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LSG Floor Report For POSTPONED BUSINESS Calendar – Tuesday, May 14, 2019

<p>SB 683 By: Buckingham</p> <p>Sponsor: Allison</p>	<p>Relating to the licensing and regulation of pharmacists and pharmacies.</p>	<p>Public Health</p> <p>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>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.</p> <p>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>Favorable Evaluated by: Sharon Jacob (920) 675-9865 Sharon@TexasLSG.org</p>
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LSG Floor Report For MAJOR STATE Calendar – Tuesday, May 14, 2019

OK for Distribution  Rep. Garnet Coleman

<p>SB 601 By: Hall Birdwell Buckingham Nichols Watson</p> <p>Sponsor: Flynn</p>	<p>Relating to the continuation and functions of the Texas Veterans Commission.</p>	<p>Defense & Veterans' Affairs</p> <p>Vote: 6 Ayes 0 Nays 0 PNV 3 Absent</p>	<p>SB 601 clarifies the duties, transparency of grant use, and ensure the continuation of the Texas Veterans Commission (TVC). Sunset recommendations for improving the effectiveness of programming are addressed with proposed surveying and data collection of outcomes to provide annual reports as well as improved training targeted based on the data collected.</p> <p>SB 601 would implement improved practices as well as providing a higher quality of those services utilized by veterans ensuring a high quality of care.</p> <p>The following changes in SB 601 would be enacted:</p> <ul style="list-style-type: none"> • The TVC would be responsible for the continued trained of executive staff with the creation and implementation of a training manual regarding proficient protocol as well as additional training when needed. • Annual evaluation of programs administered with set annual priorities to meet changing population needs. This is coupled with explicate goals for staff and measurement of performance. • Data would be taken for the year on complaints, performance outcomes, veteran surveys, and staff input to create more specific goals for the following year. • TVC will regularly evaluate claims assistance for need based on the caseload of the staff and the percentage of veterans who fail to receive same day assistance. Information collected regarding the outcome of claims, quality of claims submitted to a state strike force, claims that manifest of the United States Department of Veterans Affairs, average processing time, and success would be used to evaluate performance and proficiency of the TVC. • Needs assessment based on data collected would be made available online for viewing by the public. • A veterans county service officer appointment shall be posted on the commission's internet site as well as Texas Workforce Commission site for at least 30 days before the appointment. If an individual does not meet service requirements, the commissions' court may apply for approval for another individual. • Improved stringency of Mental Health program director eligibility to require at least a master's degree in a mental health field paired with multiple years of experience with trauma-informed services. 	<p>Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org</p>
<p>SB 604 By: Buckingham Birdwell</p> <p>Sponsor: Paddie</p>	<p>Relating to the continuation and functions of the Texas Department of Motor Vehicles and to the operations of certain other entities performing functions associated with the department.</p>	<p>Transportation</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 5 Absent</p>	<p>SB 604 is a sunset bill for the Texas Department of Motor Vehicles (TxDMV). The Texas Department of Motor Vehicles (TxDMV) created in response to a recommendation by the Sunset Commission in 2009 to issue vehicle titles and registrations, provide license plate services, regulate motor vehicle sales, and regulate motor carriers. Overall, the Sunset Commission determined that TxDMV has accomplished the stated goals by modernizing motor vehicle services and improving customer service for the public and motor vehicle industry. The commission also determined that TxDMV has new challenges that need attention and SB 604 provides for the implementation of certain recommendations.</p> <p>SB 604 continues operation of the TxDMV for 12 years until 2031 and establishes the following Sunset Commission Recommendations:</p> <ul style="list-style-type: none"> • Updates training requirements for Board members. • Requires the executive director to appoint a general counsel to the TxDMV board—this is something that statute was silent on and it will further protect the board from acting in the interest of the entities it governs. There is representation on the board of stakeholders for entities regulated by TxDMV; there is fear that if the general counsel reports to the board they might be influenced. • Eliminate requirement for a representative's license; this position used to hold more weight with financing deals, etc., but these functions have moved to the dealers. This position no longer needs as much regulation 	<p>Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>

OK for Distribution –  Rep. Daniel Coleman

because there is no direct contact or influence on customer issues leaving the position without much need to be overseen.

