, if an adjoining landowner agrees to provide reasonable access and files notice with the county clerk.

Weigh Stations

HB 714 by Kuempel (Effective 9/1/13) allows a county and the Department of Public Safety to jointly operate a fixed-site weigh station.

Commissioners Court Comments on MUD Creation

HB 738 by Crownover (Effective 9/1/13) expands commissioners court authority to comment on the creation of a MUD to include MUD's in the ETJ (currently limited to the unincorporated area outside the ETJ).

Establishment of Roth Accounts and a 457 Loan Program

SB 366 by Taylor (Effective 5/18/13) clarifies commissioners court authority to establish certain deferred compensation plans and allow 457 loans for employees.

Debt Collection

HB 2021 by Rodriguez, Eddie (Effective 6/14/13) authorizes commissioners court to contract with a private attorney or vendor to collect a debt owed to the county that is related to a civil case, including an unpaid fine, fee, or court cost.

Moving the First Tuesday Auction Site

HB 699 by Davis, John (Effective 10/1/13) authorizes commissioners court to move the location of public sales of real property from the county courthouse door to another location, as long as that location is in a reasonable proximity to the county courthouse and is just as accessible. An alternative site designation under the bill must be filed in the real property records and must be on file for 90 days before the alternative site is utilized.

PUBLIC OFFICIALS AND EMPLOYEES

E-filing Financial Statements and Campaign Finance Reports

HB 1035 by Huberty (Effective 9/1/13) allows financial statements and campaign finance reports to be delivered electronically if the authority with whom they are filed has that capability. See also SB 692 by Carona (Effective 9/1/13) which has the same effect.

Official Bonds

SB 265 by Huffman (Effective 5/18/13) allows the county to self-insure against losses due to misconduct instead of requiring a public official or employee to execute a bond as a condition of taking office.

Bi-weekly Payroll

SB 560 by Ellis (Effective 9/1/13) allows a commissioners court to approve bi-weekly salary payments to all employees including those paid monthly under current law.

COUNTY OPERATIONS – SPECIFIC DEPARTMENTS

County Judge

Emergency Management

Immunity from Liability

HB 487 by Bell (Effective 5/24/13) provides immunity from civil liability for any person who provides care, assistance, or advice at the request of certain emergency management officials during a man-made or natural disaster.

Consumer Protections

HB 762 by Guillen (Effective 9/1/13) extends the Business and Commerce Code deceptive trade practices protections available to consumers when the governor declares a disaster to locally-declared disasters under Chapter 418 of the Government Code.

Alcohol Permits

SB 1035 by Carona (Effective 9/1/13) makes the Texas Alcoholic Beverage Commission (TABC) responsible for routine beer license applications. The county judge retains the responsibility of hearing protested licenses. The bill also requires the TABC, instead of the county, to collect the license fee, and then remit the appropriate percentage to the county.

Budget Management Department

Budget Adoption, Tax Rate, and Bond Elections

Budget Adoption Procedures

SB 656 by Paxton (Effective 9/1/13) requires a record vote on the adoption of the budget and requires that an adopted budget have a cover sheet. The cover sheet must contain a statement in 18-point or larger type that:

- the adopted budget will raise more revenue, less revenue, or the same amount of revenue from property taxes as last year's budget;
- the total dollar amount of the increase or decrease;
- the percentage increase or decrease;
- the amount of revenue to be raised from new property added to the tax roll;
- the vote of each member of court on the budget;
- the tax rates for the preceding fiscal year, and the tax rate for the current fiscal year, including the tax rate and the effective tax rate;
- the effective maintenance and operations tax rate;
- the rollback tax rate;
- the debt rate; and
- the total amount of county debt obligations.

Notice of Tax Rates

SB 1510 by Hinojosa (Effective 1/1/14) creates a simplified notice procedure for proposed tax rates.

Notice of Bond Election and Contents of Order Calling Election

SB 637 by Paxton (Effective 9/1/13) requires the order calling a bond election to be posted at three public places in the county not later than the 21st day before the election, on the county's website during the 21 days before the election, and at each polling place during early voting and on election day. The bill also specifies the information that the order calling the election must contain, including:

- the ballot language;
- the purpose for the bonds

- the principal amount;
- that taxes sufficient to pay principal and interest may be imposed;
- the estimated tax rate if the bonds are authorized or the maximum interest rate based on market conditions;
- the maximum maturity date or that the bonds will mature over a specified number of years not to exceed 40;
- the aggregate amount of the outstanding principal on the entity's bonds as of the beginning of the fiscal year;
- the aggregate amount of the outstanding interest on the entity's bonds as of the beginning of the fiscal year; and
- the ad valorem debt service tax rate for the entity at the time the election is ordered.

Human Resources and Risk Management

Hearing on Extra Compensation

HB 483 by Aycock (Effective 6/14/13) prohibits a political subdivision from paying an employee more than an amount owed under a contract with the employee unless a public hearing is held.

No Unemployment for Temporary Election Workers

HB 983 by Elkins (Effective 9/1/13) prohibits temporary election workers from qualifying for unemployment compensation.

Workers Compensation Coverage for Temporary Employees

HB 1762 by Price (Effective 9/1/13) provides that a certificate of insurance showing that a temporary employment service maintains a workers' comp policy is proof of insurance for all employees of the temporary employment service.

Insurance – Limits on Subrogation Claims

HB 1869 by Price (Effective 1/1/14) places limits on recovery in subrogation actions by the issuer of a health benefit plan.

HIPPA Training

SB 1609 by Schwertner (Effective 6/14/13) relaxes the HIPPA training requirements for covered entities as follows:

- Changes the time for which covered entities must complete the training of new employees *from* 60 days to 90 days after the date of hire;
- Deletes the requirement that training be tailored to each employee's scope of work and requires only that training is appropriate for the employees to carry out their duties; and
- Deletes the requirement that employees be trained every 2 years and requires that training occur within a reasonable time of a material change in state or federal law.

Community Services Department

Unclaimed Cremated Remains

HB 3064 by Menendez (Effective 9/1/13) allows a person in possession of unclaimed cremated remains to release information to the United States Department of Veterans Affairs or a veterans service organization in order to verify the remains as those of a veteran or a dependent eligible to be buried in a veterans cemetery.

County Clerk

Deadline for Posting Campaign Finance Reports

HB 195 by Farias (Effective 6/14/13) changes the time the county clerk has to post a campaign finance report from "as soon as practicable" to "within five business days" after a report is filed with the county clerk.

Marriage License Issued to a Proxy

HB 869 by Ashby (Effective 9/1/13) allows a marriage license to be issued to a proxy for a member of the armed forces stationed in another country who is unable to appear in person before the county clerk. The bill deletes a provision that allows issuance of a license to a proxy for an incarcerated person who cannot appear.

Data Collection

SB 109 by West (Effective 6/14/13) deals primarily with the Texas Department of Housing and Community Affairs, but also repeals the statute requiring county clerks to collect foreclosure data sheets and transmit them to the department.

E-filing

SB 1437 by Paxton (Effective 6/14/13) adds municipal clerks to the list of those who may file documents electronically with the county clerk, and provides that in a county of more than 500,000, the county may authorize additional persons not listed in that section to file electronically with the county clerk, if the county enters into a memorandum of understanding with that person.

Real Estate Records

HB 3800 by Coleman (Effective 9/1/13) requires that property owners association management certificates filed with the county clerk be recorded in the county's real property records.

Beer Licenses

SB 1090 by Carona (Effective 9/1/13) removes from the county clerk the responsibility for publishing notice of an application to manufacture, distribute, or sell beer and transfers that responsibility to the applicant.

Continuing Education

HB 3314 by Kuempel (Effective 6/14/13) retains the 20 hour/year continuing education requirement for county clerks, but eliminates the language about specific courses that must be included.

Distribution of HIV/AIDS Materials to Marriage License Applicants

HB 984 by Elkins (Effective 9/1/13) provides that instead of physically distributing the currently required HIV/AIDS and child support materials to marriage license applicants, the county clerk may provide written notice of the link to the Health and Human Services HIV/AIDS and Attorney General online information pages.

Indexing of Condominium Association Management Certificates

HB 2075 by Anchia (Effective 9/1/13) requires county clerks to index condominium association management certificates.

Birth Certificates

HB 3253 by Zerwas (Effective 6/14/13) requires the state registrar and a county clerk, after notification from the state registrar, to make a conspicuous notation of the date of death on every person's birth certificate that was born in Texas after the person's death. This requirement only applied to a person who died before age 55 under prior law.

District Clerk

Notices and Reporting

HB 1435 by Darby (Effective 9/1/13) makes some minor modifications to various notice and reporting requirements, including eliminating the offense for a clerk who fails to notify the Department of Public Safety of the disposition of a juvenile offender's case and requiring a victim assistance coordinator to assist the clerk in notifying a victim of the release of an offender.

SB 354 by West (Effective 5/18/13) permits the clerk to provide certain notices electronically.

Continuing Education

HB 3314 by Kuempel (Effective 6/14/13) eliminates certain continuing education requirements for district clerks, but keeps the hours the same.

Facilities and Property Management

Access to Public Buildings by Service Animals

HB 489 by Menendez (Effective 1/1/14) deals with service animals and clarifies that it is a crime to deny access to a public building to a person because of an accompanying service animal. It also states that no inquiry may be made about the animal except to determine "the basic type of assistance provided by the service animal," unless the person's disability is "not readily apparent." In that case, a staff member or manager of the facility may inquire about "whether the service animal is required because the person has a disability." The testimony in favor of the bill centered on veterans with posttraumatic stress disorder who had been denied access because their disability is not "readily apparent."

Institute of Forensic Science

Medical Examiner

SB 336 by Rodriguez (Effective 9/1/13) allows a physician not licensed in Texas to be appointed medical examiner if the physician (1) is licensed in another state, (2) has applied for a license to practice in Texas, and (3) has been granted a provisional license.

DNA Testing

SB 1292 by Ellis (Effective 9/1/13) requires DNA testing of biological evidence in all capital cases in which the death penalty has not been waived, and establishes a procedure

for the prosecution and defense, or the judge if they cannot agree, to determine which evidence shall be tested.

Harris County Library

Contributions

HB 693 by Phillips (Effective 6/14/13) allows a water and sewer utility to collect voluntary contributions for a "local" library, which could include a county library.

Library Fines

HB 2902 by Thompson, Ed (Effective 9/1/13) grants commissioners court the authority to establish fines for lost, damaged, or overdue library property and to adopt regulations for abuse of library services by failing to pay a fine or return property, punishable by a civil penalty of up to \$100.

Public Infrastructure Department

Harris County Toll Road Authority

Authorized Emergency Vehicles

Three bills expand the definition of authorized emergency vehicles entitled to toll-free passage. **HB 567 by Smith (Effective 6/14/13)** adds any non-ambulance emergency medical services vehicle that is operating under a contract with an emergency services district requiring that the vehicle be used for emergency response; **HB 802 by Rose (Effective 6/14/13)** adds a vehicle designated as an authorized emergency vehicle by commissioners court; and **SB 223 by Watson (Effective 5/10/13)** adds a vehicle of the Texas Division of Emergency Management designated as an authorized emergency vehicle by the Texas Department of Public Safety.

Toll Discounts

HB 1123 by Herrero (Effective 9/1/13) allows commissioners court to expand the toll discounts for veterans to additional categories of distinguished service medals (Air Force Cross or Distinguished Service Cross, the Army Distinguished Service Cross, the Navy Cross).

Permit Office

Metal Theft Enforcement

HB 555 by Callegari (Effective 9/1/13) establishes a misdemeanor penalty for any violation of the county metal recycling regulations or statutory provisions that do not already carry a penalty, and clarifies that the more serious violations of the statute carry jail time.

Subdivision Standards

SB 194 by West (Effective 9/1/13) requires commissioners court to develop standards for subdivisions with more than 1,000 lots that will require two means of ingress and egress to provide "sufficient routes of travel for use by emergency vehicles and for use during evacuations resulting from fire or other natural disasters."

Use of Right-of-Way by Saltwater Pipeline

SB 514 by Davis, Wendy (Effective 6/14/13) adds saltwater pipelines used in fracking to the types of pipelines that may use a public road right-of-way, if the pipeline operator leases the right-of-way and pays market value for its use, and otherwise complies with all applicable regulations.

Plat Revisions

SB 552 by Uresti (Effective 6/14/13) allows a commissioners court to determine that a plat revision "does not affect a public interest or public property" and may therefore escape the otherwise applicable notice requirements, as long as property owners within 200 feet of the platted property are provided notice and notice is posted for 30 days on the county's website. The bill also authorizes a fee for processing those plat revisions.

On-site Sewage Facilities – Nuisance

SB 634 by Davis, Wendy (Effective 9/1/13) classifies a discharge from an on-site sewage facility (OSSF) as a public nuisance, and allows the county to take whatever action is necessary to abate the nuisance if a defendant fails to abate the nuisance after ordered to do so by a court.

Purchasing Agent

Technology Facilities

HB 768 by Howard (Effective 6/14/13) adds "technology facility" to the definition of "qualifying project" for the purposes of public-private partnerships.

Construction-Related Contracts

HB 1050 by Callegari (Effective 9/1/13) prohibits counties and cities from utilizing purchasing cooperatives for construction-related goods or services in an amount over 50,000 unless the project for which the goods or services are being procured does not require the preparation of plans and specifications by an architect or engineer, or the necessary plans and specs have been prepared. The bill also repeals certain limitations on the number of design-build projects a governmental entity may undertake in a year and allows an entity to require a design-build firm to identify the companies that will fill key project roles.

