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LSG Floor Report For MAJOR STATE Calendar – Monday, May 13, 2019

<p>SB 20 By: Huffman Alvarado Bettencourt Campbell Flores Nelson Paxton Perry</p> <p>Sponsor: Thompson, Senfronia Krause Collier White Davis, Yvonne</p>	<p>Relating to the prevention of, prosecution of, penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses and to orders of nondisclosure for persons who committed certain of those offenses; regulating occupations to prevent and respond to those criminal offenses, including requiring a student occupational permit for those purposes; authorizing fees; increasing criminal penalties; creating criminal offenses.</p>	<p>Criminal Jurisprudence</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>SB 20 is based on the Texas Human Trafficking Prevention Task Force’s legislative recommendations to improve Texas’ response to human trafficking. All provisions are supported by the membership of the Task Force, which includes 59 state agencies, law enforcement entities, district attorney’s offices, victim-serving organizations, and regional human trafficking coalitions.</p> <p>The 14 recommendations that are addressed through SB 20’s provisions are:</p> <ol style="list-style-type: none"> 1. Expand Texas Department of Licensing and Regulation’s (TDLR) authority to conduct more comprehensive background checks under the Massage Therapy program, such as including fingerprint background checks for both new applicants and existing massage therapists, massage instructors, massage schools, and massage establishment owners. 2. Require posting of human trafficking awareness signs in licensed massage establishments and schools as an effort to bring more awareness to the issue along with resources. 3. Require additional reporting by massage therapy schools to identify fraudulent schools and students through measures such as issuing student permits, standardizing school reporting of hours, and determining examination eligibility, which are all current practices for Barbering and Cosmetology programs. 4. Remove the five-year “sit-out” period for massage therapy licensees which will then allow TDLR to provide for reasonable analysis of a licensee’s criminal history before making a determination on the license. 5. Provide TDLR with authority to act more effectively in instances of sexual violations by massage therapy licensees. 6. Provide enforcement provisions in the massage therapy statute similar to other TDLR programs. 7. Provide Rape Shield Law protections for human trafficking and child sexual abuse victims. 8. Include adult sex trafficking and adult sex crimes in the list of offenses where evidence of uncharged crimes is allowable for the purpose of showing the relationship between the defendant and the victim or the state of mind of the defendant or the victim. 9. Provide prosecutorial tools to pursue state charges against online traffickers of websites similar to Backpage, similar to federal provisions from the Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) and Stop Enabling Sex Traffickers Act (SESTA). 10. Include continuous human trafficking as a stackable offense. 11. Make the definition of “coercion” found under the current Penal Code chapter related to trafficking of persons applicable to adult and child labor trafficking. 12. Create a new process to protect commercial lessees from operating in the vicinity of human trafficking. This provision will allow for legitimates businesses to void their leases if their lessor also leases to an illicit massage business within the same mall, strip mall, shopping center, or office building. 13. Enhance the nondisclosure process under the Department of Public Safety chapter of the Government Code 	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
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for victims of human trafficking. This provision will allow for human trafficking victims to request nondisclosure of their criminal history record information on the grounds that their offense was solely as a victim of trafficking.

14. Amend prostitution and related statutes to provide increased penalties for buyers and mandatory community supervision for sellers as an effort to decrease demand and to direct individuals at high risk of human trafficking to services.

