



Senator Menendez

LSG Floor Report For Emergency Calendar- Tuesday, April 18, 2017

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 1377 By: Davis, Sarah	Relating to the contents of and recordkeeping requirements relating to personal financial statements filed with the Texas Ethics Commission.	General Investigating & Ethics	This legislation mandates individuals who are required to submit financial statements with the Texas Ethics Commission to maintain a record of that submitted information for at least 3 years. This reduces confusion surrounding how long they must individually preserve this information. Additionally, HB 1377 reduces burdens on the commission in relation to the required reporting of stock shares on personal financial statements by requiring persons to submit simply the greatest number of shares in business entities. Furthermore, this bill specifies that these business entities include non-publicly traded and publicly traded entities.	Favorable Evaluated by: Serena Ahmed 210-382-4295 Serena@Texaslsg.org
HB 1378 By: Davis, Sarah	Relating to restrictions on political contributions and political expenditures by general-purpose political committees.	General Investigating & Ethics	Removes two preliminary requirements relating to general-purpose political committees' ability to make or authorize political contributions or expenditures. The requirements repealed are: 1) file its campaign treasurer appointment not later than the 60th day before the date a contribution or expenditure is made, and 2) accept political contributions from at least 10 people. This is in line with the August 2014 United States Court of Appeals for the Fifth Circuit decision in Catholic Leadership Coalition of Texas v. Reisman.	Will of the House Evaluated by: Serena Ahmed 210-382-4295 Serena@Texaslsg.org
HB 1379 By: Davis, Sarah	Relating to the reporting of political contributions and political expenditures by out-of-state political committees.	General Investigating & Ethics	HB 1379 amends the election code to add that out-of-state political committees who have not filed a campaign treasurer appointment to have the same general-political requirements for reporting. At this time, there is no statute requiring those out-of-state committees who do not file a campaign treasurer to report any direct campaign expenditures. This bill would require those committees to designate an officer to provide notice. Along with this, this bill requires those out of state-political committees who have not filed a campaign treasurer to comply with existing statute for reporting direct campaign expenditures exceeding \$100. This bill is favorable as it will hold political committees accountable for campaign contributions.	Favorable Evaluated by: Kylie McNaught 210-382-4295 Kylie@Texaslsg.org
HB 1381 By: Davis, Sarah	Relating to the provision of notice by the Texas Ethics Commission.	General Investigating & Ethics	HB 1381 came as a recommendation from the Texas Ethics Commission (TEC). It would give the TEC the rules making regarding the notification process for personal financial statements. Currently, the TEC must notify anyone who has to file a personal finance statement through the mail. This is not in line with the other forms of notification that the TEC conducts and has the rule making authority to change.	Favorable Evaluated by: Ana Ramon 210-382-4295 Ana@Texaslsg.org

			This would allow for the administrative functions of the TEC to be streamlined and would be correspond with their current rulemaking authority regarding campaign finance forms, lobby reports, etc.	
HB 1384 By: Davis, Sarah	Relating to contributions and expenditures made in connection with a campaign for speaker of the house of representatives.	General Investigating & Ethics	<p>After the Free Market Foundation v. David A. Reisman case against the constitutionality of Sec. 302.017 & 302.019 of the government found those sections to be unconstitutional. The Courts ruled that these provisions restrict the First Amendment Right to the Freedom of Speech and unenforceable by the Texas Ethics Commission (TEC).</p> <ul style="list-style-type: none"> • Sec.302.017 deals with the Contributions and Loans of an organization to a candidate for the Speaker of the House or any other person who wishes to aid the defeat or election of a Speaker candidate. • Sec.302.019 outlines the restrictions on individuals wishing to aid the defeat or election of a Speaker candidate. <p>The bill would repeal this two provisions and bring Government Code in-line with the decision of the court decision. It would also seek to help protect the TEC from any future litigation pertaining to the previously mentioned sections.</p> <p>However, it's important to highlight that since Citizens United v. FEC in 2010 expanded the First Amendment "money as speech" protections to include corporations and unions, it has been usually impermissible to limit independent contributions and expenditures by such groups. This is the reasoning used by Austin District Court in Free Market Foundation v. Reisman pertaining to Speaker elections. While understanding the practicality of HB 1348 it still feeds into the mantra of "money as speech" that has escalated in the recent decade.</p>	Favorable w/Concerns Evaluated by: Ana Ramon 210-382-4295 Ana@Texaslsg.org