- Requires the board to clearly separate responsibilities for policy-making and appointment of department staff.
- Requires the department to maintain a system for promptly responding to filed complaints with complaint investigation and resolution. SB 604 also requires TxDMV to keep track of complaint processes and periodically notify parties involved on complaint statuses.
- Requires board to develop and implement policy to encourage negotiated rulemaking procedures and appropriate dispute resolution. The department must also collect data to study the effectiveness of the negotiation and dispute resolution procedures.
- Creates salvage vehicle dealer licenses that allow license holders to buy and sell salvage and non-repairable motor vehicles, participate in auctions and wholesale auctions, buy and sell from other licensed salvage vehicle dealers, and acquire and repair over five salvage motor vehicles for operation on public highways per year. SB 604 authorizes the board to issue a cease and desist order for a person if it appears to the board that the person is violating laws related to salvage vehicle dealers.
- Removes requirement for application of salvage vehicle dealers to include a classification endorsement as a new automobile dealer, a used automobile dealer, a salvage pool operator, a salvage vehicle broker, or a salvage vehicle rebuilder.
- Requires the board to establish education and training requirements for independent motor vehicle dealer applicants. A lot of people will move on to become an independent motor vehicle dealer without proper education on what they are getting into. People will get these licenses and end up with violations due to lack of information.
- Allows the department or the county tax assessor-collector to audit or investigate persons providing registration or titling service and access records necessary to do so.
- Allows departments to determine access to automated registration and titling systems and requires departments to implement a training program on the automated system and how to identify fraudulent activity within the system.
 - The training program will allow tax assessor-collectors to train employees on a practice titling and registration system, preventing mistakes made by the trainee and causing the tax assessor-collectors to work to revise mistakes made during training.
- Requires the board to establish standards for reviewing a contested case. The rules and policies must specify roles of personnel managing contested cases, specify appropriate conduct and discussion regarding proposals for decision issued by administrative law judges, specify limiting arguments in oral argument to evidence the contested case hearing held by the administrative law judge, address ex parte (one-sided) communications, and distinguish between using industry expertise versus representing/advocating for an industry.
- Requires TxDMV to establish a risk-based system to monitor and prevent fraudulent activity related to vehicle registration and titling.
- Authorizes the board to order individuals to pay refunds to buyers or lessees of motor vehicles if the board determines that they violated laws regarding sale or lease of motor vehicles.
- Requires county assessor-collectors to provide an electronic system for motor vehicle dealers to submit title and registration applications online in the name of the purchaser.
 - This is a point of concern for the tax assessor-collectors and the counties, as this has potential to be an unfunded mandate to small counties who do not use WebDealer. Additionally, there are current