LSG Floor Report For GENERAL STATE HOUSE BILLS Calendar – Monday, May 13, 2019

<p>SB 14 By: Nichols</p> <p>Sponsor: Kuempel Ashby Bell, Keith King, Phil Price</p>	<p>Relating to broadband service or facilities provided by an electric cooperative.</p>	<p>State Affairs</p> <p>Vote: 11 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>SB 14 addresses quality of life issues in rural Texas by allowing electric cooperatives to utilize their existing easements to bring broadband to customers they serve. Testimony provided in committee stated that the challenge of bringing broadband to rural Texas has been economics (low customer density and significant capital investment) just as it had been 80 years ago regarding electricity. SB 14 will not allow for electric cooperative rates to be impacted by the installation of broadband and for electric cooperatives or their affiliate to maintain separate books and records of broadband service operations and the broadband service operations of any subsidiary to ensure that electric and broadband rates remain separate. SB 14 also addresses how an electric cooperative or affiliate must provide written notices to property owners, and the right of owners to protest the use of their property.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>SB 281 By: Zaffirini</p> <p>Sponsor: González, Mary</p>	<p>Relating to the use of certain language regarding a person who is deaf or hard of hearing in statutes or resolutions.</p>	<p>House Administration</p> <p>Vote: 11 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>Chapter 392 of the Texas Government Code, titled the <i>PERSON FIRST RESPECTFUL LANGUAGE INITIATIVE</i>, directs the legislature and the Texas Legislative Council (TLC) to avoid using certain language when describing persons with disabilities in a way that is respectful, inclusive, and accepted by members of those communities.</p> <p>HB 281 requires the legislature and TLC to avoid using the following phrases when referencing to a deaf or hard of hearing person in any new statute or resolution.</p> <ul style="list-style-type: none"> • "hearing impaired," • "auditory impairment," and • "speech impaired" <p>HB 281 directs the legislature and TLC to replace those phrases with "deaf" and "hard of hearing," as appropriate.</p>	<p>Favorable Evaluated by: Raul Lopez (512) 787-7199 Raul@TexasLSG.org</p>
<p>SB 670 By: Buckingham</p> <p>Sponsor: Price Guillen Sheffield Ashby González, Mary</p>	<p>Relating to Medicaid telemedicine and telehealth services.</p>	<p>Public Health</p> <p>Vote: 10 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>Increasing the effectiveness and efficiency of telemedicine while simultaneously expanding such programs can offer greater levels of health care access for Texans, particularly those who live in rural areas and those who struggle with mobility issues or transportation insecurity. To this end, it is imperative that Texas laws don't present a barrier to telemedicine or telehealth services. SB 670 seeks to address this issue by providing clarifying language regarding Medicaid telemedicine and telehealth services.</p> <p>SB 670 defines a Medicaid MCO as a managed care organization that contracts with the HHSC to provide health care services to Medicaid recipients. The bill seeks to encourage the use of telemedicine or telehealth services by clarifying the roles of a Medicaid managed care organization (MCO). SB 670 states that the HHSC is responsible for ensuring that a Medicaid MCO:</p> <ul style="list-style-type: none"> • does not deny reimbursement for a covered health care service solely because it is offered through a telemedicine or telehealth platform • does not limit, deny, or reduce reimbursement primarily because a health care provider offer services through telemedicine or telehealth • maintains a patient's "medical home" (the idea that patient care should be coordinated through their primary care physician to ensure comprehensive and cohesive care) except in situations where both of the following are true: 	<p>Favorable Evaluated by: Sharon Jacob (920) 675-9865 Sharon@TexasLSG.org</p>

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			<ul style="list-style-type: none"> ○ the telemedicine or telehealth service is provided to the same requirements and standards as the same health care service in an in-patient setting ○ the provider of the telemedicine or telehealth service gives notice to the patient's primary care physician providing details of the service provided and the visit. ● is given the right to make decisions regarding the reimbursement for a telemedicine or telehealth service with consideration to whether the service is cost-effective and clinically effective <p>The provisions of SB 670 also state that HHSC is required to develop and implement a monitoring service to ensure the safe and appropriate use of telemedicine or telehealth services. The Executive Commissioner of the HHSC will be responsible for ensuring that a federally qualified health center (FQHC) may be reimbursed for certain fees associated with telemedicine or telehealth services as appropriate. This provision is a requirement if the state appropriates money specifically for that purpose, but if the money is not appropriated by the state specifically for this purpose, HHSC may implement this provision using other funds.</p> <p>Additionally, SB 670 states that HHSC must allow a physician to choose the platform by which they implement telemedicine or telehealth services and that HHSC must not allow for reimbursement to be contingent on the physician's use of a particular platform.</p> <p>SB 670 also includes various instances of clean-up language and repeals certain sections of code that are in conflict with the provisions of this bill or are in need of updates.</p>	