Non-resident Bidders

HB 3648 by Harper-Brown (Effective 6/14/13) adds to the circumstances under which an award to a non-resident bidder is prohibited. A contract may not be awarded to a non-resident unless the non-resident's bid is lower than the amount a bidder would be required to underbid a resident in the state in which a majority of the manufacturing will take place (not just the non-resident's home state, which is current law).

Fleet Services

HB 477 by Harper-Brown (Effective 5/16/13) authorizes a county to allow advertising on its leased vehicles.

Sheriff and Constables

Legal Services

Under **SB 148 by Williams (Effective 9/1/13)** the provision of free legal services to first responders through a program operated by the state or local bar association will not be considered an illegal gift to a public servant if the services relate to a will, power of attorney, advanced directive or other estate planning matter.

Seized Property

SB 367 by Whitmire (Effective 5/18/13) deals with the seizure of property from a person arrested for a Class C misdemeanor. The bill allows a law enforcement agency holding property to dispose of it 31 days after the owner is released from custody if the property has not been claimed and the law enforcement agency has provided appropriate notice.

Use of Drones

HB 912 by Gooden (Effective 9/1/13) establishes the circumstances under which law enforcement may use drones for surveillance and creates an offense for improper use.

Tax Assessor-Collector

Vehicle Registration and Titling

HB 2741 by Phillips (Effective 9/1/13) is the Department of Motor Vehicles (DMV) cleanup bill. Among other things, it (1) requires the tax assessor-collector to process registration renewals through an online system designated by the DMV, (2) requires that vehicle registration money be sent to the DMV electronically, (3) changes the requirement that tax assessor-collector deputies be appointed by commissioners court to require that individuals be deputized according to DMV rules and approved by commissioners court, and (4) allows the tax assessor-collector, with commissioners court approval, to contract with other counties for mail-in or online registration or titling.

Driver's License Issuance by Counties

SB 1729 by Nichols (Effective 6/14/13) allows DPS to establish a pilot program in 8 counties, 2 of which may be counties with a population greater than one million, for the county to issue driver's license and other ID's.

Treasurer

Remitting New Court Fee to Comptroller

HB 2302 by Hunter (Effective 9/1/13) authorizes new court costs and fees and requires that the courts collecting the new costs and fees deposit them "in the appropriate local treasury and remit the court costs and fees to the comptroller."

Security for Deposits of Public Funds

SB 581 by Carona (Effective 6/14/13) deals with trust receipts and also requires a custodian of public funds, upon a request from an "appropriate public entity officer," to deliver a list of all pledged investment securities that secure an entity's deposits.

OPEN GOVERNMENT

The 83rd Legislature modernized the Open Meetings law to allow for 21st century communication and technology, clarified and strengthened the Public Information Act, and added a few confidentiality provisions.

OPEN MEETINGS

Participation by Videoconference and Between-Meetings Communications Online

HB 2414 by Button (Effective 6/14/13) allows a member of a governmental body to participate in a meeting by videoconference if certain requirements are met. The video and audio feed of the member must be broadcast live at the meeting location specified in the public notice of the meeting, the presiding officer must be present at the location specified in the notice, and the governmental body must make available to the public a suitable location equipped with videoconferencing equipment so that the public may participate as fully as if the meeting were not held by videoconference. (In other words, the members of the public must be seen and heard by the member participating by videoconference as if the member were present, and vice versa.) In addition, **HB 2414** allows a quorum of a governing body to communicate between meetings if they do so in real time over an online message board that is publicly accessible. The message board must be owned or controlled by the governmental body and must be prominently displayed on the body's website and be no more than one click away from the primary webpage. The communication must also be displayed on the message board for no less than 30 days. **See also SB 1297 by Watson (Effective 9/1/13)**, which accomplishes the same thing.

Modern Means of Recording Meetings

SB 471 by Ellis (Effective 5/18/13) clarifies that more modern means of recording meetings than analog tape may be employed to satisfy the recording requirements of the Open Meetings Act. "Recording" is defined by the bill as "a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed."

PUBLIC INFORMATION

Information on Private Devices

SB 1368 by Davis (Effective 9/1/13) clarifies that information that meets the definition of public information is subject to disclosure under the Public Information Act even if the information is contained only on a device that is privately owned (i.e., the officer or employee purchased the device, not the governmental entity). The definition of public information is clarified to include any information written or produced by an individual officer or employee in his or her official capacity if it pertains to official business. This was essentially the law prior to the bill's passage, as interpreted by the Attorney General. This explicitly codifies that interpretation.

Confidentiality

Five separate bills address confidentiality provisions. **HB 1632 by Fletcher (Effective 6/14/13)** makes certain personal information contained in a voter registration application confidential if the registrant is a peace officer, jailer, security officer, or an employee of a prosecutor's office, if the person provides an affidavit and notice to the registrar on a form approved by the Secretary of State. **SB 458 by Rodriguez (Effective 5/18/13)** allows the tax assessor-collector to redact the motor vehicle information currently confidential under Chapter 730 of the Transportation Code without first seeking an Attorney General decision. **SB 1896 by Garcia (Effective 5/25/13)** allows state judges (expanded to include a statutory probate court judge, constitutional county court judge, master, magistrate, referee, hearing officer, associate judge, and municipal court judge) to request that their address information in appraisal records be confidential and **HB 2267 by Larson (Effective 6/14/13)** extends the same privilege to a medical examiner or "person who performs forensic analysis or testing." Finally, **HB 2733 by White (Effective 9/1/13)** adds to the list of individuals whose home address, home phone, emergency contact information, social security number and information as to family members is not public information by including officers and employees of juvenile justice agencies.

Records Withheld Without an Attorney General Decision

SB 457 by Rodriguez (Effective 9/1/13) clarifies that a photograph or x-ray of a body taken during an autopsy may be withheld from public disclosure without requesting a decision from the Attorney General.

VOTER REGISTRATION, VOTING, AND ELECTIONS

With the major controversies like Voter ID that dominated the 82nd Legislative Session behind us, bills concerning elections were more routine, focusing on the mechanics of registering, voting, and conducting elections.

Voter Registration

Replacement Certificates

HB 2263 by Miller, Rick (Effective 6/14/13) allows a voter to request a replacement registration certificate electronically or by telephone instead of in writing and requires that a record of each request be kept.

Registration by Fax

SB 910 by Duncan (Effective 9/1/13) allows a voter registration application to be submitted by fax by the registration deadline, but to be effective, the application must also be mailed and received by the registrar not later than the fourth business day after its transmission by fax.

Voter Rolls

HB 3593 by Burnam (Effective 9/1/13) prohibits the Secretary of State (SOS) from determining that a voter is deceased based on a "weak match," but requires the county to investigate a weak match if notified by the SOS. The bill also requires the use of a SOS-developed form for determining voter eligibility.

Precinct Conventions

HB 3102 by Morrison (Effective 6/14/13) primarily deals with political party governance, but also allows contains provisions that would allow precinct conventions to be held at times and places determined by the party, instead of in the regular county precinct locations, and allows convention notices to be posted on the party's website instead of on the commissioners court bulletin board.

Voting

Military and Overseas Voters – Postcard Ballot Applications

HB 396 by Thompson, Senfronia (Effective 9/1/13) clarifies that a postcard application for a ballot from a military and overseas voter covers all city, county, and school district elections.

Military and Overseas Voters Act Implementation

SB 904 by Van de Putte (Effective 9/1/13, except the repeal which is effective 12/31/16) adjusts some election deadlines related to the Military and Overseas Voter Empowerment Act (MOVE), allows a MOVE voter to use a signature sheet instead of a carrier envelope, and repeals a provision that allowed the Secretary of State to adjust certain deadlines.

Voting by Mail Because of Age or Disability

HB 666 by Miller, Rick (Effective 1/1/14) clarifies that an application for a ballot based on age or disability that doesn't specify the election for which the ballot is requested is to be considered an application for a ballot for each election for which the county clerk serves as the early voting clerk. The application is good for one year.

Pilot Program for Certain Military Voters

HB 1129 by White (Effective 6/14/13) creates a pilot program through the Secretary of State for return by email of early voting ballots by members of the military on active duty overseas who are eligible for hostile fire pay. The pilot program would involve a single county who applies to the Secretary of State to operate the program.

Elections

Electioneering

HB 259 by Simmons (Effective 6/14/13) requires an entity that owns a public building used as a polling place to allow electioneering, but allows reasonable "time, place, and manner" restrictions.

Election Locations

HB 506 by Lozano (Effective 9/1/13) requires a political subdivision that is not holding a joint election or contracting with the county, to designate the county early voting locations as its November early voting locations.

Counting Votes

HB 985 by Elkins (Effective 6/14/13) provides that in a general election, the deadline for counting votes by the early voting ballot board is extended from 7 to 13 days, and gives the voter registrar 7 days to review a provisional voter's eligibility. The bill also extends the time for canvassing the votes in a general election from 11 to 14 days.

HB 2233 by Simmons (Effective 6/14/13) allows the early voting ballot board to use signatures on file other than the signature on the current registration application for

comparison in verifying a voter's signature, but only to confirm that the signature is that of the same person. Those other signatures may not be used to exclude the ballot.

Party Chairs at Polling Places

HB 1996 by Miller, Rick (Effective 9/1/13) allows party chairs to be present in polling places during voting.

Qualifications of Central Counting Station Manager

HB 2006 by Klick (Effective 6/14/13) allows a person who does not otherwise meet the statutory qualification for serving as a central counting station manager to serve if the person is employed by the governmental entity that owns or adopts the voting system.

Election Officer Conflicts

HB 2110 by Kolkhorst (Effective 9/1/13) narrows the conflict provision for elections officers, allowing a person to serve as an elections officer even if they are related to an opposed candidate as long as the opposed candidate is not on the ballot in the precinct in which the elections officer is serving. The bill also provides that ID badges, in a form prescribed by the Secretary of State, shall be issued to all elections officers.

Electronic Signature Roster

HB 2373 by Klick (Effective 9/1/13) allows for an electronic election signature roster.

Assisting Voters

HB 2475 by Miller, Rick (Effective 9/1/13) requires that language be added to the oath of anyone assisting a voter stating "I am not the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs."

Poll Watchers

SB 160 by Huffman (Effective 9/1/13) requires that poll watchers wear ID tags.

Student Clerks

SB 553 by Uresti (Effective 6/14/13) allows utilization of student early voting clerks.

Ballots

In addition to allowing registration by fax (see above), **SB 910 by Duncan (Effective 9/1/13)** allows the Secretary of State to prescribe the form and content of a ballot for an election using an electronic voting system and of the application by a candidate for a place

on the ballot, allowing different forms for different offices. The bill also addresses the early voting procedure for a voter who is unable to enter the polling place, and adjusts deadlines for removing from the ballot candidates who die, withdraw, or are declared ineligible.

SPECIALTY COURTS

Specialty Courts

SB 462 by Huffman (9/1/13) creates a new General Revenue Dedicated fund, the Dedicated Drug Court Account, to receive specialty court fees. The Governor's office will administer the funding. A specialty court will be prohibited from operating until the court's judge, magistrate, or coordinate provides the Governor's office with notice of the program and the order establishing the specialty court.

Prostitution Prevention Program

SB 484 by Whitmire (Effective 9/1/13) requires a commissioners court in a county with a population of 200,000 or more to establish a prostitution prevention program if a municipality in the county has not. The program must include:

- integration of services in the processing of cases in the judicial system;
- a nonadversarial approach involving prosecutors and defense attorneys that accomplishes the following:
 - promotes public safety;
 - reduces demand for the commercial sex trade and trafficking by educating offenders; and
 - protects the due process rights of program participants;
- early identification and prompt placement of eligible participants;
- access to information, counseling, and services relating to sex addiction, sexually transmitted diseases, mental health, and substance abuse;
- a coordinated strategy to govern program responses to participant compliance;
- tracking outcomes and program evaluation;
- continuing interdisciplinary education; and
- development of partnerships with public agencies and community organizations.

The District Attorney's Office's approval of a particular defendant's participation in a Prostitution Prevention Program would be necessary. If a defendant charged with or convicted of prostitution successfully completes the program, the defendant may petition the court to enter an order of

nondisclosure under certain circumstances. **SB 484** also authorizes a prevention program to collect a fee from participants not to exceed \$1,000.

SB 484 further adds prostitution prevention program to the definition of "Specialty Court."

Funding for Child Protection Specialty Courts

SB 1 included \$6.7 million per year in new funding for Child Protection Specialty Courts. Some of the funding will be available to Harris County.

JUVENILE JUSTICE

Juvenile Justice Funding

The Office of Legislative Relations worked with the Senate Finance and House Appropriations Committees for an increase in funding for the Juvenile Justice Alternative Education Program (JJAEP) from \$79 per day per student to \$86 per day per student in **SB 1 by Williams**. Harris County Juvenile Probation estimates that annual funding for JJAEP will increase by \$57,666. **SB 1** also funded \$3.1 million per year for Prevention and Intervention Services, for which the local probation departments may apply. The Legislature also appropriated \$12.8 million per year as a set-aside for mental health services and continued funding (\$19.9 million per year) for "Grant C" diversion grants to reduce commitments to state facilities.

Indigent Counsel Appointment and New Reporting Requirements

HB 1318 by Turner, Sylvester (Various Effective Dates) requires the court, in certain circumstances, to appoint counsel to represent a juvenile defendant within a "reasonable time" before the initial detention hearing. Beginning September 1, 2014, **HB 1318** prohibits the appointment of a public defender if the appointment would exceed the public defender's maximum allowable caseloads established at the public defender's office. A chief public defender must file with the court any reason for refusing an appointment; however, the chief public defender may not be terminated, removed, or sanctioned for refusing in good faith to accept an appointment.