LSG Floor Report For General Calendar- Tuesday, April 18, 2017

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 2029 By: Lozano Thompson, Senfronia Villalba	Relating to the exemption of certain commercial weighing or measuring devices from registration and inspection requirements.	Licensing & Administrative Procedures	Current law requires all businesses that sell items by weight to have legal-for-trade scales that are certified and inspected by the Department of Agriculture. These scales must have a certification sticker, and they must be visible to consumers. HB 2029 amends the Agriculture Code to exempt establishments that serve food for immediate consumption from this requirement. Many restaurants that sell items by weight have found this requirement to be unnecessary and cumbersome. Because restaurants may have to redesign countertops and service areas to adhere to the law, requiring scales to be visible to consumers forces many restaurateurs to incur substantial costs. Since restaurants are regularly inspected by the local health department and any deceptive advertising or inaccurate weight measures may be subject to health inspection review, the current visible scale requirement is antiquated and unnecessarily burdensome on the restaurant industry.	Favorable Evaluated by: Arielle Day 225-588-1221 Arielle@Texaslsg.org



<p>HB 29 By: Thompson, Senfronia Huberty Collier Cook Frullo</p>	<p>Relating to prostitution and the trafficking of persons, civil racketeering related to trafficking, the prosecution of and punishment for certain sexual offenses and offenses involving or related to trafficking, reimbursement of certain costs for criminal victims who are children, and the release and reporting of certain information relating to a child; increasing a criminal penalty; creating a criminal offense.</p>	<p>State Affairs</p>	<p>Overview Human trafficking is a notable problem in Texas; the National Human Trafficking Hotline received 1,876 calls from Texas alone in 2015. Currently, there are approximately 313,000 victims of human trafficking in Texas, 79,000 of which are estimated to be sex trafficking victims under the age of 18. Many vulnerable minors are funneled into human trafficking from the foster care system; national data suggest that 86% of missing children suspected of being forced into sex work come from the child welfare system. Victims of trafficking often experience extreme physical and emotional violence that can lead to a lifetime of adversity including emotional and legal challenges.</p> <p>In 2009, the Legislature established the Attorney General’s Texas Human Trafficking Prevention Task Force, tasked with reviewing the extent of human trafficking in Texas and evaluating the effectiveness of laws addressing prevention and prosecution of the problem. HB 29 is an omnibus human trafficking bill that seeks to implement recommendations made by the Texas Human Trafficking Prevention Task Force that would address the growing number of incidences of human trafficking in our state, protect and rehabilitate human trafficking victims, and prosecute offenders to the fullest extent of the law.</p> <p>Commonly Used Terms <i>Human trafficking</i>: the practice of using force, fraud, or coercion to obtain some type of commercial sex act or labor. Human trafficking refers to both sex trafficking and labor trafficking, which are two separate offenses <i>Civil racketeering violation</i>: a person or enterprise commits a civil racketeering violation if the person engages in the trafficking of an individual and that offense occurs in more than one county of this state <i>or</i> uses United States mail, e-mail, telephone, or wireless communication from one county to another to facilitate the offense <i>Civil investigative demand</i>: any demand issued by the attorney general under this subchapter <i>Documentary material</i>: Original copy of printed material, telephone recordings, data stored in or accessible on a computer, or any other product of discovery needed for the investigation of a civil or criminal case</p> <p>Analysis <u>Subchapter A - General Provisions</u> The provisions in the bill are independent of one another, and should one provision be held invalid the remaining provisions will remain in effect.</p> <p><u>Subchapter B - Procedures and Evidence</u> HB 29 amends the Civil Practice and Remedies Code to allow the Attorney General’s Office to issue and serve an investigative demand to someone they believe to be in possession of evidence or documentary material relevant to a civil racketeering case. This demand can compel the individual to provide the materials, answer written interrogatories, provide oral testimony, or a combination of the three. The bill outlines information to be included in the demand,</p>	<p>Favorable Evaluated by: Tyler Anderson 210-382-4295 Tyler@Texaslsg.org</p>
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methods by which the demand may be served, and offers an avenue by which the person being served can petition to have the demand modified or dismissed. All responses to investigative demands made under this subsection must be made under sworn certificate by a due date to be included in the demand. If an individual fails to comply with an investigative demand, the AG’s office can file a petition for an order of enforcement in the district court in the county where the individual resides.