<p>SB 198 By: Schwertner Kolkhorst Sponsor: Canales</p>	<p>Relating to payment for the use of a highway toll project.</p>	<p>Transportation</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 5 Absent</p>	<p>Many Texans use toll roads, but as technology advances, it has become more common to use sticker readers and automatic charges attached to those data chips. Instances of people not paying by accident, unexpected tolls and fees, and invoices being sent to the wrong addresses have been reported. SB 198 addresses common human error of tolling fee collections by codifying some of the best practices in tolling collections to create uniformity and predictability to toll billing.</p> <p>SB 198 requires tolling entities to provide electronic toll collections with the option to set up automatic payment from customers' bank accounts. SB 198 also protects consumers by ensuring that tolling entities do not accidentally penalize people who have active accounts. Sometimes transponders misread toll tags, as a result SB 198 establishes that if the tag is mounted correctly and the account is active and sufficiently funded, the tolling entity cannot send a bill with administrative fees. If customers have had more than 10 misreads in a month, the tolling entity must get in contact with the customer because that most likely means it's malfunctioning or not mounted correctly. SB 198 also requires tolling entities to make it clear in invoices of unpaid tolls that it is not just a notice but also a bill that must be paid. SB 198 places responsibility on customers by requiring them to have their transponders in the appropriate positions and keep their contact information/license plate changes updated in the system. SB 198 also allows tolling entities to share customer information with other tolling companies to satisfy the terms of SB 198, this could help when one tolling entity discovers a problem with a transponder issued by another tolling entity. Businesses are modernizing and SB 198 helps tolling companies to stay up to date with that growth by updating the tolling collections process to be more uniform.</p>	<p>Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>
<p>SB 27 By: Hughes Sponsor: Hefner</p>	<p>Relating to recovery of damages, attorney's fees, and costs related to frivolous claims and regulatory actions by state agencies.</p>	<p>Judiciary & Civil Jurisprudence</p> <p>Vote: 7 Ayes 0 Nays 0 PNV</p>	<p>When a small business owner wants to refute an unfair sanction from a state agency, they need to take the case to court. However, the state agency has a vast majority of resources available and can take any action against the small business owner. Even if the suit is a frivolous one, the small business owner ends up paying for legal costs that they sometimes cannot afford.</p> <p>SB 27 amends the civil practice and remedies code to establish that if a court finds that the state agency filed a frivolous lawsuit against a business owner, the court can award the business owner the reimbursement of attorney fees and any court costs up to \$1 million dollars. SB 27 also allows for the award of up to \$1 million dollars for costs</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>

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		2 Absent	and attorney fees if the business owner wins the frivolous case.	
SB 370 By: Watson Sponsor: Smithee	Relating to employment protections for jury service.	Judiciary & Civil Jurisprudence Vote: 7 Ayes 0 Nays 0 PNV 2 Absent	When someone is summoned to appear for jury duty, it is their civic duty to attend and they must respond to the summons. However, there are concerns that hourly employees are discouraged from attending jury duty by their employers because they will not get paid for their time gone. Furthermore, there have been instances in which a worker may be threatened with termination from their job when working on a project with a short deadline on it. SB 370 expands the protections offered to jurors and those who are summoned by prohibiting an employer from discharging, threatening to discharge, intimidating or coercing an employee who is set to appear for jury duty or any service in court related to it.	Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org
SB 1438 By: Taylor Sponsor: Bailes Thompson, Ed	Relating to prohibitions on the disposition of property interests by navigation districts for certain purposes.	Culture, Recreation & Tourism Vote: 8 Ayes 0 Nays 0 PNV 1 Absent	Industry sustainability concerns have been raised due to lack of oversight and proper maricultural management of property interests leased by navigation districts, as this privatization without accountability can result in overharvesting, as well as ripple effects to the larger ecosystem like disease and pollution. Additionally, the navigation districts currently do not have statutory authority to convey or exchange interest in such real property. Historically, the Texas Parks and Wildlife Department (TPWD) has expertly monitored and managed the mariculture breeding and harvesting of these waters, as this resource has been considered public/state property since the Republic. SB 1438 would expressly prohibit a navigation district from conveying or exchanging an interest in real property to a private party for the harvesting or bedding oysters, regardless of whether the harvesting/bedding is done by an individual, private entity or successor. Additionally, this bill would reinforce and clarify TPWD regulation and enforcement, ensuring ecological sustainability and the economic prosperity of the oyster industry and would not be retroactive, thus has no bearing on current leases.	Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org