HB 1318 further requires public defender's offices to submit to the Texas Indigent Defense Commission by October 15th of each year the percentage of the attorneys' practice time that was dedicated to the appointments to represent juveniles during the previous fiscal year. Beginning September 1, 2013, the bill also adds new state reporting requirements, including any revisions to contracts. Beginning September 1, 2014, the public defender's offices must report by November 1st of each year the number of appointments for juvenile defendants per attorney for the previous fiscal year.

Juvenile Justice Reform

HB 2862 by McClendon (Effective 9/1/13) makes numerous procedural changes to continue to implement juvenile justice reform, including last session's abolition of the Texas Youth Commission and the Texas Juvenile Probation Department and the creation of the Texas Juvenile Justice Department (TJJD). **HB 2862** also requires a county sending a youth to another county for supervision to supply to the receiving county documentation that the child has been required to provide a DNA sample to the Department of Public Safety, if applicable. **HB 2862** also authorizes the detention of the child taken into custody in a non-secure correctional facility provided that the facility meets certain requirements.

Access to Criminal History

HB 2733 by White (Effective 9/1/13) clarifies that TJJD is entitled to criminal history information on children committed to the custody of TJJD and on certain persons who will be working with or visiting these children. TJJD may release the criminal history information to a local juvenile board under certain circumstances. The bill also clarifies that certain personal information of employees of juvenile justice agencies is confidential.

Mental Health/Substance Abuse Treatment

HB 144 by Raymond (Effective 9/1/13) authorizes a court to order that a child who is involved in the juvenile justice system be evaluated for substance abuse issues and referred for treatment.

Systems of Care

SB 421 by Zaffirini (Effective 9/1/13) establishes the Health and Human Services Commission's oversight for the Texas System of Care Consortium and requires the Consortium to develop local mental health "systems of care" for children who are receiving inpatient mental health hospitalization services or who are at risk of removal from the child's home and placement in a more restrictive environment to receive mental health services, including facilities and program operated by local probation departments or the Department of Family and Protective Services.

Class C Misdemeanors

SB 393 and SB 394 by West (Effective 9/1/13) make several procedural changes related to children who commit Class C misdemeanors including:

- Authorizes a court to allow a child defendant to discharge certain fines and costs related to an offense by performing community service;
- Allows a court to waive fines and costs for children in certain instances;
- Authorizes certain school districts to develop a system of graduated sanctions before filing a complaint against a child for certain school offenses;
- Requires a court of original jurisdiction to waive jurisdiction and refer complaint to juvenile court in certain instances;
- Authorizes the state, the defendant, a parent, or the court to move for dismissal of certain complaints if there is probable cause that a child lacks the capacity to understand the proceedings; assist in his or her defense; or lacks substantial capacity to appreciate the wrongfulness of his or her conduct or conform the conduct to the law; and

- Authorizes a juvenile board to establish a 1st offender program for juveniles accused of Class C misdemeanor offenses prior to the filing of criminal charges.

SB 1114 by Whitmire (Effective 9/1/13) also provides for procedural changes related to offenses committed by children aged 12 or younger that occur on school property. There are some inconsistencies between **SB 393** and **SB 1114** that will have to be addressed by the courts.

SB 393 further makes several changes that impact Harris County Protective Services' juvenile case managers who work with the JP courts. Under the bill, the case managers may provide prevention services to juveniles who are considered at-risk of entering the juvenile justice system and intervention services to juveniles prior to the filing of a case.

Confidentiality of Juvenile Information

Several bills impact the confidentiality of juvenile information. **SB 393** provides for the confidentiality of misdemeanor offenses, excluding traffic offenses that have been dismissed after deferral of disposition. **HB 528 by Turner, Sylvester (Effective 1/1/14)** amends the same article, Art. 45.0217(a), Code of Criminal Procedure, as **SB 393**. Specifically, **HB 528** provides that a child's information related to a charge of, the dismissal of a charge of, or a finding of not guilty of a fine-only misdemeanor is confidential. **HB 694 by Phillips (Effective 6/14/13)** would allow the release of juvenile justice and other criminal history records to the U.S. military for enlistment in the armed forces if the juvenile or parent has authorized the release of the information for this purpose. The bill also requires that the military entity receiving the confidential information destroy the information after the purpose for which the information was obtained has been accomplished.

High School Equivalency Tests

HB 2058 by Allen (Effective 6/14/13) restored former law allowing a youth under 18 years old and in a local detention center or on probation to take the high school equivalency test online.

Child Victims of Human Trafficking

SB 92 by Van de Putte (Effective 9/1/13) authorizes a juvenile board to establish a trafficked persons program for the assistance, treatment, and rehabilitation of child victims of human trafficking. The bill also provides for the deferral of adjudication and dismissal of certain cases on completion of the program.

HEALTH

MEDICAID

Medicaid Expansion and Federal Health Care Reform

Given the Governor's opposition to Medicaid expansion, which would have provided access to health insurance to non-disabled, non-pregnant low-income adults under Medicaid, legislative attempts to exercise this state option under the federal Affordable Care Act faced an uphill battle during the 83rd Legislative Session. **HB 3791 by Zerwas**, called the "Texas Solution" to Medicaid expansion would have authorized the state to pursue a block grant from the federal government to operate the Medicaid program. **HB 3791** failed to pass. Instead, the Legislature passed **SB 7 by Nelson (Effective 9/1/13)** with an amendment that prohibits the Health and Human Services Commission (HHSC) from providing medical assistance to a person who would have been otherwise eligible for Medicaid or for whom federal matching funds were available under the Medicaid eligibility criteria in effect on December 31, 2013.

WOMEN'S HEALTH SERVICES

Primary Care Services

The Legislature earmarked \$50 million per year from Community Primary Health Care Services funding for primary health care services for women in **SB 1 by Williams**. Family Planning funding also increased by \$5.2 million for the biennium; however, \$16 million per year of the total Family Planning funding is contingent on not receiving federal funds under Title X of the Public Health Service Act. (**SB 1, Art II, DSHS Rider 91**).

Neonatal and Maternal Services

HB 15 by Kolkhorst (Effective 9/1/13) requires the commissioner of the HHSC to assign level of care designations to each hospital, based upon the neonatal and maternal services provided at the hospital and to review the designations every 3 years. Initial designations must be completed by August 31, 2017 for neonatal services and by August 31, 2019 for maternal services. Any hospital that fails to meet the minimum requirements for any level of care designation would be prohibited from receiving Medicaid reimbursement.

Pregnancy Medical Home Pilot in Harris County

HB 1605 by Davis, Sarah (Effective 9/1/13) requires HHSC to develop and implement a pilot program in Harris County to create pregnancy medical homes for women enrolled in Medicaid managed care. Each pregnancy medical home created would be required to provide a maternity management team. HHSC may offer financial incentives to providers participating in the maternity management teams. HHSC must report to the Legislature on the progress of the pilot no later than January 1, 2015.

Newborn Testing

HB 740 by Crownover (Effective 9/1/13) would require Department of State Health Services (DSHS) to authorize a newborn screening test for critical congenital heart disease to be performed at a birthing facility that provides care to newborns and that complies with the test procedures and certain standards required by DSHS for each screening test.

SB 793 by Deuell (Effective 6/14/13) creates an exemption from a birthing center's mandate to perform a hearing screening on a newborn if the newborn is discharged from the birthing facility not more than 10 hours after birth and center referred the newborn to a qualified provider.

NEW REQUIREMENTS FOR HOSPITALS

Reports of Hospital Acquired Infections

HB 3285 by Davis, Yvonne (Effective 9/1/13) requires that reports of hospital acquired infections include whether the patient died as a result of the infection while hospitalized.

New Physician's Identification Requirement

SB 945 by Nelson (Effective 1/1/14) mandates a hospital to adopt a policy, which requires a physician, who is an employee of, under contract for, or in training at a hospital, to wear a photo identification badge during all patient encounters, unless precluded by isolation or sterilization protocols. The badge must of sufficient size to be visible and must include:

- The physician's first or last name;
- The department of the hospital with which the provider is associated;
- The type of license that the provider holds; and
- The provider's status as a student, intern, trainee, or resident, if applicable.

New Requirements for Treatment of Sexual Assault Victims

SB 1191 by Davis (Effective 9/1/13) establishes new requirements for hospitals regarding the treatment of sexual assault victims:

- Any person who performs a forensic examination of a sexual assault victim must have basic training in evidence collection, which has been approved by the appropriate licensing board; and
- A hospital with an emergency department, which is not designated by a community plan as the primary healthcare facility to treat sexual assault victims, must:

- Develop a plan to train personnel on sexual assault forensic evidence collection;
- Inform a sexual assault victim that the hospital is not the designated facility;
- Provide the victim with the name and location of the designated facility;
- Inform victims that they may choose to transfer to the designated facility or continue to receive treatment at the non-designated facility; and
- If the victim decides to be transferred to the designated facility, the hospital must first stabilize the patient and obtain the patient's written consent for the transfer.

Hospitals' Access to Criminal History Information

HB 729 by Price (Effective 6/14/13) states that a public or nonprofit hospital may obtain criminal history information on students enrolled in an education or course of study at certain hospitals and other facilities.

Regulation of Providers of Emergency Medical Services

HB 3556 by Kolkhorst (Effective 9/1/13) adds several new requirements for the licensure of emergency medical services providers:

- that the applicant have sufficient professional experience and qualifications to provide emergency medical services;
- that the applicant has not been excluded from participation in the state Medicaid program;
- that the applicant holds a letter of approval issued by the governing body of the municipality or the commissioners court of the county in which the applicant is located and is applying to provide emergency medical services; and
- that the provider, except for governmental providers, have certain letters of credit and a surety bond.

The bill contains a grandfather provision that exempts certain current providers from the new requirements.

PUBLIC HEALTH

Mosquito Abatement

SB 186 by Carona (Effective 5/10/13) authorizes local governments to abate a mosquito nuisance on abandoned property without notice. Abatement is limited to treating stagnant water with a larvicide.

Enforcement Authority for Violations of Food Regulations

HB 1392 by King, Susan (Effective 9/1/13) prohibits an inspector from issuing a citation for a violation of a food regulation if the person provides the inspector with an official determination made by DSHS that contradicts the opinion of the inspector. The bill further provides that DSHS must respond to a request for determinations within 30 days.

Containment of Communicable Diseases

HB 1690 by Fletcher (Effective 6/14/13) authorizes peace officers, including constables, to take appropriate action, including the reasonable use of force, to ensure that persons comply with orders issued by the Department of State Health Services, a public health authority, or a court that are necessary for the containment of communicable diseases, such as quarantines.

The bill requires that an order for protective custody or temporary detention direct a peace officer to take the person who is the subject of the order into protective custody and transport the person immediately to an appropriate and suitable inpatient health facility. The order also may direct an emergency medical services provider (EMS) to transport the person. EMS may seek reimbursement for transportation costs.

The court may allow certain hearings to be conducted via teleconference or other means if the physical attendance of a person who has been quarantined may jeopardize the health and safety of the public.

HB 1690 also creates a new offense if a person who is subject to an order for protective custody or temporary detention evades or resists apprehension or transport or assists another in evading or resisting apprehension or transport. Evading or Resisting Apprehension or Transport is a Class A misdemeanor.

Public Health Funding

SB 127 by Nelson (Effective 9/1/13) requires DSHS to collaborate with the Public Health Funding and Policy Committee to develop public health state and federal funding formulas, including the distribution of funding of DSHS, DSHS regional headquarters, local health units, public health districts, and local health departments, not later than October 1, 2014.

MENTAL HEALTH, SUBSTANCE ABUSE TREATMENT, AND RELATED ISSUES

FUNDING FOR MENTAL HEALTH SERVICES

Overall Funding for Mental Health Services

SB 1 by Williams (Effective 9/1/13) made significant increases (around \$300 million in new funding over the biennium) in funding for mental health services, which are summarized in the Table below. The Mental Health Mental Retardation Authority of Harris County may receive an increase in funding of \$11.1 million in FY 2014 across all categories of mental health funding according to preliminary information from the Department of State Health Services (DSHS) as of August 13, 2013. However, DSHS and local mental health authorities are involved in negotiation regarding the methodology of allocating the new funding as of the printing of this report.

Increases in Mental Health Funding under SB 1 by Williams		
Program	Difference in Biennial Funding Compared to 82nd Session	% Change from 82nd Session
Adult Mental Health Services	\$111,870,010.0	20.2%
Child Mental Health Services	\$47,510,886.0	31.0%
Mental Health Crisis Care	\$56,228,774.0	34.1%
MH Community Hospitals	\$45,734,781.0	42.6%
State Hospitals	\$52,395,458.0	6.7%

New Funding for Traumatic Brain Injury

The Legislature also appropriated \$47.4 million in new funding for the biennium for the comprehensive rehabilitation for persons with traumatic brain injury. (SB 1).

Budget Riders Impacting Mental Health Funding

Several SB 1 appropriation riders in DSHS' budget impact the use of the new mental health dollars, as follows:

- **1115 Waiver, Rider 79** requires DSHS to allow local mental health authorities to use \$183 million in state General Revenue as Intergovernmental Transfer (IGT) under the *1115 Transformation Waiver* to draw down federal funds.