The bill also creates a misdemeanor offense for failure to comply with a duly served civil investigative demand or knowingly conceals, withholds, destroys, alters, or falsifies requested documentary material. This offense would be punishable by up to a one-year sentence in county jail, a \$5,000 fine, or both.

Finally, this section authorizes the Attorney General to use information obtained via an investigative demand for the purpose of enforcing this bill’s provisions related to civil racketeering and human trafficking, including presentation of the information in court. Presently, it can be difficult for the AG’s office to gain access to evidence in civil racketeering investigations; often, this evidence is the difference between an offender being convicted of their crime or not being held accountable for their heinous actions. Allowing the AG’s office to engage in discovery prior to filing a civil racketeering investigation will improve their ability to access vital evidence that can lead to a conviction of a trafficker and justice for their victim(s).

Subchapter C - Enforcement

The bill amends the Civil Practice and Remedies Code to include investigation costs among costs that can be recovered upon obtaining injunctive relief or civil remedies for which the court may issue an order of recovery following a final determination of liability for a racketeering charge. The bill also instructs district attorneys, criminal district attorneys, or county attorneys to notify the attorney general in writing if they have a pending criminal or civil racketeering violation that seems to relate to a statewide investigation. Additionally, it expands the criteria for the court to consider when determining the amount of a civil penalty ordered to an individual or entity found guilty of racketeering to include “any other matter that justice requires”, which will allow for easier prosecution and conviction of offenders.

The bill also expands assistance for victims by making specialized care for a child under 18 who has been victimized eligible for compensation under the Crime Victims Compensation Act; this helps ensure that adolescent victims are being compensated at the level they deserve for the trauma they have incurred.

HB 29 also addresses a gap in current law by codifying that continuous trafficking that involves sex trafficking is a lifetime-registerable offense on the sex offender registry. Currently human trafficking is registerable, but not continuous sex



<p>trafficking; correcting this gap will ensure that dangerous offenders are placed on the sex offender registry where they can be surveilled to advance public safety.</p> <p>The bill also amends the Education Code to require all commercial drivers license (CDL) training programs delivered by the Texas Workforce Commission and the Texas Higher Education Coordinating Board to include training on the recognition and prevention of human trafficking. Organizations such as Truckers Against Trafficking, who has trained over 300,000 CDL license holders, have long recognized the impact that truck drivers can have on reducing instances of human trafficking. In 2015, 1,589 calls made to the National Human Trafficking Hotline came from truckers; of these calls, 1,098 potential victims were assisted, including 299 minors. Training truckers to recognize the signs of human trafficking is a proactive approach; they are constantly on the road and are likely to frequent places that trafficking victims may be, such as motels and roadside stops. Rolling the training into the required CDL curriculum is a low-cost way to improve awareness and reporting of human trafficking.</p> <p>The final major change enacted by HB 29 will codify an important aspect of case law that is already widely recognized by specifying that an individual who engages in conduct with a child that constitutes an offence of sexual abuse, indecency with a child, sexual assault, aggravated sexual assault, sexual performance by a child, or employment harmful to children commits the offense regardless of whether or not the knew the victim was a child at the time they committed the crime. While this is widely documented in current case law, it is imperative to codify this provision in statute to ensure that perpetrators of sexual crimes against children are held accountable.</p> <p>In addition to these major provisions, HB 29 enacts other statutory changes to improve the evaluation, reporting, and prosecution of human trafficking cases including:</p> <ul style="list-style-type: none"> • Requiring trial courts to give preference to hearings and trials of those who are accused of trafficking an individual(s) under the age of 18 or those who are accused of engaging in sex with a trafficked child • Repealing the expiration date of the Human Trafficking Prevention Task Force, which is currently set to expire on September 1, 2017 • Expanding membership on the Human Trafficking Prevention Task Force to include a representative from the Texas Department of Licensing and Regulation, the Office of Court Administration of the Texas Judicial System, the office of the Secretary of State, and the Texas Commission on Law Enforcement • Replacing the authorization of a commissioner’s court or the governing body of a municipality to establish a prostitution prevention program for defendants charged with a prostitution offense with an authorization for the aforementioned commissioners court or governing body to establish a commercially sexually exploited persons court program for the same defendants (in order to comply with legislation passed during the 84th session) • Raising the age under which a minor who contracts a sexually transmitted disease as a result of being trafficked is guaranteed to have their information related to those communicable diseases protected from 13 to 14. This