OK for Distribution –  Rep. Daniel Coleman

			<p>contracts and standards in place based on each county’s requirements to prevent fraud. Requiring automatic access limits counties ability to weed out back actor dealerships. The Tax Assessor-Collector Association is not supportive of this and has actively worked to make this discretionary.</p> <ul style="list-style-type: none"> • Requires a county tax assessor-collector who awards a contract to a full-service deputy for the performance of registration and titling services to comply with standard state contracting practices (as if the county tax assessor-collector were a state agency) and to monitor and evaluate their performance to determine whether to renew or extend the contract or award a new contract. SB 604 differentiates between full service deputies and limited service deputies. Full service deputies are only used by 4 counties. Limited service deputies are used by the majority of counties and are a huge asset. In the originally filed bill, the counties were required to re-bid for both full and limited service deputies. Since limited service deputies often do this as a service to the counties and typically do not profit from this service. This is why they were removed from the requirement to go through a rebidding process. • Requires TxDMV to coordinate with county tax assessor-collectors to develop, adopt, and implement criteria for the suspension or denial of access to the automated registration and titling system if a county tax assessor-collector suspects abuse, fraud, or waste by an employee or deputy. • Renames the and transfers the authority of Automobile Burglary and Theft Prevention Authority to the Motor Vehicle Crime Prevention Authority. The Motor Vehicle Crime Prevention Authority must ensure that grant funds are used to help increase the clearance rate of such crimes and increase the number of persons arrested for those crimes. • Requires TxDMV, the Public Utility of Texas, the Texas Department of Transportation, the Department of Public Safety, and the Texas Commission on Environmental Quality to complete a study on the impact of the alternatively fueled vehicles industry on the state and options for collecting fees from owners of alternatively fueled vehicles to replace the loss of revenue from motor fuel taxes, and the desirability to establish fees for alternatively fueled vehicles. <p>SB 604 does not adopt the recommendations by the Sunset Commission to require the governor to designate a public member to serve as chair or require authorization for the board to file a complaint against a license holder for violations related to advertising.</p> <p>SB 604 implements policy that benefits the majority of Texans, however, SB 604 requires county tax assessor-collectors to provide an electronic system for motor vehicle dealers to submit title and registration applications online in the name of the purchaser. Some of the larger counties in Texas use private offices to contract out this work, so implementing this provision would leave Texans unemployed and counties left with the bill to implement this process.</p> <p>Many counties currently have standards and contracts in place for use of the WebDealer program. Many of these contracts include provisions that allow counties to prevent fraud from occurring from bad actor dealerships. Each county, who currently uses WebDealer, has the ability to authorize or deny access to program when they know fraud is occurring. Under the current version of SB 604, counties would no longer be able to deny access, thus forcing them to accept fraudulent documents from dealerships. Additionally, many smaller counties do not have dealerships in their counties, making the mandatory provision of the bill an unfunded mandate to them. They would need to train staff and obtain the property equipment to offer a program they would never use.</p>	
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<p>SB 621 By: Nichols Birdwell Buckingham Hall</p> <p>Sponsor: Lambert</p>	<p>Relating to the transfer of the regulation of plumbing to the Texas Department of Licensing and Regulation, following recommendations of the Sunset Advisory Commission; requiring an occupational license; authorizing a fee.</p>	<p>Licensing & Administrative Procedures</p> <p>Vote: 6 Ayes 1 Nays 0 PNV 4 Absent</p>	<p>The Texas State Board of Plumbing Examiners (TSBPE) is the agency that is responsible for regulating the plumbing industry across the state. The TSBPE is in charge of licensing plumbers and regulates the industry to make sure the public is kept safe. The sunset commission focuses on measuring the proficiency of the board as well as make recommendations for the future of the industry.</p> <p>The sunset commission evaluated the proficiency of the TSBPE and found that the board is still not requiring the industry to maintain good standards. The Sunset commission made the following recommendations outlined in SB 621:</p> <ul style="list-style-type: none"> • Transfer the regulation of plumbers to the Texas Department of Licensing and Regulation (TDLR) and make the plumbing board an advisory board with only one public member- this is a recommendation was made because the board has not been up to standards in 12 years due to backlogs in licensing, backlogs in exams, not using fingerprint background checks, and lacking proper customer service. • Require the board to obtain a fingerprint background check for all licensees and applicants- they currently only do a name base background check • Direct the TDLR and TSBPE to develop new regulatory rules and processes- this is to ensure the new board will be up to the agency's standard • Eliminate the drain cleaner-restricted, drain cleaner, and residential utilities installer regulations- this reduces the over-regulation of entry-level positions in the field and will encourage individuals to join the trade. • Remove the requirements for direct supervision and authorize the board to determine supervision requirements for specific tasks in rule- instead, allow for general supervision across the board. This raises concerns because the general supervision guideline could cause unskilled trainees to go into the field without proper supervision. The direct supervision is in place to ensure that all new plumbers are trained and skilled to perform each duty on the job. • Remove statutory requirements for the board to only hire licensed plumbers to administer written portions of the licensing test- This increases the number of people that the board could hire to administer exams and addresses the backlog of exams. • Authorize the board to outsource the creation and administration of the exams- this reduces the workload from the board since they currently create and administer the tests themselves. • Clarify the board's authority to approve continuing education course content and instructors- this clarifies the board's authority to approve only the course content for continuing education and training courses for plumbers. • Authorize the board to establish license terms in rule- this authorizes the board to set the terms for renewing licenses and registrations in rule. • Remove the separate renewal for endorsements- this allows for endorsements to be renewed at the same time as the license instead of 3 years after the renewal of the license. • Eliminate the responsible master plumber's designation- instead, create a plumbing contractor license. This license requires the same insurance requirements for the master plumbers but does not require the businesses to take the 24-hour training for licensure and removes the unnecessary barrier for businesses. • Authorize the agency to issue temporary licenses- this allows for more plumber to be able to respond to emergencies during natural disasters quicker. • Eliminate the statutory qualifications for field investigators- this allows for the board to be able to be more flexible and hire staff based on its needs. 	<p>Unfavorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
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OK for Distribution -  Rep. Daniel Coleman