- **Children’s Mental Health, Rider 80** expands the 1915(c) Youth Empowerment Services (YES) Waiver, which is a child psychiatric step-down program to help children who are currently institutionalized transition to the community.
- **Intermediate Level of Care, Rider 81** appropriates funds and requires DSHS to seek federal approval for a new intermediate level of care for persons with severe mental illness with multiple inpatient psychiatric commitments (including forensic), the *Medicaid Home and Community-based Services (HCBS) benefit*. The origin of this was Harris County's forensic commitment bill from the last session, **HB 2725 by Hartnett (82nd Regular Session)**, which required DSHS to study the feasibility of adding the HCBS benefit. On August 2013, DSHS announced that it has identified 500 persons currently in the state mental hospitals that do not need the state hospital level of care. At this point in the implementation, this currently institutionalized population, which includes persons under long-term forensic commitments, will likely be the target for the HCBS benefit.
- **Long-term Plan for State Hospitals, Rider 83** requires DSHS to develop a 10-year plan for the provision of psychiatric inpatient hospitalization services for persons served by DSHS.
- **Mental Health in Schools, Rider 84** authorizes DSHS to use Children’s Mental Health funding to educate schools in an evidence-based curriculum focused on awareness of risk factors and early interventions.
- **Increase Access to Community Mental Health Services and Equity Rider, Rider 85** directs DSHS to use \$43 million General Revenue to expand or improve statewide community mental health services and requires DSHS to allocate these funding equitably to the local mental health authorities which have historically received lower per capita funding, such as Harris County.
- **Funding for Veterans, Rider 86** earmarks \$2 million per year to expand mental health services for veterans, including peer to peer counseling, training, recruiting, retaining, and screening therapists, and coordination with jail diversion programs, such as Veteran Courts.
- **HCPC Beds, Rider 88** appropriates \$1.2 million per year for 6 civil beds for longer term treatment not to exceed 90 days at Harris County Psychiatric Center (HCPC).
- **Grants for Community Collaboratives, Rider 90** authorizes DSHS to allocate up to \$25 million, out of the Mental Health Crisis Services funding, for community collaborative grants in the 5 most populous urban counties. Representative John Davis amended **SB 58 by Nelson (Effective 9/1/13)** to require DSHS to provide a maximum of 5 grants to entities to establish or expand "community collaboratives" to provide services to persons experiencing homelessness and mental illness. The

"community collaborative" grants require a dollar for dollar match from private sources and include at least 4 outcome measures. An independent third party will evaluate the projects annually. **SB 58** also requires the executive commissioner of HHSC to integrate behavioral and physical health services in Medicaid managed care by September 1, 2014. HHSC must establish 2 medical home pilot programs for persons diagnosed with a serious mental illness and at least one other chronic health condition. If cost-effective and beneficial to recipients, HHSC must add a peer specialist as a benefit to recipients or as a provider type.

- **Reduce Wait Lists and Equity Rider, Rider 92** earmarks \$48 million to reduce waitlists for community-based mental health service for adults and children and requires DSHS to distribute remaining funds to those local mental health authorities which have received lower per capita funding, like Harris County. Harris County also has waiting lists for community mental health services.
- **Harris County Jail Diversion, Rider 95** funds \$5 million per year for a Harris County Jail Diversion Pilot Project. The enabling legislation was **SB 1185** by **Huffman** (Effective 6/14/13).

Funding for Substance Abuse Treatment

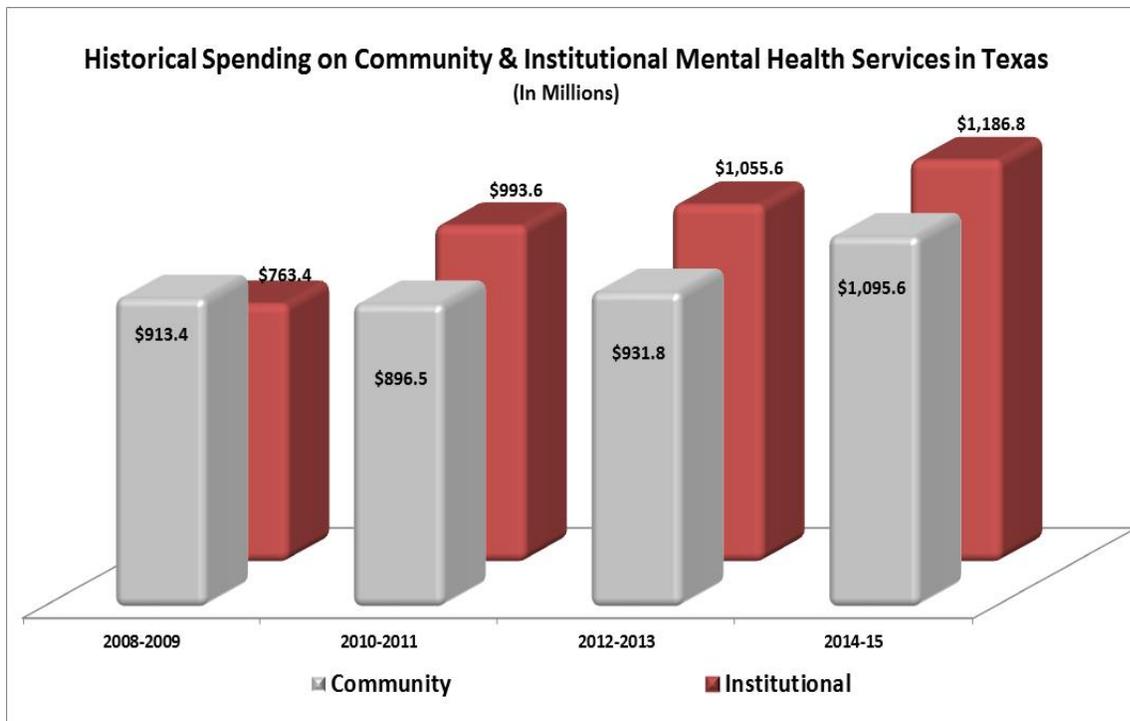
SB 1 also increased funding for Substance Abuse Treatment that flows through DSHS by \$32.3 million for the biennium, which is an increase of 11.4% over last biennium.

Funding for Sexual Violent Offenders

SB 1 also increased funding for the treatment of sexually violent offenders by \$4.1 million for the biennium, which is a 46.9% over last biennium.

A Historical Perspective on Mental Health Spending in Texas

The Table below provides historical perspective on statewide spending on mental health services delivered in the community compared to an institutional setting. Note that the Table does not include local expenditures including costs of incarceration.



*Note: Community includes Community Mental Health for Adults and Children and Northstar funding.
Institutional includes Community Hospital and State Hospital funding.
Sources: General Appropriations Acts from FYs 2008-2015.*

REVISIONS TO THE MENTAL HEALTH CODE

Court-ordered Outpatient Mental Health Services

SB 646 by Deuell (Effective 9/1/13) requires the court to identify the person who will be responsible for court-ordered outpatient mental health services not later than the 3rd day before the initial hearing on the matter or a modification hearing. Under SB 646, the court must "designate" that person in an order that directs a person to participate in court-ordered outpatient mental health services. The court may not compel the proposed patient to participate in the services and the proposed patient's failure to comply with such orders shall not be grounds for contempt under Sec. 21.002, Government Code. However, if the patient fails to comply with the order, the court may set a modification hearing or issue an order for temporary detention.

SB 646 further requires the proposed outpatient treatment provider to submit a treatment plan or program to the court before the hearing on the commitment order or modification of commitment order. The treatment program must include coordination of care and any other treatment or services that are available and clinically necessary to assist the patient in functioning safely in the community.

The proposed outpatient provider must also seek input from the proposed patient's inpatient mental health provider, if applicable.

The patient may petition the court for specific enforcement of the court order. The court may set a status conference.

Emergency Detention

HB 1738 by Naishtat (Effective 9/1/13) requires a peace officer who takes a person with mental illness into custody for emergency detention to immediately inform the person in simple, non-technical terms of the reason for the detention and that staff of the inpatient mental health facility will inform the person of their rights within 24 hours after admission.

The bill also provides that a person detained under emergency detention has the right to a reasonable opportunity to communicate with a relative or other responsible person who has a "proper interest in the person's welfare."

The officer must file a notification of detention with the treatment facility on a new standard Notification of Emergency Detention form. The facility where the person is detained must include the Notification of Emergency Detention form in the patient's file.

Finally, **HB 1738** prohibits the facility from requiring that the officer execute additional documents, other than the standard form, in order to admit the patient.

SB 646 (See above) requires a physician to evaluate a person who is under an emergency detention order within 24 hours to determine whether the person, due to mental illness, presents a substantial risk of serious harm to himself or others as demonstrated by the patient's behavior or evidence of severe emotional distress and deterioration in the patient's mental condition to the extent that the patient cannot live safely in the community. If the evaluating physician determines that the person does not present a substantial risk of harm to self or others, the facility where the person is detained must notify the person's outpatient treatment provider of mental health services and the court that entered the order for outpatient mental health services. The facility must also release the person.

Children's Voluntary and Involuntary Mental Health Services

SB 718 by West (Effective 6/14/13) authorizes a person who is 16 years of age or older to request outpatient mental health services. The bill further provides that, except when the state is acting as the managing conservator, a parent or guardian may consent to inpatient mental health services for a youth who is at least 16 years of age but younger than 18 years old, even if the youth refuses to consent to such treatment.

Transportation of Persons with Mental Illness

HB 978 by Raymond (Effective 9/1/13) changes the order of priority (from 3rd to last) for relatives or other responsible persons a court may authorize to transport a person who is under an emergency detention order or a commitment for involuntary mental health services.

OTHER MENTAL HEALTH-RELATED BILLS

Expansion of the Priority Population, Allocation of Beds, and Services in Schools

HB 3793 by Coleman (Effective 9/1/13) authorizes a local mental health authority to use state funds and funds received under the Medicaid 1115 Transformation Waiver to serve children with serious emotional, behavioral, or mental disturbances that are not part of DSHS' current priority population and adults with severe mental illness who are experiencing significant functional impairment due to a mental disorder not included in DSHS' priority population including:

- Major depressive disorder;
- Post-traumatic stress disorder;
- Obsessive compulsive disorder;
- Anxiety disorder;
- Attention deficit disorder;
- Delusional disorder;
- Eating disorders; and
- Any other diagnosed mental health disorder.

The expansion of population that can be served by the local mental health authorities is effective 1/1/14.

HB 3793 further requires DSHS to develop a state hospital bed allocation plan including the development of outpatient capacity. The bill also allows educators to fulfill continuing education requirements by participating in mental health first aid training.

SB 460 by Deuell (Effective 9/1/13) requires that the minimum academic requirements for a teaching certificate include instruction in detection of students with mental or emotional disorders.

New Website with Housing Options for Persons with Mental Illness

HB 1191 by Burkett (Effective 6/14/13) requires the Health and Human Services Commission to create a website with a searchable listing of available housing options for persons with mental illness by type, with a definition of each housing type, together with an explanation of the populations of persons with mental illness generally served by that type of housing. The website must contain the following types of housing options for persons with mental illness at a minimum:

- state hospitals;
- step-down units in state hospitals;
- community hospitals;
- private psychiatric hospitals;
- a provider of inpatient treatment services in the network of providers assembled by a local mental health authority;
- assisted living facilities;
- continuing care facilities;
- boarding homes;
- emergency shelters for homeless persons;
- transitional housing for homeless persons;
- supportive housing;
- general residential operations; and
- residential treatment centers for children with emotional disorders.

Mental Health Workforce Shortage

HB 1023 by Burkett (Effective 6/14/13) requires the Health and Human Services Commission to make a report to the Governor and Legislature with recommendations to address the mental health workforce shortage by September 1, 2014.

Jail-based Competency Restoration

SB 1475 by Duncan (Effective 9/1/13) authorizes a jail-based restoration of competency pilot program.

Performance Measures for Local Mental Health Authorities

SB 126 by Nelson (Effective 9/1/13) requires DSHS to establish and maintain a public reporting system of performance and outcome measures related to community mental health and substance abuse services. The system must allow external users to view and compare the performance, outputs, and outcomes of Medicaid managed care programs that provide mental health services.

Seclusion and Restraint Procedures

SB 1842 by Deuell (Effective 6/14/13) amends the restraint and seclusion procedures that apply to state mental hospitals and certain hospitals and inpatient facilities. The bill authorizes a qualified registered nurse, other than the nurse who initiated the use of restraint or seclusion, to conduct a face-to-face evaluation of the patient not later than one hour after the initiation of the seclusion or restraint. **SB 1842** further requires a physician to conduct a face-to-face evaluation and document the clinical justification for continuing the restraint or seclusion before issuing or renewing an order than the seclusion or restraint. The bill also requires the affected facilities to file a quarterly report with DSHS regarding the use of seclusion and restraint beginning January 1, 2014.

DISABILITIES

Funding

SB 1 by Williams (Effective 9/1/13) restored a portion of the draconian cuts from last session and increased in funding at the Department for Aging and Disabilities Services to provide services for persons with intellectual and developmental disabilities (IDD). Still, the 83rd Legislature continued to cut community services for persons with IDD. The Mental Health Mental Retardation Authority of Harris County (MHMRA) receives some of the funding streams directly; others are of interest in the delivery of services to this population.

Advocacy groups sued the State of Texas on behalf of persons with IDD in *Steward, et al. v. Perry, et al.* over the state's failure to provide services in the community so that persons with IDD can live in the least restrictive, most integrated setting appropriate to their needs. The U.S. Department of Justice intervened shortly after the end of the 82nd Legislature. Litigation is on-going.

