

82nd Legislative Session
Position Statements for Bills by Farrar

HB 602 - Craft Breweries

Craft breweries, such as Saint Arnold's in Houston, are not merely manufacturers of a product: the sites are also popular tourist attractions, where visitors and local enthusiasts flock for tours that are both entertaining and educational. Under current Texas law, breweries large and small are prohibited from offering beer to tourists for off-premises consumption. These restrictions saddle Texas-based craft brewers with a competitive disadvantage both as producers and as tourist destinations.

Representative Farrar's legislation will create limited exceptions to the current rules, allowing brewers to offer visitors up to 48 sealed twelve-ounce bottles of beer or ale as part of the price of a brewery tour. This measure will allow craft brewers to remain competitive as recreational destinations, while maintaining adequate safeguards to ensure that production locations do not become a functional alternative to liquor stores.

HB 603 - Immigration Inquiries

Article I, Section 8 of the United States Constitution charges the Federal government with the responsibility of creating immigration and naturalization laws; agencies such as Border Patrol and Immigration and Customs Enforcement enforce these laws. With the states resides the responsibility of policing the streets and ensuring the public's safety, and many state and local peace officers are wary of setting aside this core mission in order to co-opt Federal enforcement of immigration laws.

Local law enforcers certainly do not welcome the additional workload, but a more catastrophic consequence can arise from state officials meddling in these Federal affairs: communications between police and immigrant communities break down when residents fear deportation as a consequence of speaking to peace officers. Serious crimes go unreported, and important investigations become hamstrung by the silence of witnesses and victims.

HB 603 by Representative Farrar prohibits peace officers from inquiring as to the immigration or nationality status of a person who is a witness or victim in a criminal investigation, unless such information is essential to the substance of the investigation. This legislation will not change current procedure for treatment of criminal aliens: illegal immigrants who commit certain crimes are removed from the United States on a compulsory basis under current law.

HB 604 - Repealing the Offense of "Homosexual Conduct"

The United States Supreme Court decision in *Lawrence v. Texas* prevents states from enforcing laws that criminalize the private lives of gay, lesbian, bisexual, and transgendered persons. Despite the privacy protections of the U.S. Constitution as affirmed by the Court, and despite a sea change in social attitudes toward the rights of LGBT citizens, Texas statutes still contain provisions that purport to criminalize certain conjugal relations.

HB 604 removes these inoperative statutes from the Texas Penal Code, and strikes discriminatory language from the state's sex education curriculum. The bill is proposed and supported by the State Bar of Texas.

HB 605 - Deferred Adjudication

Many citizens accused of lower-level offenses in Texas choose to plead Guilty or *Nolo Contendere* in order to participate in a deferred adjudication program. These programs allow offenders to avoid the full spectrum of available punishments by proving up steps taken to rehabilitate oneself. One of the promises of the program is the opportunity to keep the offense off the defendant's criminal record; the perception of a clean slate is one of the principle factors that makes deferred adjudication so popular.

Unfortunately for those who participate, however, the laws of Texas are riddled with exceptions which require disclosure of offenses subject to deferred adjudication. For example, former offenders are often shocked to learn that past deferred adjudications can be grounds for denying an occupational license.

HB 605 helps these citizens get their lives back on track by allowing the expunction of deferred adjudication offenses from criminal records.

HB 819 - Abolishing the Death Penalty

It is time for a serious discussion and re-evaluation of capital punishment in Texas. Legal costs for executing an inmate exceed the costs of locking away the same person for life. The deterrent effect of capital punishment has long been questioned by experts. Perhaps most troubling of all, recent Texas cases have raised serious concerns that Texas may have executed innocent people.

HB 819 removes all reference to the death penalty from Texas's criminal laws. Juries maintain the option to sentence capital offenders to a traditional "life" term or to "life without parole."

HB 820 - Air Pollution Monitoring

In the last twenty years, dozens of studies have demonstrated that official estimates tend to significantly understate pollution levels. Air monitors often find pollution levels ten to twenty times higher than estimated.

Fenceline monitoring is proven report air pollution levels more accurately. A monitor is installed just outside the fence line of a source of air pollution. The monitor continuously measures and records pollution levels at that source.

HB 820 requires major sources of air pollution to install and maintain fenceline monitors. Monitors would be installed a minimum of every one-eighth mile along the fenceline, with monitors placed at both upwind and downwind sites. The monitors would test for all hazardous air pollutants, as well as any other pollutants recommended by state and local officials.