			<ul style="list-style-type: none"> • Repeal the statutory enforcement committee- this shifts the authority to review complaints to the agency. • Repeal the board's authority to issue criminal citations- instead, allow the board to continue to issue cease-and-desist orders and take away the authority to issue citations that the agency does not use anymore. <p>Transferring the responsibilities from the TSBPE to the TDLR will have a \$407, 535 positive fiscal impact on the general revenue after the fiscal year 2021 since the board will employ 3 fewer employees in 2022. Until that time, the board will cause a negative impact on the general revenue while they transfer responsibilities from one board to the other.</p> <p>SB 621 addresses all of the sunset recommendations by taking into consideration the sunset report and makes the respective changes to the TSBPE. Through these changes, the TSBPE will be abolished and all of the responsibilities will be transferred to the TDLR.</p> <p>There are concerns with transferring all of the responsibilities to the TDLR. Removing the TSBPE means that over 58,000 plumbers will now fall under the responsibility of the TDLR. Plumbing is a crucial field for everyday living and a simple mistake from one plumber can cause severe harm to a whole community. By doing away with the direct supervision aspect of training, there is a risk that untrained plumbers will go into the field and attempt to help residents and end up causing more harm. Currently, the board creates its own exams to administer to licensee applicants. By hiring a third party to create the exam, there is a risk for a "watering down" of the exams and potentially create a hazard by allowing untrained, untested individuals into the field. SB 621 does not directly address how the backlog of the exams will be fixed or how the license will be issued at an acceptable time frame. Transferring the responsibilities to the TDLR will not necessarily fix these issues. Although the board does have its issues, such as the backlog of licensing issuing and backlogs of exams, maintain the board as an independent board is crucial for the safety of Texans.</p>	
<p>SB 624 By: Nichols Birdwell</p> <p>Sponsor: Thompson, Senfronia</p>	<p>Relating to the continuation and functions of the Texas Real Estate Commission and the Texas Appraiser Licensing and Certification Board; changing fees.</p>	<p>Licensing & Administrative Procedures</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 4 Absent</p>	<p>The Texas Real Estate Commission and the subdivision of the Texas Appraiser Licensing and Certification Board are the agencies responsible for the protection of consumers of real estate in Texas by licensing real estate professionals, regulating licensing education, and resolving complaints against licensees. The sunset commission focuses on measuring the proficiency of these 2 boards as well as makes recommendations for the future of the board in order to ensure that consumers are consistently kept safe.</p> <p>The sunset commission evaluated the proficiency of the commission and its subdivision and found that the board is not using its self-directed semi-independent status effectively and recommended the agency be extended for 6 years rather than 12 as well as the following recommendations:</p> <ul style="list-style-type: none"> • Add reporting requirements to chapter 1105 - this requires the agency to report trend data as other self-directed semi-independent agencies do and allows for closer oversight by the legislature. • Eliminate the provisions that allow for the purchase, construction or sale of property- Instead follow the procedures outlined under the Self-directed semi - independent act, which has provisions laid out. • Require the penalties collected by the appraiser board to go to the General Revenue • Eliminate the requirements to pay retainers to the State Auditor's Office - instead replace the retainers with reimbursements to the agencies who provide services • Eliminate the instructor approval authority - instead, allow the board to hire based on expertise and business incentives. This recommendation allows the board to focus on more significant licensing responsibilities and increases the board's efficiency. • Eliminate the branch office license- this reduces unnecessary regulation without harming the public. This 	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>