Program	Difference in Biennial Funding Compared to 82nd Session	% Change from 82nd Session
MR Community Services	(\$81,119,616)	-54.1%
Home Community-based Services	\$278,772,216	17.4%
Tx Home Living Waiver	\$56,999,708	63.5%
Non-Medicaid Disability Services	\$16,562,755	5.7%
In-Home Family Support	\$0	0.0%
Promoting Independence	\$34,332,714	23.2%
Intermediate Care Facility-IDD	\$209,020,263	55.1%
State Supported Living Centers	\$54,435,759	4.2%
Primary Home Care	(\$109,404,746)	-32.1%
CLASS	\$81,055,427	22.9%
Medically Dependent Children	\$3,079,326	3.7%
Community Attendant Services	\$483,438,100	75.0%
Day Activities/Health Services	(\$39,750,011)	-61.8%
Balancing Incentive Program	\$14,700,000	-
Community Based Alternatives	(\$35,489,519)	-10.2%
Habilitation Services	\$332,568,164	-

Managed Care Expansion

SB 7 by Nelson (Effective 9/1/13) authorizes Health and Human Services Commission (HHSC) and the Department of Aging and Disability Services (DADS) to implement pilot programs to test capitated managed care delivery models for long-term services and supports to be implemented no later than September 1, 2017.

HHSC would also be required to provide acute care services for persons with Intellectual and Developmental Disabilities (IDD) through managed care, including the delivery of basic attendant and habilitation services. By participating in a new federal Medicaid program, Community First Choice, the state will receive a 6% increase in the federal share of the Medicaid cost of the attendant and habilitation services, which support community-based placements. The second stage of the bill will further roll out managed care for the IDD population by September 1, 2021.

DADS must also implement an assessment and resource allocation process; establish a prior authorization process for requests for Home and Community-based Services (HCS) slots; and coordinate with other entities to expand housing options for persons with IDD.

As of the date of this report, it is unknown how **SB 7** will impact MHMRA's funding.

Guardianships

HB 2080 by Thompson, Senfronia (Effective 1/1/14) provides that a person who is protected by a protective order or a guardian or attorney ad litem may request a court to exclude certain identifying information from any document filed in a guardianship proceeding. If the court grants such a request, the court shall order the clerk to strike the information from the public records and maintain a confidential record of the information for use by the court.

Beginning January 1, 2014, **HB 2080** also requires that an order appointing a guardian specify the rights of the guardian with respect to the ward in the following statement promptly displayed in bold-faced type, capital letters, or underlined:

"NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE RIGHT OF A GUARDIAN OF THE PERSON OF THE WARD TO HAVE PHYSICAL POSSESSION OF THE WARD OR TO ESTABLISH THE WARD'S LEGAL DOMICILE AS SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CIVIL OR OTHER CLAIM REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THIS ORDER THAT RELATE TO THE ABOVE-MENTIONED RIGHTS OF THE COURT-APPOINTED GUARDIAN OF THE PERSON OF THE WARD. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE

PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000."

The bill also specifies that if a court finds that a party acted in bad faith, the court may require the party to reimburse the ward's estate for any court costs and attorney's fees. The bill adds new requirements relating to information letters about persons believed to be incapacitated.

Determinations of Disability

HB 807 by Zerwas (Effective 6/14/13) adds new categories of providers qualified to make determinations that an individual has mental retardation, including a professional licensed to practice in this state and certified by Department of State Health Services (DSHS) and a provider certified by DSHS before September 1, 2013. Prior to the effective date of **HB 807**, only licensed physicians, licensed psychologists, community centers, and DSHS were authorized to make such determinations.

Medical Power of Attorney

Under current law, a medical power of attorney is not valid unless signed by two competent witnesses. **SB 651 by Rodriguez (Various Effective Dates)** retains current law but also provides that a medical power of attorney is valid if executed before a notary. The bill requires that a medical power of attorney disclosure statement include this new alternative and requires the Health and Human Services Commission to promulgate standard forms by October 1, 2013.

SB 651 further provides that a statutory probate court and a district court have concurrent jurisdiction over an action brought by an interested third party to revoke a medical power of attorney because the principal was incompetent or under duress, fraud, or undue influence at the time of the execution of the medical power of attorney. This provision is retroactive.

PROTECTIVE SERVICES – CHILDREN AND FAMILIES

Funding

The 83rd Legislature increased funding and flexibility for child welfare services. **SB 1 by Williams** increased funding for relative placements, an alternative to a child’s removal from the home into the state’s care, by 45.3% over last biennium. There may be opportunities for Harris County to receive new funding for at-risk children, given the large increases in funding appropriated for this purpose in **SB 1**.

Selected Child Welfare Funding under SB 1 Compared to 82nd Regular Session Biennial Funding		
Program	Difference btw FYs 2012-13 & SB 1 FYs 2014-15	% Change From FY 2014-15
Substance Abuse Purchased Services	\$562,692	5.6%
Relative Caregiver Payments	\$8,729,142	60.1%
Services To At Risk Youth (STAR)	\$4,076,337	11.1%
Community Youth Development (CYD)	\$2,000,000	19.8%
Adoption Purchased Services	\$4,113,762	45.3%
PAL Purchased Services (Transitional Services for Youth Aging out of Foster Care)	\$3,736,140	24.0%
Other At-Risk Services	\$17,532,070	382.7%

Based upon the statewide percentages, **SB 1** will likely increase funding for Harris County Protective Services as follows:

- An estimated \$128,000 increase in Community Youth Development funding per fiscal year; and
- An estimated increase in funding of \$341,898 per year for transitional services for youth aging out of foster care.

Title IV-E Waiver

HB 748 by Raymond (Effective 6/14/13) requires the Department of Family and Protective Services to seek federal approval for an IV-E Waiver, which combines all funding for child welfare services into flexible block grant. Currently, the lion’s share of child welfare funding (IV-E) must be used for services *after* the child is removed (for foster care/adoption assistance). Under a IV-E Waiver, around \$240 million in IV-E federal funds would be available annually for new purposes for children and their parents who are involved or at risk of involvement in the CPS system. The purposes include:

- providing more permanency for children by reducing time in foster care and promoting successful transitions to adulthood for former foster youth;
- increasing positive outcomes for infants, children, and families in their homes and communities and increasing the safety and well-being of infants, children, and youth; and
- preventing child abuse and neglect and the reentry of children into foster care.

HB 748 may provide a new source of funding for adult and juvenile specialty courts through collaborative projects. County departments and the courts currently provide a variety of services to this target population including:

- Services for Parent (Criminal Drug Court, Family Drug Court, Veterans Court, Mental Health Court, DWI Court, Infant Toddler Court, Sheriff's Reentry, DA's Domestic Violence Assistance, Peer to Peer Counseling, Assessments);
- Services for Family (Visit Coaching, In-home services, Respite, TRIAD, Family Assessments); and
- Services for Child (MHMRA's and Harris County Department of Education's Early Childhood Intervention, CAC's Trauma-informed care for child sexual assault victims, MHMRA's Autism Program, Juvenile Probation, Juvenile Specialty Courts, HCPS' Services for youth aging out of foster care and homeless youth).

The purpose of the IV-E Waiver is to test new evidence-based programs to improve the lives of children and families. The federal guidance suggests that a IV-E Waiver could complement a Medicaid 1115 Transformation Waiver. Twenty-three states have implemented IV-E Waivers. Some are county-based.

Appointment of Attorney Ad Litem

SB 1759 by Uresti (Effective 9/1/13) requires the court to appoint an attorney ad litem to represent any parent who has not been personally served with the documents that initiated a suit for the appointment of a conservator for a child, and any alleged father. **SB 1759** also requires the following annual training:

- an attorney ad litem appointed to represent a parent in a child protective services proceeding must complete at least 3 hours of continuing legal education related to representing parents in child protective services proceedings; and
- an attorney ad litem appointed to represent a child in a child protective services proceeding must complete at least 3 hours of continuing legal education related to representing children in such proceedings.

The bill also requires that a temporary restraining order or attachment of a child include the following statement prominently displayed in boldface type, capital letters, or underlined:

"YOU HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY. IF YOU ARE INDIGENT AND UNABLE TO AFFORD AN ATTORNEY, YOU HAVE THE RIGHT TO REQUEST THE APPOINTMENT OF AN ATTORNEY BY THE COURT AT _____. IF YOU APPEAR IN OPPOSITION TO THE SUIT, CLAIM INDIGENCE, AND REQUEST THE APPOINTMENT OF AN ATTORNEY, THE COURT WILL REQUIRE YOU TO SIGN AN AFFIDAVIT OF INDIGENCE AND THE COURT MAY HEAR EVIDENCE TO DETERMINE IF YOU ARE INDIGENT. IF THE COURT DETERMINES YOU ARE INDIGENT AND ELIGIBLE FOR APPOINTMENT OF AN ATTORNEY, THE COURT WILL APPOINT AN ATTORNEY TO REPRESENT YOU."

The court must also advise the parents of their rights regarding appointment of counsel.

Child Advocacy Centers' Eligibility for Certain Contracts

SB 245 by West (Effective 9/1/13) provides Child Advocacy Centers, such as the Harris County Children's Assessment Center, eligibility for contracts to provide services for children and families in child abuse and neglect cases.

Ownership of Forensic Interviews

HB 3259 by Wu (Effective 9/1/13) provides that video-taped forensic interviews conducted by child advocacy centers are the property of the prosecuting attorney or the attorney representing the Department of Family and Protective Services.

Psychotropic Medications Prescribed to Children

Given the General Accounting Office's report on the use of psychotropic medication prescribed to children in the foster care system in several states including Texas, several bills were introduced to address this issue. HB 915 by Kolkhorst (Effective 9/1/13) requires consent for administration of psychotropic medications to a child in foster care and requires that certain conditions be met for valid consent. The parents must be notified of the initial prescription and any change in dosage at the first scheduled meeting. The bill further requires that the person authorized to consent to medical treatment ensure that the child is seen by his or her health care provider at least once every 90 days and provides for the administration and monitoring of psychotropic medication to children in the foster care system.

Participation of the Child in Child Protective Services Hearings

HB 843 by Lucio III (Effective 9/1/13) requires that a child 10 years of age or older, or any child the court deems appropriate, be provided notice of a permanency or placement review hearing and be given the opportunity to be heard and present evidence.

Visitation Plans for Children Taken into State's Custody

SB 352 by West (Effective 9/1/13) provides that The Department of Family and Protective Services (DFPS) must ensure that a parent has an opportunity to visit his or her child within 3 days after DFPS has been named temporary managing conservator of the child unless certain criteria are met. The court is further required to review the proposed visitation plan and make any needed modifications at the first hearing.

Social Study Evaluator's Access to CPS Records

SB 330 by Huffman (Effective 9/1/13) provides that a social study evaluator is entitled to a complete unredacted copy of any investigative record regarding alleged abuse or neglect of a child that relates to any person residing in the residence subject to the social study.

FBI Background Checks for Child Care Providers

SB 427 by Nelson (Effective 9/1/13) requires a FBI fingerprint check for the following persons affiliated with a residential child care operation, including licensed foster homes, unless a valid FBI check was previously obtained:

- Any prospective foster or adoptive parent, regardless of whether the child-placing agency accepts placement of children in the conservatorship of DFPS;
- Any current foster or adoptive parent;
- The director, owner, and operator;
- An employee;
- A prospective employee;
- Any person who is aged 14 or older and is counted in the child/caregiver ratio;
- Any person who is aged 14 or older and has unsupervised access to children in care; and
- Any person who is aged 14 or older and resides in a residential operation, foster or adoptive home, or prospective foster or adoptive home.

The bill exempts a facility operated by a nonprofit organization, which is located in a county on an international border with a population of at least 600,000 and provides emergency shelter and care for not more than 15 days to children aged 13 years or older but younger than 18 years.

REVENUE AND FEES

In 2011, in order to balance the state budget, the 82nd Legislature substantially cut funds dedicated to local governments. Much of the local funding was restored by the 83rd Legislature in **SB 1 by Williams (Effective 9/1/13)**.

Mixed Beverage Tax

In 2011, the Legislature reduced the local share of the Mixed Beverage Tax to balance the state budget; **SB 1** restored the local share of the Mixed Beverage Tax. Going forward, Harris County is estimated to receive a \$3.2 million increase per year in funding from the Mixed Beverage Tax.

HB 3572 by Hilderbran (Effective 1/1/14) reduces the rate of the tax on gross receipts for the sales of alcoholic mixed beverages *from 14% to 6.7%*. The bill also creates a mixed beverage sales tax at a rate of 8.25% of the sales price of all drinks that are subject to the mixed beverage gross receipts tax. Timely filer deductions and tax prepayment discounts related to the limited sale and use tax would not apply to the mixed beverage sales tax. Local allocations from the new sales tax would be distributed in the same manner as the mixed beverage gross receipts tax. The Legislative Budget Board estimates that **HB 3572** will not have a significant impact on the total revenue collected from the Mixed Beverage Tax.

County Road and Bridge Funds

HB 2202 by Pickett (Effective 9/1/13) creates a new Texas Department of Motor Vehicles Fund and directs certain fees and portion of fees, including vehicle registration fees, currently deposited into the State Highway Fund 6 into the new Fund. The bill allows a county tax assessor to retain a portion of the fee. **HB 2202** also repeals the law that required counties to remit 3% of optional county road and bridge fee collections to the state. The fiscal note estimates that this provision will increase local revenues by \$7 million statewide.

Temporary Increase in Records Archive Fees and Records Management and Preservation Fees

HB 1513 by Lewis (Effective 9/1/13) authorize a commissioners court to increase a district court records archive fee from not more than \$5 to not more than \$10. The fee must be deposited into a district court records technology fund in the county's general fund. The use of the fund is limited the preservation and restoration of the district court records archive. **HB 1513** further requires a county clerk, if a commissioners court adopts the fee as part of the county's annual budget, to increase the Records Archive Fees and Records Management and Preservation Fees from not more than \$5 to not more than \$10. The bill also contains a sunset provision on September 1, 2019, that reverts the amount of both fees back to the amounts that were charged prior any increase authorized pursuant to **HB 1513**. The Harris County Budget Office estimated in the local fiscal note that an increase in the fees would generate \$550,000 for FY 2014 and \$1.1 million per year for FYs 2015-2018.