			<p>section also stipulates that is does not affect a person’s duty to report child abuse or neglect except to ensure that the information made confidential by this subchapter may not be released</p> <ul style="list-style-type: none"> • Rewording language in the prostitution statute to more accurately reflect the offense to aid in the enforcement and prosecution of trafficking law • Enhancing multiple penalties for racketeering related charges including: <ul style="list-style-type: none"> ○ Increasing the penalty for promotion of prostitution from a Class A misdemeanor to a state jail felony, punishable by confinement in state jail for 180 days-2 years and/or a fine not to exceed \$10,000 ○ Increasing the penalty enhancement for a subsequent conviction of the same offense from a state jail felony to a third degree felony, punishable by confinement in prison for 2-10 years and/or a fine not to exceed \$10,000 ○ Increasing the penalty for aggravated promotion of prostitution from a third degree felony to a second degree felony, punishable by confinement in prison for 2-20 years and/or a fine not to exceed \$10,000 • Repealing Section 402.035(h) of the Government Code and Section 43.02(b-1) of the Penal Code <p>Overall, HB 29 significantly strengthens the existing efforts to prevent and eliminate human trafficking in Texas by enacting major provisions that will assist in prosecuting offenders and rehabilitating victims. Its provisions are based on practical recommendations made by the Human Trafficking Prevention Task Force and will go a long way toward the eradication of this heinous crime. Should it become law, HB 29 will be effective starting September 1, 2017.</p>	
<p>HB 2964 By: Meyer</p>	<p>Relating to abandonment of shares of a mutual fund.</p>	<p>Investments & Financial Services</p>	<p>HB 2964 clarifies the initial date of the three-year period leading to a presumption of abandonment for shares in mutual funds. The bill specifies that the presumption of abandonment begins on the later date of either the last investment in the mutual fund by or on behalf of the owner, or the last payment to the owner or reinvestment by/on behalf of an owner of a dividend from a mutual fund.</p> <p>Currently, the three-year period leading to a presumption of abandonment begins when either communication to a mutual fund owner is returned as undelivered or after a dividend is distributed. HB 2964 has an immediate effective date should the bill garner the two-thirds votes from each house; otherwise, the effective date is September 1, 2017. Shares in mutual funds not reported as unclaimed property as a result of the change in statute would result in a decrease in unclaimed property remitted to the state and deposited in the General Revenue Fund. The fiscal impact is undeterminable as the number and value of shares in mutual funds impacted by HB 2964 cannot be estimated.</p> <p>HB 2964 seeks to establish an equitable clarification for mutual fund investors that continue to make investments without knowledge that the three-year period has begun and subsequently lose their investments to the state as unclaimed property, due to lack of notice as a result of issues with postal communications</p>	<p>Favorable Evaluated by: Katherine Kirages 713-705-4843 Katherine@Texaslsg.org</p>