Past experience shows that fenceline monitoring helps to bring air pollution under control. Effective monitoring identifies both the sources and the actual levels of pollution, making reductions in pollution much easier to accomplish.

HB 821 - E-waste Landfill Ban

Electronic waste contains toxins and carcinogens such as lead, mercury, and cadmium. The improper disposal of e-waste threatens human health and the environment in many ways. E-waste may be improperly incinerated or buried, releasing harmful toxins into the air and water. More than half of the United States' e-waste is exported to foreign countries, where it is processed with little to no regulation, using dangerous practices.

In 2007 the Texas Computer Takeback Law passed unanimously, requiring computer sellers to accept at no cost their old computer equipment for recycling. HB 821 complements the Takeback Law by banning disposal of old equipment from landfills or incinerators. Consumers are prohibited from knowingly disposing of any e-waste that is subject to the Takeback Law. Similarly, landfill owners and operators are prohibited from accepting such e-waste. Owners are operators that make a good faith effort to comply, and post appropriate signage, would not face penalties.

HB 822 - Mercury Reductions

Mercury pollution is widespread in the United States. All 50 states have fish advisories due to mercury contamination. Mercury is a neurotoxin that causes damage to the brain, spinal cord, kidneys, and liver. It is especially dangerous to children and fetuses. Mercury exposure *in utero* can lead to deficits in verbal skills, attention, motor control, and language faculties, as well as lower IQs. A 2008 study by the University of Texas Health Science Center correlated mercury emissions with an increase in autism rates.

Currently, there is no federal regulation of mercury emissions. The Environmental Protection Agency has been developing new mercury rules since 2008, when its old rule was overturned. Environmental groups have called for the new rule to achieve mercury reductions of up to 90%. HB 822 requires power plants to achieve a 90% reduction from 2002 levels (statewide mercury emissions peaked in 2002.) Achieving such reductions now would help Texas comply with expected federal regulations.

HB 822 targets power plants because they are by far the largest source of mercury pollution. In 2009, Texas's twenty coal-fired power plants emitted 16,000 pounds of mercury, the most of any state. That same year, Texas had four of the nation's ten

most polluting power plants. Throughout the years, these plants have benefited from Texas's lax regulatory scheme. HB 822 holds these polluters accountable by demanding large reductions in mercury emissions.

HB 823 - Limiting the Liability of Social Workers

After a natural disaster, affected communities often depend upon the efforts of volunteer professionals to assist in recovery efforts. Doctors, nurses, and pharmacists donate their time and expertise to help those in immediate need. In recognition of the value of this service, the Charitable Immunity and Liability Act of 1987 prevents lawsuits for malpractice against health professionals who volunteer in a disaster area. Social workers--who perform a critical service in directing disaster victims to appropriate resources--are not currently covered by the protections of this Act.

HB 823 expands the liability protection of the Charitable Immunity and Liability Act of 1987 to include licensed social workers as a category of volunteers who cannot be sued for malpractice.

HB 1848 - Environmentally sensitive cleaning products in schools

There are many reasons to use environmentally sensitive, or "green," cleaning products in public schools. Air quality suffers in buildings that use too many cleaning products made with harsh or toxic chemicals. When green products are used, students with respiratory ailments such as asthma find their health improve. Schools are rewarded in turn with better attendance.

Many people do not realize that schools actually save money when they make the switch to green cleaning products. This is because a school that used to buy dozens of cleaning products can now purchase one or two concentrated green products. Some school districts have saved tens to hundreds of thousands of dollars by going green.

HB 1849 - Tax breaks for sustainable buildings

Sustainable buildings are environmentally friendly and energy efficient. These buildings employ methods and technologies that save energy and water, reduce CO₂ emissions, and use environmentally sensitive building materials. Sustainable buildings lead to an improved indoor environment as well, with more natural light and better air quality.

HB 1849 incentivizes sustainable building by providing a franchise tax deduction for any building that achieves a LEED certification of silver or higher. LEED is an internationally recognized, third-party verified green building certification. New or existing buildings achieve LEED certification by implementing any of a number of approved sustainable building strategies.

If you would like to share your ideas or comments about these bills with Representative Farrar, please send an e-mail to Jessica@JessicaFarrar.org.