Temporary Increase in E-Filing Fee

HB 2302 by Hunter (Effective 9/1/13) permits a judge to use a digital or electronic signature on an official court document and increases filing fees as follows:

- \$10 filing fee for civil cases at justice courts;
- \$20 filing fee for civil cases at probate, county, district, and appellate courts and the Texas Supreme Court; and
- \$5 court cost for criminal convictions from county and district courts.

Counties must remit the fee to the Comptroller for deposit into a new dedicated fund, the Statewide Electronic Filing Fund. The Legislative Budget Board estimates that \$17.7 million will be deposited into the new fund per fiscal year.

The bill would permit an appellate court or a local government that operates the electronic filing system to charge up to \$2 per electronic transaction, which could be paid electronically by credit card. Funds collected must be used for implementing e-filing. The \$2 fee sunsets in 2019.

Guardianship Filing Fees

HB 2080 by Thompson, Senfronia (Effective 1/1/14) requires a county clerk to collect a filing fee, including a deposit for payment of an attorney ad litem, from the party filing an application for a guardianship proceeding and certain other documents, unless the person filing is a guardian, an attorney or a guardian ad litem, an indigent party, a government entity, or a non-profit agency that provides guardianship services.

Clean Air Funding for Local Projects

HB 2859 by Harless (Effective 9/1/13) would increase the maximum funding allocation *from* \$5 million to \$7 million for local initiatives projects which are available to counties, such as Harris County, that participate in the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP). The bill further earmarks \$2 million of the local initiatives projects for local law enforcement projects to reduce the use of counterfeit state inspection stickers.

TAXES, APPRAISALS, AND RELATED MATTERS

TAX EXEMPTIONS AND INCENTIVES

Homestead Exemptions

Surviving Spouse of Disabled Veteran

HB 97 by Perry (Effective 1/1/14, Contingent upon voter approval of HJR 24 by Perry) requires a property tax exemption equal to a disabled veteran's disability rating (if less than 100%) on the disabled veteran's residence homestead if the homestead was donated to the disabled veteran by a charitable organization at no cost. The bill would also extend the exemption to the surviving spouse of a disabled veteran who died after qualifying for the exemption if the following conditions are met:

- the surviving spouse has not remarried;
- the property was the homestead of the surviving spouse when the disabled veteran died; and
- the property remains the residence homestead of the surviving spouse.

The bill would grant a surviving spouse qualified for the exemption the same dollar amount of exemption on a subsequent homestead provided that the surviving spouse has not remarried. The exemption would be retroactive to January 1st of the year in which the disabled veteran qualifies for the exemption and prorated off a former homestead if a disabled veteran or surviving spouse moves to a new homestead during the year. **HB 97** would also add a qualified disabled veteran and surviving spouse to those authorized to pay property taxes in 4 installments.

Surviving Spouse of Military Killed in Action

SB 163 by Van de Putte (Effective 1/1/14, Contingent on voter approval of HJR 62 by Turner, Chris) provides for a 100% exemption from ad valorem taxes on the homestead of a surviving spouse of persons who are killed in action as a member of the U.S. armed forces if the surviving spouse has not remarried. The exemption would also apply to the surviving spouse's subsequent homesteads.

School Organization's Exemption for Agricultural Land Changes

HB 561 by Workman (Effective 6/14/13) exempts certain school organizations from the additional tax, penalty, and interest when the use of qualifying agricultural land changes.

Data Center's Temporary Exemption from Sales and Use Tax

HB 1223 by Hilderbran (Effective 9/1/13) will provide for a temporary exemption from state sales and use tax for certain equipment needed to operate qualifying data centers, which are defined as at least 100,000 square feet of space in a single building or portion of a building, that:

- is located in this state;
- is specifically constructed or refurbished and actually used primarily to house servers and related equipment and support staff for the processing, storage, and distribution of data;
- is used by a single occupant for the processing, storage, and distribution of data;
- is not used primarily by a telecommunication provider to place tangible personal property that is used to deliver telecommunications services; and
- has an uninterruptible power source, generator backup power, a sophisticated fire suppression/prevention system, and enhanced physical security (restricted access, video surveillance, and electronic systems).

The exemption expires on the 10th anniversary of the date a qualifying data center was certified if the capital investment used to qualify for the exemption was at least \$200 million but less than \$250 million or on the 15th anniversary if the capital investment was \$250 million or more.

Offshore Spill Response Containment System Exemption

HB 1712 by Lozano (Effective 6/14/13) creates an ad valorem tax exemption for owned or leased personal property that is used, constructed, acquired, or installed solely as part of an offshore spill response containment system or used solely for development, improvement, storage, deployment, repair, maintenance, or testing of such system provided that the system is stored in a county bordering on the Gulf of Mexico or on a bay or body of water immediately adjacent to the Gulf of Mexico.

Exemption for Landfill Methane Property

HB 1897 by Eiland (Effective 9/1/13) provides a temporary property tax exemption for landfill methane capture property, which is real and personal property located in or in close proximity to a landfill and used to collect, compress, transport, process and deliver gas generated by the landfill into a pipeline or methane fueling station. The exemption would apply only to property used for landfill methane capture on or after January 1, 2014 and sunsets on December 31, 2015.

Exemption for Energy Storage Systems

HB 2712 by Perez (Effective 1/1/14) authorizes the governing body of a taxing unit to create an exemption from ad valorem taxes for energy storage systems, which are installed after January 1, 2014, in areas designated as a nonattainment area under the federal Clean Air Act. The governing body of the taxing unit may repeal this exemption.

Freeport Exemption

HB 3121 by Harper-Brown (Effective 1/1/14, Contingent on voter approval of HJR 133 by Harper-Brown) allows commissioners court to extend by official action the number of days (currently 175 days) that certain aircraft parts may remain in the state before losing eligibility for a "Freeport" property tax exemption. HJR 133 specifies that the maximum number of days to qualify for the "Freeport exemption" would be 730 days.

APPRAISAL DISTRICT PROCEDURES

Notice Relating to Certain Agricultural Uses of Land

HB 242 by Otto (Effective 1/1/14) will require that the following notices from an appraisal district to a property owner be sent by certified mail:

- notice that land has been diverted to a non-agricultural use;
- notice that a new application for special agricultural use appraisal is required;
- notice of penalty for late application for agricultural use appraisal;
- notice of determination of change of land use from qualifying open-space use; and
- notice of determination of change of land use from qualifying timber use.

Motor Vehicle Dealer's Exclusion from Special Inventory Provisions

HB 315 by Otto (Effective 1/1/14) will exclude motor vehicle dealers from special inventory provisions who meet the following criteria:

- the dealer does not sell motor vehicles that are self-propelled vehicles designed to transport persons or property on a public highway;
- the dealer's adjusted total annual sales for the preceding tax year are 25% or less of the dealer's total revenue from all sources or the dealer did not sell a motor vehicle to a person other than another dealer during the preceding tax year and the dealer estimates that the dealer's adjusted total annual sales for the current tax year will be 25% or less of the dealer's total revenue from all sources during that period;

- the dealer has filed with the chief appraiser and the collector a declaration stating that the dealer elects not to be treated as a dealer under special inventory provisions not later than August 31st of the preceding tax year; and
- the dealer has rendered the motor vehicle inventory by filing a rendition.

Appraisal Review Board Procedures

HB 585 by Villarreal (Various Effective Dates) makes numerous procedural changes related to appraisal review boards including:

- A requirement that the Comptroller prepare model hearing procedures and a survey form for public comments on the review boards;
- A requirement that an appraisal district's taxpayer liaison officer receives public comments and forward the information to the Comptroller for inclusion in an annual report;
- New mandatory training for chief appraiser including ethics and certification requirements;
- Changes regarding eligibility to serve on appraisal district board;
- Procedures related to reappraisal of damaged property in an area declared a disaster by the governor;
- A repeal of the provision for an expedited binding arbitration process in appeals of appraisal review board orders; and
- Various provisions relating to hearing procedures and district court procedures regarding appeals of certain decisions of a review board.

Crediting Overpayments to Delinquencies from Previous Years

HB 709 by Isaac (Effective 1/1/14) will allow a taxing unit to apply property tax overpayments to delinquent amounts from a tax year other than that from which the refund arises if the delinquent taxpayer was the sole owner of the property in both years. **HB 709** also allows disabled veterans to pay property taxes in 4 installments.

Definition of "Heavy Equipment Dealer"

HB 826 by Harless (Effective 1/1/14) will amend the definition of "heavy equipment dealer" to exclude a bank, savings bank, savings and loan association, credit union, or other finance company. **HB 826** further amends the definition of "heavy equipment inventory" to mean all

items of heavy equipment that a dealer holds for sale, lease, or rent in Texas during a 12-month period.

Disabled Person Exemption from Certain Documentation Requirement

HB 1287 by Hilderbran (Effective 9/1/13) will exempt a resident of a facility that provides services related to health, infirmity, or aging, or is certified for participation in the Attorney General's address confidentiality program, from the requirement to provide a driver's license or state-issued identification certificate in an application for a residence homestead exemption. **HB 1287** also will remove the requirement that an applicant for a homestead exemption provide a copy of the applicant's vehicle registration receipt, or if the applicant does not own a vehicle, a signed affidavit to that effect and a copy of a utility bill for the property at issue.

Prop 2 Pollution Control Property Exemption Procedures

HB 1897 by Eiland (Effective 9/1/13) requires the executive director of the Texas Commission on Environmental Quality (TCEQ) to issue a determination letter to a person seeking a pollution control property exemption and to take final action on an initial appeal of the pollution control property exemption determination not later than the 1st anniversary of the date that the executive director determines that the application is administratively complete. The bill further prohibits a property owner from receiving a refund based upon the final determination of an appeal of a denial of a pollution control exemption unless the property owner is entitled to the refund under existing law or entered into a written agreement with the chief appraiser that authorizes the refund pending a final determination by TCEQ. Not later than the 10th day after the date a property owner and the chief appraiser enter into the written agreement, the chief appraiser must provide each affected taxing unit a copy of the agreement. The agreement is void if a taxing unit objects in writing on or before the 60th day that the taxing unit received a copy of the agreement.

Authority to Conduct Closed Hearings

HB 2792 by Elkins (Effective 6/14/13) allows an appraisal review board to conduct a closed hearing that involves the disclosure of proprietary or confidential information, only upon a joint motion by the property owner and the chief appraiser.

Tax Liens and Collections

HB 1597 by Gonzalez, Naomi (Effective 9/1/13) requires a tax collector to allow, upon request, a taxpayer to enter into an installment payment agreement if the taxpayer has not entered into such an agreement in the past two years. The bill also requires the same type of notice required by **SB 247** (below).

HB 1724 by Bohac (Effective 9/1/13) requires that a suit to collect delinquent hotel occupancy taxes be brought within four years, unless the delinquency is due to fraud or the failure to file a report.

HB 1913 by Bohac (Effective 9/1/13) broadens the circumstances under which a governmental entity may waive penalties and interest on delinquent taxes to include situations in which the property was omitted or erroneously exempted from the appraisal roll, or was added to the roll under a different account when owned by a prior owner or the taxpayer can demonstrate that payment of the taxes was delivered to the postal service or a delivery service before the due date. It also requires that every delinquent notice state in 14-point type the property is subject to a lien for delinquent taxes and may be foreclosed upon.

HB 3613 by Elkins (Effective 9/1/13) provides that a tax lien on a manufactured home is extinguished if no suit to collect a personal property tax lien has been filed and the lien has been delinquent for more than four years. The bill also states that the Texas Department of Housing and Community Affairs may request electronically that a tax assessor-collector verify that no suit has been filed.

SB 247 by Carona (Effective 5/29/13) places new restrictions on property tax lenders, including a requirement that a lender give notice to homeowners that they may be able to negotiate a delinquent tax payment plan through the local tax office.

SB 382 by Carona (Effective 6/14/13) clarifies that the type of debt that triggers the prohibition on the distribution of county funds to a debtor includes delinquent property taxes, even if a judgment has not been entered.

SB 1224 by Taylor (Effective 6/14/13) allows delivery of tax payments and reports by any contract or common carrier (instead of just the postal service), and delivery is timely if deposited with the carrier on or before the due date, as reflected on a receipt.

APPROPRIATIONS AND BUDGET ISSUES

SB 1 by Williams (Effective 9/1/13) the General Appropriations Bill, appropriates a total of \$197.0 billion for the 2014–15 biennium from all fund sources, which is a \$7.1 billion increase, or 3.7%, over the 2012–13 biennial level of funding (\$189.9 billion). The table provides a comparison between the levels of funding passed by the 82nd Legislature and the 83rd Legislature.

Comparison of General Appropriations Acts from FYs 2012-13 Biennium to FYs 2014-15 Biennium		
(In millions)		
	FYs 2012-13 Biennium	FYs 2014-15 Biennium
Education	\$72,871.0	\$74,123.0
Health and Human Services	\$55,426.4	\$73,904.0
Judiciary	\$643.1	\$727.9
Public Safety/Criminal Justice	\$11,507.0	\$11,586.0
Natural Resources	\$3,888.3	\$4,744.0
Business/Economic Development	\$23,660.8	\$25,006.0
Regulatory	\$677.8	\$784.9
General	\$0.0	\$952.1
Legislature	\$339.9	\$358.3
General Government	\$4,469.0	\$4,763.0

Source: Legislative Budget Board, June 2013.

HB 10 by Pitts (Effective 3/13/13) the 1st supplemental appropriations bill, increased funding during the current fiscal year primarily for shortfalls associated with Medicaid and the Children’s Health Insurance Program caseloads and school funding.