<p>HB 2417 By: Frullo</p>	<p>Relating to the composition of the Texas Historical Commission.</p>	<p>Culture, Recreation, & Tourism</p>	<p>HB 2417 increases the number of members in the Texas Historical Commission (THC) from nine to fifteen. This bill requires that one member of the THC be a professional archeologist, one member be a professional historian, and one a professional architect. The architect must be licensed in Texas, proficient in architectural preservation, and architectural history. The remaining twelve members of THC must represent the general public. HB 2417 permits persons as detailed in current code to be ineligible for member appointment, to be eligible upon passage of this bill. Increasing the number of members on the THC expands its ability to be more effective in protecting and preserving the state’s historic resources by increasing ethnic, gender, and geographical diversity.</p>	<p>Favorable Evaluated by: Fabeain Barkwell 214-659-3072 Fabeain@Texaslsg.org</p>
<p>HB 2335 By: Miller</p>	<p>Relating to requiring evidence-based trauma training for certain attorneys, court-appointed volunteer advocates, child-care workers, and child protective services employees.</p>	<p>Human Services</p>	<p>This bill would require that certain attorneys, child advocates, child care facilities workers, and CPS case workers be required to receive evidenced-based trauma training. In recent years, behavioral health professions have become increasingly aware of the effects of trauma on the development of children. 100% of children who have entered into CPS or foster care have experienced multiple traumas, including taken away from their families and communities. If left untreated trauma can have long term effects on a child’s behavior and relationships. Evidence-base trauma trainings can help a person involved with a child’s case understand their behavioral actions and world view. Children who have experienced intense trauma often have difficulty in expressing and understanding their emotions. Some internalize stress while others express it outwardly with anger, anxiety and the like. This can lead to multiple relocations as some foster parents, and CASA volunteers may think of this as acting out, rather than understanding that their ability to regulate their needs have been diminished by the effects of trauma. While trauma can be treated overtime with therapy gaining tools to help a mitigate the effects of trauma.</p> <p>Currently, DFPS does require that CPS workers take a 2-hour online training course in Trauma Informed Care (TIC), this is also offered to foster parents, therapists and shelter staff. This bill would make those who work with the children required to undergo a more extensive evidence-base trauma training. Requirement would be expanded from just caseworkers, to attorney ad litem and child care workers. The bill lays out the stipulations for which the trauma training is to uphold. It also ensures that it must provide practical application when working with the children. As the legislature makes strides in redesigning the foster care system it is critical first to begin to understand the children who are trying to thrive in this environment. Expanding the requirements for trauma training is an important step in healing children and helping them to achieve permanency.</p>	<p>Favorable Evaluated by: Kylie McNaught 210-382-4295 Kylie@Texaslsg.org</p>
<p>HB 1600 By: Thompson, Senfronia Price Lucio III Bonnen, Greg Wu</p>	<p>Relating to certain mental health screenings under the Texas Health Steps program.</p>	<p>Public Health</p>	<p>Early screening and diagnosis of mental illness is critical to ensure the health and safety of Texas children. Based on a recommendation from the interim Select Committee on Mental Health, HB 1600 mandates that at least one mental health screening be provided to children enrolled in the Texas Health Steps (Medicaid) Program. Additionally, it would allow for an annual mental health screening to take place in addition to the mandatory one-time screening. Currently, doctors accepting Medicaid are only able to be reimbursed for a one-time screening for each patient. Under this bill, doctors could be reimbursed by Medicaid for up to one mental health screening per patient annually.</p>	<p>Favorable Evaluated by: Tyler Anderson 210-382-4295 Tyler@Texaslsg.org</p>



			The bill is permissive and does not require annual screenings; increasing access to screenings by allowing doctors to be reimbursed once annually per patient will undoubtedly improve mental healthcare for children receiving Medicaid. Given the constant developmental and physical changes taking place during adolescence, it is critical that children be screened for mental illness more than once. The bill also stipulates that all mental health screenings performed under this subchapter be validated and evidence-based, which ensures Medicaid patients are receiving the highest quality mental health care. Given that the average reimbursement cost for a mental health screening is \$3.80, implementing this bill would not pose a significant fiscal burden to the state.	
HB 2098 By: Geren	Relating to allowing the holder of a brewpub license to sell ale and malt liquor to certain wholesalers.	Licensing & Administrative Procedures	This bill amends the Alcoholic Beverage Code to expand the authorized activities of a wholesaler’s permit. HB 2098 allows the holder of a wholesaler’s permit to purchase ale and malt liquor from a brewpub license holder, and it allows a brewpub license holder to sell ale and malt liquor to the holder of a wholesaler’s permit. The intent of this bill is to clarify recently enacted legislation that aimed to help the craft brew industry meet the increasing demands of their market.	Favorable Evaluated by: Arielle Day 225-588-1221 Arielle@Texaslsg.org