SB 467 By: Zaffirini Sponsor: Leach	Relating to the procedures of the State Commission on Judicial Conduct.	Judiciary & Civil Jurisprudence Vote: 7 Ayes 0 Nays 0 PNV 2 Absent	Currently, the State Commission on Judicial Conduct (SCJC) handles the complaints brought against the state judges and any misconduct that may occur inside the courtrooms. However, there are concerns that the SCJC keeps the complaints against judges too confidential and raises concerns as to how fair and efficient the disciplinary process is against judges. There are concerns that the complaint process is not transparent enough. SB 467 amends the Government Code to require the SCJC to include in their annual report to the legislature the number of complaints against judges that have not been resolved for over a year and that the SCJC has not issued a decision for. The report must also include the number of complaints against judges that have been referred to law enforcement. SB 467 also requires the SCJC to provide written notifications to the complainant about updates in the investigation and any changes in the status of the investigation. SB 467 also requires the SCJC to maintain on their website information that includes but is not limited to: <ul style="list-style-type: none"> • Steps to file a complaint • The complaint process • Each complaint that resulted in a public sanction SB 467 allows for a more transparent process when filing a complaint against a judge and makes it easier for people to file a complaint with the SCJC.	Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org

<p>SB 479 By: Watson Sponsor: Longoria</p>	<p>Relating to the inclusion in the definition of a medical and dental unit of the Dell Medical School at The University of Texas at Austin and the School of Medicine at The University of Texas Rio Grande Valley and the participation of those schools in certain programs and funding.</p>	<p>Higher Education Vote: 9 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>The Dell Medical School at the University of Texas at Austin and the School of Medicine at The University of Texas Rio Grande Valley are two newly established Texas medical schools. Both had their first cohort of students the summer of 2016. However, neither institution has been added to the list of schools that participate in the Joint Admission Medical Program. This program primarily assists qualified economically disadvantaged students to prepare and do well in medical school.</p> <p>SB 479 will include the Dell Medical School at the University of Texas at Austin and the School of Medicine at The University of Texas Rio Grande Valley to the joint admission medical program. SB 479 makes the Dell Medical School eligible for funding from the permanent health fund for higher education.</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org</p>
<p>SB 747 By: Kolkhorst Sponsor: Lucio III</p>	<p>Relating to required notice of the cost and health benefit plan coverage of newborn screening tests.</p>	<p>Insurance Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>SB 747 adds language to the Health and Safety Code and Insurance Code to require the Department of State Health Services (DSHS) to post on their website the price of a newborn screening kit. If the kit is to undergo a price change, the change must be posted online 90 days before the change is to take effect. Additionally, under SB 747 Health Maintenance Organizations (HMO) that offer coverage of maternity benefits or accident and health coverage for newborns would be prohibited from excluding or limiting the coverage of a newborn screening test kit in the full amount of cost to the enrollee.</p> <p>SB 747 would allow those with private healthcare to access a newborn screening kit with no financial obstacles, ensuring the health of their newborn is taken care of.</p>	<p>Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org</p>
<p>SB 2140 By: Hughes Sponsor: Burrows</p>	<p>Relating to the amount of civil penalties the attorney general may seek to recover under the Deceptive Trade Practices-Consumer Protection Act.</p>	<p>Business & Industry Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>The Office of Attorney General is authorized to penalize violations of the Deceptive Trade Practices-Consumer Protection Act (DTPA) by up to \$20,000 per violation without regard to intention or consequences of the actions. Because this can add up rather quickly, there have been suggestions that lowering the maximum penalty can reduce the cumulative effect without lessening the disincentivizing effect.</p> <p>SB 2140 amends the maximum civil penalty for violations of the DTPA, decreasing it from \$20,000 to \$10,000.</p>	<p>Favorable Evaluated by: Sharon Jacob (920) 675-9865 Sharon@TexasLSG.org</p>