HB 1025 by Pitts (Effective 6/14/13) the 2nd supplemental appropriations bill, appropriated \$137 million from the dedicated Trauma Fund to provide for non-federal share of the Medicaid disproportionate share hospital (DSH) program. **HB 1025** also appropriated \$20 million for repairs and renovations at the state mental hospitals and reversed the last session’s deferral of payments to school districts.

The estimated fiscal impact of **SB 1** on Harris County departments, the Mental Health Mental Retardation Authority of Harris County, and the Harris County Psychiatric Center is provided in the Table. It is assumed that the state funding will be distributed using similar methodology as in previous year, unless otherwise noted.

**Estimated Gain/(Loss) of State Funding per State Fiscal Year (FY) under SB 1 by Williams
(83rd Regular Session)**

Department	Funding Source	Est. Gain/(Loss) per FY	
Children's Assessment Center	Victims Services	\$142,667	
	Other Victim Assistance	\$5,951	
HC Protective Services	Title IV-E admin - foster care	\$0	
	DFPS IV-E reimbursements	\$0	
	Community Youth Development (CYD)	\$128,006	
	HAY Center TANF funding	\$0	
	Preparation for Adult Living	\$1,026,000	
	Concrete Services IV-B *	\$128,006	
	Kinder Emergency Shelter placements	\$0	
	Drug Complicance Monitor IV-B passthru	\$0	
	Guardianship/Nursing Hm Pass-thru	\$0	
	Probation	Community Corrections Program	\$2,668,100
Harris County Setaside Rider 57		\$0	
Treatment Alternatives to Incarceration		\$168,153	
Substance Abuse Felony Punishment Beds		\$0	
Diversion Funding		\$1,100,671	
Criminal Court Admin	Indigent Defense	\$511,746	
	DWI Court	\$0	
	Drug Court	\$0	
County Attorney	Title IV-E foster care/adoption	\$0	
District Attorney	Asst Prosecutor Longevity Pay	\$8,588	
	D.1.3 Witness Expenses	\$0	
Domestic Relations	Integrat. Child Support Services	\$0	
	Community Supervision Contract	\$0	
Juvenile Probation	Delta III Boot Camp	\$0	
	General Services to Juveniles	\$0	
	JJAEP	\$57,666	
	Charter School	\$0	
	Title IV E	\$0	
	Mental Health/Special Needs Offenders**	\$25,254	
	TJPC Level 5 Placements	\$0	
	Secure Facility Operation	\$0	
	Community Corrections	\$0	
	TYC Comm Corrections Diversion	\$0	
Libraries	Lone Star Library	(\$22,539)	
MHMRA - MH	MH - Adult Community Services	\$200,000	
	Crisis Services	\$200,000	
	Child MH services	\$200,000	
	Short-term Residential Slots	\$700,000	
	New Community Mental Health Funding***	\$11,100,000	
	Harris County Psyc Center	\$1,200,000	
	Expand Forensic Capacity	\$0	
	New Generation meds	\$0	
	MHMRA - IDD	Mental Retardation services	(\$4,198,502)
		Autism Services	\$0
Home & Community Services (HCS)		\$2,025,004	
Intermediate Care Facilities- IDD		\$254,243	
MHMRA - CJ	Early Childhood Intervention (ECI)	\$0	
	TDCJ Parole & Substance Abuse	\$0	
	Mental Health/Special Needs Offender-Juveniles	\$71,631	
	Mental Health/Special Needs Offender-Adults	\$421,736	
Public Health	Family Planning****	\$84,655	

Department	Funding Source	Est. Gain/(Loss) per FY
	Ryan White HIV/AIDS	\$1,951,571
	Immunizations	\$0
	Infectious Disease Control	\$76,254
	Public Health response planning	\$1,057
Sheriff	Cold case squad	\$0
	Crime victim assistance	\$8,866
	New Choices Subst Abuse Treatmt	\$0
	TB prevention	\$2,015
	Auto Theft Prevention	\$0
	TxDOT Traffic Enforcement	\$0
Harris County GR	Mixed Beverage Tax	\$3,200,000
Harris County Judge's Office	Jail Diversion Setaside	\$5,000,000
TOTAL		\$20,347,101

Notes: * It is assumed that Harris County Protective Services will receive a proportional increase in funding (11%) for Substance Abuse Treatment for parents in the child protective services system.

** It is assumed that Harris County Juvenile Probation and MHMRA will receive an increase in funding (10%) for Special Needs Offender with Mental Illness based upon a \$9 million per year increase in state funding.

*** Based upon preliminary information from the Department of State Health Services. Includes new funding across several categories including Adult, Children, and Crisis funding and funding to reduce the waiting list per Rider 92.

**** It is assumed that Harris County Public Health will participate in the state Family Planning program. Does not include increased funding for Women's Health Services. Harris County Public Health could further increase funding by participating in the Women's Health Program.

Source: Harris County Office of Legislative Relations

Water Funding

HB 1025 also appropriated \$2 billion, which is contingent on the voter's approval of constitutional amendment, **SJR 1 by Williams**, from the economic stabilization fund or the "rainy day fund" to assist in financing water infrastructure projects.

Transportation Funding

In the third Special Session, the Legislature finally passed the legislation to fund transportation, **HB 1 by Pickett (Effective, Contingent on the voter approval of SJR 1 by Nichols in November 2013)**. HB 1 establishes a process to adjust the allocation of oil and gas severance tax between the rainy day fund and the highway fund. The bill requires the Texas Department of Transportation to identify \$100 million in the agency's existing budget to use to make payments on bonds.

The bill would also authorize the use of funds from the Texas Mobility Fund for port security and port transportation projects.

Parks Funding

The Legislature made significant increases in funding for parks in **SB 1**. Several of the funding streams will be available for local park funding through the Texas Parks and Wildlife Department's grants.

Historical Funding for Parks during the 82nd and 83rd Legislative Sessions						
Program	FY 2012	2013	2014	2015	Difference in 2 yr funding from 82nd RS	% Change from 82nd Biennium
State Park, Historic Sites, State Natural Area Operations	\$63,189,788	\$64,942,142	\$72,622,283	\$70,839,336	\$15,329,689	12%
Local Park Grants	\$434,480	\$446,980	\$8,184,480	\$8,184,480	\$15,487,500	1757%
Boating Access, Trails, & other Grants	\$497,896	\$497,896	\$6,275,693	\$6,275,693	\$11,555,594	1160%
Large County & Municipality Recreation & Parks Acct 5150*	\$302,085	\$302,085	\$3,402,085	\$3,402,085	\$6,200,000	1026%

* Acct 5150 is a method of finance for local parks funding and boating access funding, not a separate grant.

Judicial Pay Raise

SB 1 and **HB 1025** impact judges' salaries, benefits, and pensions. **SB 1** appropriates \$17.4 million per year for a judicial salary increase, including benefits, for judges and other officials linked to the salary of district judges by statute. The salary increase is estimated to be about 12%; however, the Comptroller will determine the actual amount through rulemaking.

In addition to the funding for salary increases, the Legislature also increased funding for the state contribution to judges' pensions under Judicial Retirement Plan 2 *from* about \$4 million to \$10.6 million per year in **SB 1**.

HB 1025 appropriated \$7.5 million General Revenue (GR) for salaries of district judges and prosecuting attorneys for the current fiscal year (FY) 2013. The GR funding offset a shortfall from Dedicated Fund 573 and should have no fiscal impact.

Funding for Child Protection Specialty Courts

SB 1 included \$6.7 million per year in new funding for Child Protection Specialty Courts. Some of the funding will be available to Harris County.

Juror Pay

SB 1 restored some of the cuts to juror pay that passed last session by increasing state funding by \$3.4 million for the biennium, an increase of 18.5% over last biennium.

Truancy Prevention Funding

SB 1419 by West (Effective 9/1/13) adds a new \$2 fee on convictions in municipal and justice courts and earmarks collections into a new dedicated account, the Truancy Prevention and Diversion Fund, which will be administered by the Governor's Office. **SB 1419** also allows a municipality or a county to retain 50% of the collections if a juvenile case manager program is established. Harris County Protective Services currently operates a juvenile case manager program. The Legislative Budget Board (LBB) estimates that \$3.8 million each year will be available in the Truancy Prevention and Diversion Fund for competitive grants to local government for truancy prevention services. The LBB also estimates that local governments' share of the collections will total about \$2.3 million per year statewide. Harris County Protective Services will see an increase in funding for juvenile case managers. The county will also be eligible to compete for the state funding.

APPENDIX 1

Tracking Chart

**83rd LEGISLATIVE
SESSION
Harris County Bills
6/19/13**

Notes: Greenberg Traurig-Demetrius McDaniel=DM and April Seabaugh Beggs=ASB; John Pitts=JP; Dan Shelley=DS and Jennifer Shelley Rodriguez =JSR; Jim Short=JShort; Texas Legislative Associates-Brad Shields=BShields and Brad Shields II=BShieldsII; The Texas Lobby Group-TTLG-Mike Toomey=MT and Lara Keel=LK; Office of Legislative Relations=OLR.

No.	Senate	House	Short Title	Purpose	Source	Latest Action	Assign
1	SB 265 (Huffman)	HB 385 (Thompson)	Officials' Bonds	Authorizing county to self insure for certain bonds.	HRRM	<p>HB filed 1/8/13, referred to House County Affairs. HB heard 3/21/13, and voted favorably from committee 3/28/13. Reported from committee and recommended for Local and Consent 4/9/13. Laid on the table, subject to call – see SB.</p> <p>SB filed 1/25/13, referred to Senate IGR, hearing set for 2/27/13. SB voted favorably from committee on 2/27/13 and reported and recommended for Local and Uncontested on 3/4/13. SB passed the Senate 3/13/13 and was received in the House 3/14/13. Referred to House County Affairs 4/8/13. Voted favorably from House County Affairs 4/23/13. Reported favorably from committee as substituted and recommended for Local and Consent 4/29/13. Passed the House on Local and Consent 5/2/13, and sent back to Senate for concurrence. Set on Senate Items Eligible for 5/6/13, 5/7/13. Senate Concurred in House Amendments 5/8/13.</p> <p>SB PASSED. SENT TO THE GOVERNOR 5/9/13. SIGNED BY THE GOVERNOR 5/18/13. EFFECTIVE 5/18/13.</p>	JSR/DS

2	SB 366 (Taylor)	HB 1804 (Callegari)	Roth Accounts/457 Loans	Authorize the county to establish Roth accounts and a 457 Loan Program.	HCAO/HRRM	<p>SB filed 2/4/13, referred to Senate State Affairs, hearing set for 3/11/13. SB heard, voted favorably on 3/11/13, and reported favorably on 3/13/13. Recommended for Local and Uncontested. Passed on Local on 3/27/13 and received in the House 3/27/13. Referred to House Committee on Pensions. Voted favorably on 4/10/13 and reported favorably and recommended for Local and Consent on 4/16/13. Set on Local and Consent for 5/2/13. Laid on the table, subject to call – see SB.</p> <p>HB filed 2/25/13, referred to House Pension, hearing set for 3/11/13. HB heard 3/11/13, and voted favorably from committee on 3/18/13. HB reported favorably on 3/28/13 and recommended for Local and Consent. SB passed the House on Local and Consent. On its way to the Governor.</p> <p>SB PASSED. SENT TO THE GOVERNOR 5/7/13. SIGNED BY THE GOVERNOR 5/18/13. EFFECTIVE 5/18/13.</p>	LK/MT
3	SB 687 (Huffman)	HB 1275 (Smith)	Alcohol Monitoring Fee	Authorize a fee for monitoring home breathalyzers, same as IID's.	PTS	<p>HB filed 2/13/13, referred to House Criminal Jurisprudence. HB heard 4/16/13.</p> <p>SB filed 2/20/13, referred to Senate Criminal Justice.</p> <p>DID NOT PASS.</p>	

4	SB 756 (Patrick)	HB 712 (Murphy)	Equipment for VFD's/Municipalities	Clarify county has no maintenance responsibility for donated equipment.	FM	<p>HB filed 1/25/13, referred to House County Affairs, hearing set for 2/28 but cancelled due to Coleman's illness, reset for 3/7/13, heard 3/7/13. HB voted favorably from committee 3/14/13, and reported favorably and recommended for Local and Consent on 3/18/13. HB set on Local for 4/3/13. HB passed the House on 4/3/13, received in the Senate 4/4/13, and referred to Senate IGR 4/8/13. HB set for hearing in Senate IGR 5/1/13. HB heard 5/1/13. HB heard in Senate IGR 5/1/13, voted favorably on 5/8/13, and reported favorably and recommended for Local and Uncontested on 5/10/13. HB 712 passed on Senate Local and Uncontested 5/17/13.</p> <p>SB filed 2/22/13, referred to Senate IGR.</p> <p>HB PASSED 5/17/13. SENT TO THE GOVERNOR 5/20/13. SIGNED BY THE GOVERNOR 6/14/12. EFFECTIVE 9/1/13.</p>	JP
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5	SB 723 (Taylor)	HB 699 (Davis, John)	Auction Site	Authorize moving the first Tuesday auction site.	HCAO	<p>HB filed 1/24/13, referred to House Judiciary, hearing set for 3/4/13, heard 3/4/13. HB voted favorably 3/11/13 and reported favorably 3/14/13. Recommended for Local and Consent. HB set on Local for 4/3/13. HB passed the House on 4/11/13, received in Senate 4/15/13. HB referred to Senate Business and Commerce 5/7/13. HB set for hearing in Senate B&C on 5/14/13. HB heard in and voted favorably from Senate Business and Commerce as substituted on 5/14/13. HB was reported favorably and recommended for Senate Local and Uncontested on 5/15/13. HB set on Senate Local and Uncontested 5/20/13. HB passed on Local and Uncontested 5/20/13. Sent to House to concur. House concurred in Senate amendments 5/23/13.</p> <p>SB 723 filed 2/21/13, referred to Senate Business and Commerce. Hearing set for 3/12/13. SB heard and voted favorably 3/12/13, reported favorably 3/13/13 and recommended for Local and Uncontested. SB passed on Local 3/27/13. Received in the House 3/27/13. SB referred to House Judiciary on 4/8/13. SB heard in House Judiciary 4/8/13 and voted favorably as substituted on 4/29/13. SB reported from House Judiciary on 5/7/13 and recommended for Local and Consent.</p> <p>HB PASSED. SENT TO THE GOVERNOR 5/26/13. SIGNED BY THE GOVERNOR 6/14/13. EFFECTIVE 10/1/13.</p>	BShields/B ShieldsII
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6	(Garcia)	HB 3748 (Farrar)	Atty's Fees in Animal Appeals	Authorize attorney's fees as in other actions.	HCAO	<p>HB filed 3/8/13, referred to House Judiciary and Civil Jurisprudence. HB heard in House Judiciary 4/15/13. HB voted favorably on 4/24/13, and reported favorably and recommended for Local and Consent on 4/24/13. HB passed on House Local and Consent on 5/2/13. Received in the Senate 5/3/13. SB referred to Senate Criminal Justice 5/6/13. Not set in Senate Criminal Justice.</p> <p>DID NOT PASS.</p>	LK/MT
7	SB 160 (Huffman)	HB 1840 (Wu)	Poll Watcher Name Tags	Require tags for identification.	CCO	<p>SB filed 1/7/13, referred to Senate State Affairs, hearing set for 3/11/13. SB heard and voted favorably 3/11/13, reported favorably 3/14/13, and place on Senate Intent for 3/18/13. SB passed 3/19/13 and was received in the House 3/20/13. SB referred to House Elections 4/2/13. SB heard and voted and reported favorably from House Elections on 5/9/13 and recommended for Local and Consent. SB Passed on Local and Consent 5/10/13.</p> <p>HB filed 2/26/13, referred to House Elections. HB heard 3/18/13.</p> <p>SB PASSED. SENT TO GOVERNOR 5/14/13. SIGNED BY THE GOVERNOR 5/25/13. EFFECTIVE 9/1/13.</p>	BShields/B ShieldsII

8	SB 755 (Patrick)	HB 1035 (Huberty)	Financial Statement E- Filing	Authorize candidates and officers to e-file.	CCO	<p>HB filed 2/13/13, referred to House Elections, heard 3/4/13. HB voted favorably from committee on 3/25/13. HB reported favorably from committee 4/2/13, set on House Calendar 4/16/13 and passed the House on 4/17/13. HB received in the Senate on 4/18/13, not yet referred. HB referred to Senate State Affairs 4/24/13. HB heard in and voted favorably from Senate State Affairs as substituted 5/15/13. HB reported favorably and recommended for Local and Consent on 5/16/13. HB set on Senate Intent 5/20/13. HB passed on Intent 5/20/13. Sent to House to Concur. House concurred in Senate amendments 5/23/13.</p> <p>SB filed 2/26/13, referred to Senate State Affairs.</p> <p>HB PASSED. SENT TO THE GOVERNOR 5/27/13. SIGNED BY THE GOVERNOR 6/14/13. EFFECTIVE 9/1/13.</p>	JP
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9	SB 1683 (Huffman)	HB 396 (Thompson)	Postcard Application Ballots	Require all jurisdictions to send ballots to overseas voters.	CCO	<p>HB filed 1/8/13, referred to House Elections. HB heard 3/18/13. HB voted favorably as substituted from committee on 4/3/13, and reported favorably and recommended for Local and Consent on 4/11/13. HB Passed on House Local and Consent on 5/2/13, received in the Senate 5/3/13, not yet referred. SB referred to Senate State Affairs 5/7/13. HB Set for hearing in Senate State Affairs 5/13/13. HB was heard in and voted favorably from Senate State Affairs on 5/13/13. SB was reported favorably from Senate State Affairs on 5/14/13. SB passed on Intent, with amendments, on 5/16/13. *Amendment is not acceptable to House author. Conference Committee needed to strip. Conference Committee members appointed by both chambers. House and Senate adopted conference report 5/25/13.</p> <p>SB filed 3/8/13, referred to Senate State Affairs 3/25/13.</p> <p>HB PASSED. SENT TO THE GOVERNOR 5/27/13. SIGNED BY THE GOVERNOR 6/14/13. EFFECTIVE 9/1/13.</p>	JSR/DS
10	SB 688 (Huffman)	HB 1992 (Smith)	State Prisoners	Require TDCJ to accept limited number of state prisoners.	OCJC	<p>SB filed 2/2013, referred to Senate Criminal Justice.</p> <p>HB filed 2/27/13 and referred to House Corrections 3/5/13. HB heard 4/10/13 and voted and reported favorably on from committee on 4/18/13. HB set on the House Calendar for 5/6/13. HB Passed on Local and Consent 5/7/13. HB received in the Senate and referred to Senate Criminal Justice 5/9/13. HB not set in Senate Criminal Justice.</p> <p>DID NOT PASS.</p>	DM/ASB

11	SB 1217 (Patrick)	HB 1442 (Fletcher)	Deposit of Bail Bond Fees	Clarify how bail bond fees may be deposited.	BM	<p>HB filed 2/18/13, referred to House County Affairs. HB heard on 4/18/13, and voted favorably from committee on 4/19/13. HB reported variably on 4/22/13 and recommended for Local and Consent. HB passed House Local and Consent on 5/2/13 and was received in the Senate 5/3/13, not yet referred. HB referred to Senate IGR on 5/7/13, and set for hearing in Senate IGR on 5/13/13. HB heard in and voted favorably from Senate IGR 5/13/13. HB reported favorably and recommended for Local and Uncontested on 5/14/13. HB placed on Intent for 5/16/13 but not taken up. HB set on Senate Local and Uncontested 5/20/13. HB passed on Senate Local and Uncontested 5/20/13.</p> <p>SB filed 3/6/13, referred to Senate IGR. SB set for hearing on 4/24/13. SB heard and voted favorably 4/24/13, reported favorably and recommended for Senate Local and Uncontested 4/25/13.</p> <p>HB PASSED. SENT TO THE GOVERNOR 5/23/13. SIGNED BY THE GOVERNOR 6/14/13. EFFECTIVE 6/14/13.</p>	JShort
12		HB 3248 (Callegari)	Sheriff's Commissary Fund	Subject to Purchasing Act.	Purchasing	<p>HB filed 3/8/13, referred to House County Affairs.</p> <p>DID NOT PASS.</p>	JShort
13	(Garcia)	HB 710 (Callegari)	Law Enforcement Advertising	Prohibit the use of rank or status in advertising	Pct. 3	<p>HB filed 1/25/13, referred to House Homeland Security, heard 3/7/13. HB voted favorably from committee 3/28/13. HB reported from committee 4/2/13. HB set on House Calendar for 5/6/13. HB passed the House and was received in the Senate on 5/9/13. SB was referred to Senate Criminal Justice on 5/10/13. HB not set in Senate Criminal Justice.</p> <p>DID NOT PASS.</p>	JP

14	SB 433 (Patrick)	HB 1127 (Smith)	Game Room Regulation	Authorize Harris County to Regulate Game Rooms	Pct. 2	<p>SB filed 2/7/13, referred to Senate IGR. SB heard 3/20/13. SB voted favorably from committee 4/10/13 and reported on 4/15/13. SB first placement on Intent 4/17/13, and second placement on 4/18/13.</p> <p>HB filed 2/8/13, referred to House Licensing, heard 3/5/13. HB voted favorably from committee 3/26/13 and recommended for Local and Consent. HB set and passed on Local and Consent 4/18/13. HB received in the Senate and referred to Senate IGR on 4/22/13. HB set for hearing in Senate IGR 5/1/13. HB heard in Senate IGR 5/1/13. HB voted favorably from Senate IGR 5/15/13. HB reported favorably and recommended for Senate Local and Uncontested 5/16/13. HB set on Senate Local and Uncontested 5/22/13. HB passed Local and Uncontested 5/22/13, sent to House to concur in Senate amendments. House concurred in Senate amendments 5/24/13.</p> <p>HB PASSED. SENT TO THE GOVERNOR 5/27/13. FILED WITHOUT SIGNATURE 6/14/13. EFFECTIVE 6/14/13.</p>	JSR/DS
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15	SB 884 (West)	HB 555 (Callegari)	Metal Theft Class C	Add Class C Penalties to Metal Theft statute	PID/Task Force	<p>HB filed 1/16/13, referred to House Environmental Reg. HB heard 3/19/13. HB voted favorably from committee on 4/9/13 and reported from committee on 4/17/13. HB set on House Calendar for 5/6/13. HB passed the House on 5/7/13. HB received in the Senate 5/8/13, and referred to Senate Criminal Justice 5/9/13. HB heard in and voted favorably from Senate Criminal Justice 5/16/13. HB reported favorably and recommended for Senate Local and Uncontested 5/17/13. HB set on Senate Local and Uncontested 5/22/13. HB passed on Senate Local and Uncontested 5/22/13.</p> <p>SB filed 2/27/13, referred to Senate Criminal Justice.</p> <p>HB PASSED. SENT TO THE GOVERNOR 5/27/13. SIGNED BY THE GOVERNOR 6/14/13. EFFECTIVE 9/1/13.</p>	JShort
16	SB 560 (Ellis)	HB 3796 (Coleman)	Bi-Weekly Payroll	Change monthly payroll to bi-weekly for all	BM	<p>SB filed 2/14/13, referred to Senate Jurisprudence. SB heard 3/19/13 and voted favorably from committee. SB reported favorably on 3/20/13 and recommended for Local and Uncontested. SB passed on Local 3/27/13, and was received in the House. SB referred to House County Affairs, substituted for HB 3796, and voted favorably from committee on 4/19/13. SB reported favorably from committee on 4/22/13, and recommended for House Local and Consent.</p> <p>HB filed 3/8/13. HB referred to committee on House County Affairs 3/25/13. HB heard 4/18/13, left pending-SB substituted (see above). SB voted favorably on 4/19/13 and reported favorably and recommended for Local and Consent on 4/22/13.</p> <p>SB PASSED 5/10/13. SENT TO GOVERNOR 5/14/13. SIGNED BY THE GOVERNOR 5/25/13. EFFECTIVE 9/1/13.</p>	DM/ASB

17	(Nelson)	HB 1690 (Fletcher)	Communicable Disease Control Changes	Strengthen law relating to infectious disease	PHS	<p>HB filed 2/22/13, referred to Homeland Security and Public Safety. HB heard 4/3/13. HB voted favorably from committee 4/11/13 and reported and recommended for Local and Consent on 4/17/13. HB considered and passed on Local and Consent on 4/25/13. HB received in the Senate 4/29/13 and referred to Senate Health and Human Services. HB set for hearing in Senate Health and Human Services for 5/7/13. HB heard in Senate HH&S on 5/7/13, and voted favorably on 5/9/13. HB reported favorably from Senate HH&S and recommended for Senate Local and Uncontested on 5/13/13. HB set on Senate Local and Uncontested 5/20/13. HB passed on Senate Local and Uncontested 5/20/13.</p> <p>HB PASSED. SENT TO THE GOVERNOR 5/22/13. SIGNED BY THE GOVERNOR 6/14/13. EFFECTIVE 6/14/13.</p>	BShields/B ShieldsII
18		HB 1695 (Farrar)	Rabies Vaccinations	Allow vaccinations without having to establish vet/patient relationship	PHS	<p>HB filed 2/22/13, referred to House Ag and Livestock. HB heard on 4/17/13.</p> <p>DID NOT PASS.</p>	BShields/B ShieldsII

19	SB 1185 (Huffman)	(Thompson)	Jail Diversion Pilot Program	Authorize funding for a jail diversion pilot program	Judge/Sheriff/ MHMRA	<p>SB filed 3/6/13, referred to Senate Criminal Justice. SB heard 3/19/13 and voted favorably from committee. SB placed on Senate Intent 3/27/13, second placement 4/2/13. SB third placement on 4/2/13 and passed the Senate on 4/2/13. SB received in the House 4/3/13, and referred to House Corrections on 4/10/13. SB heard in and voted favorably from House Corrections on 5/9/13. SB reported favorably and recommended for Local and Consent 5/9/13. SB recalled from Local and reported favorably to House Calendars on 5/15/13. SB set on House General Calendar 5/20/13. SB passed the House on 5/21/13.</p> <p>SB PASSED. SENT TO THE GOVERNOR 5/25/13. SIGNED BY THE GOVERNOR 6/14/13. EFFECTIVE 6/14/13.</p>	
20	HB 2058 (Allen)	(Ellis)	Juvenile Probation GED Bill	Clarify that juveniles under 18 in custody may take the GED.	JPD	<p>HB filed 2/28/13, referred to House Public Education. HB heard 3/12/13, pending. HB voted favorably from committee 3/19/13, and reported favorably 3/28/13. HB set on House Calendar for 4/26/13. HB passed the House on 4/26/13. HB received in the Senate 4/29/13 and referred to Senate Education. HB set for hearing in Senate Education 5/7/13. HB heard and voted favorably in Senate Ed 5/7/13. HB reported favorably and recommended for Local and Uncontested 5/8/13. HB 2058 passed on Senate Local and Uncontested on 5/15/13 and was sent to the Governor on 5/16/13.</p> <p>HB PASSED. SENT TO THE GOVERNOR 5/16/13. SIGNED BY THE GOVERNOR 6/14/13. EFFECTIVE 6/14/13.</p>	AJ