<p>SB 683 By: Buckingham Sponsor: Allison</p>	<p>Relating to the licensing and regulation of pharmacists and pharmacies.</p>	<p>Public Health Vote: 9 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>The National Institute on Drug Abuse stated that in 2017, Texas had 1,458 deaths due to opioid overdoses, and in 2014 alone, the state spent over \$2 billion in opioid-related healthcare costs. Currently, Texas regulates the prescribing and dispensing of certain controlled substances to help reduce prescription drug abuse and fraud. With the increase in rates of prescription drug abuse, related deaths, and Neonatal Abstinence Syndrome, it is imperative that Texas laws be amended to address the issue.</p> <p>Drugs and related compounds are classified by the Controlled Substance Act into five categories from Schedule I (C1) through Schedule V (C5). A C2 drug is one that has been federally defined as one with a high potential for abuse. Narcotics, opiates, and certain stimulants all fall under this category.</p> <p>There have been concerns that Texas laws regarding the licensing and regulation of pharmacies and pharmacists are inconsistent. The provisions of SB 683 seek to address this issue by making the necessary updates and changes. SB 683 requires a pharmacy send a report to the Texas State Board of Pharmacy if they have not dispensed any controlled substances over a period of seven consecutive days. A pharmacy that has a waiver from reporting is exempted from this requirement.</p>	<p>Favorable Evaluated by: Sharon Jacob (920) 675-9865 Sharon@TexasLSG.org</p>

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			<p>SB 683 also adds to the specifications of those who have access to information that a pharmacy sends to the Board regarding prescribing patterns. The provisions of the bill will allow pharmacy-interns and pharmacy technician trainees to have access to the information only if they're checking on the recent controlled substance prescription history of a patient. A physician who has delegated their prescribing authority to an individual may also check to verify the prescribing activity of that individual.</p> <p>SB 683 requires wholesale distributors to report to the Board information regarding the distribution of all C2-C5 controlled substances. Wholesale distributors are currently required to report this information to the Federal Drug Enforcement Administration (DEA). SB 683 will require them to submit information to the Board at the same frequency that the distributor submits reports to the DEA.</p> <p>SB 683 amends the eligibility requirements for the Class E pharmacy license to extend it to certain pharmacies that process prescriptions for a patient in Texas or provides other services as determined by the Board. SB 683 also repeals certain sections of the code that relates to Canadian pharmacies as well as pharmacies who have had disciplinary action taken against them in another state.</p>	
<p>SB 979 By: Hughes</p> <p>Sponsor: Kacal</p>	<p>Relating to including cuttings as a form of propagation for citrus budwood and citrus nursery stock certification programs.</p>	<p>Agriculture & Livestock</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>The Texas Citrus Nursery Stock Certification Program applies to all citrus nursery stock propagated for sale or distribution within or into the Citrus Zone, and it excludes stock at facilities involved in the retail sale of citrus plants that were produced and moved in compliance with Program requirements. Citrus budwood is the portion of a stem or branch that contains vegetative buds used in propagation of new trees. Currently there are discrepancies with using cuttings as a form of propagation for citrus plants and this leads to the prohibition of the sale of certain citrus plants that propagate from the use of cuttings. SB 979 includes cuttings as a form of propagation for the citrus budwood and include it in the citrus nursery stock certification program.</p>	<p>Favorable Evaluated by: Marissa Goren (956) 867-7232 Marissa@texaslsg.org</p>
<p>SB 1582 By: Lucio</p> <p>Sponsor: Wray Blanco Burns Guillen</p>	<p>Relating to benefits for peace officers relating to certain diseases or illnesses.</p>	<p>Homeland Security & Public Safety</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>Emergency first responders such as firefighters and Emergency Medical Technicians (EMT) are covered by worker's compensation for second-hand diseases (such as cancer or strokes) and vaccinations for being exposed to certain diseases while responding to emergencies. Police officers often respond to these emergencies as well but are not covered by worker's compensation if they suffer from any of these diseases.</p> <p>SB 1582 amends the government code in order to address these concerns. SB 1582 extends the language in the code to include police officers to be protected if they suffered from a disability or death or if they contracted a disease from a firefighter or EMT in the course of responding to an emergency. SB 1582 extends to police officers the same entitlement to services as a firefighter or an EMT. SB 1582 aligns police officers to receive the same worker's compensation benefits as EMT's and firefighters for responding to the same emergencies.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435- 9049 Santiago@TexasLSG.org</p>