OK for Distribution -  Rep. Daniel Coleman

			<p>recommendation reduces the administrative burden on staff and license holders as well as streamlines the business by creating a notification system of businesses.</p> <ul style="list-style-type: none"> • Remove a subject qualification required for licensure applicants- This removes the requirement for applicants to be of “good moral character” • Remove provisions that require certain applicants to establish a Texas residency before they can obtain a license - this is an arbitrary requirement that does not impact consumer protection. • Authorize the board and commission to deny licensee renewal for noncompliant licensees- this is to protect the consumer when an applicant provides services that could harm the public • Require the commission and board to maintain complainants confidentiality when possible- this reduces the public fear of retaliation when filing complaints • Authorize the commission to dismiss low-level complaints • Authorize the board to refund consumers- this allows the board to take a more effective action when harm can be quantified and offer relief to consumers, while avoiding a civil court case • Update and apply across-the-board recommendations to the commission and board- this is a series of recommendations to streamline the efficiency of the Real Estate Commission and Appraiser Board to protect consumers in the field. • Authorize the Appraise board to establish advisory committees as needed- this is to provide special expertise on certain issues that the board deems necessary • Repeal the commissions and boards Self-directed semi-independent annual and biennial reporting requirements- these reports are unnecessary if the agency gets placed under the self-directed semi-independent act which has similar reporting requirements. <p>Having the board pay the penalties collected to the General Revenue will create a positive fiscal impact of \$17, 950 dollars. SB 624 addresses all of the sunset recommendations by taking into consideration the sunset report and makes all the respective changes to the Texas Real Estate Commission and the subdivision of the Texas Appraiser Licensing and Certification Board. SB 624 extends both the commission and the board for 6 years and allows the legislature to provide a closer oversight to both.</p>	
<p>SB 646 By: Birdwell Buckingham Hall</p> <p>Sponsor: Thompson, Senfronia</p>	<p>Relating to approval for purchases of property or construction projects by a state agency with self-directed semi-independent status.</p>	<p>State Affairs</p> <p>Vote: 11 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>During Texas Real Estate Commission’s (TREC) Sunset review, one of nine state agencies with self-directed semi-independent status (SDSI), it was identified that both the commission and the board began putting significant amounts of excess revenue into their respective building reserve funds instead of using it for agency operations. In response, the Sunset Commission took away TREC’s purchasing and constructing authority and recommended that they may only acquire property by lease.</p> <p>SB 646 will provide a uniform, systematic procedure for all SDSI agencies’ purchasing and construction requests to ensure that all SDSI agencies are responsibly utilizing funds without compromising their funding for core services. SB 464 will require, as prescribed by the governor, SDSI agencies to provide a detailed description of proposed purchase or projects that funds were allocated to before the bill’s effective date and will prohibit the agency from allocating any more funds toward said property or project until written authorization is given by the governor.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>LSG Floor Report For GENERAL STATE Calendar – Tuesday, May 14, 2019</p>				
<p>SB 21 By: Huffman Campbell </p>	<p>Relating to the distribution, possession, purchase, consumption, and receipt of cigarettes, e-cigarettes, and</p>	<p>Public Health</p> <p>Vote: 8 Ayes</p>	<p>National data shows that around 95 percent of adult smokers begin smoking before they turn 21. Studies also show that adolescents are particularly vulnerable to the addictive effects of nicotine. Because of this, seven U.S. states and many municipalities have increased the minimum legal age of tobacco purchase from 18 to 21. If the same change is brought to Texas, it is estimated that approximately 32,000 lives could be saved in the next 80 years along with the</p>	<p>Favorable Evaluated by: Sharon Jacob (920) 675-9865</p>

OK for Distribution –  Rep. Daniel Coleman

<p>Hinojosa Johnson Kolkhorst Nelson Perry Watson Zaffirini</p> <p>Sponsor: Zerwas Thompson, Senfronia Sheffield Anchia Oliverson</p>	<p>tobacco products.</p>	<p>0 Nays 0 PNV 3 Absent</p>	<p>prevention of many instances of tobacco-use related illnesses.</p> <p>SB 21 prevents the sale of cigarettes, e-cigarettes, or tobacco products to anyone younger than 21. The provisions of the bill provide an exception if the sale was to an individual over the age of 18 who was on active duty in the US or state military forces and presented a valid military ID at the time of purchase.</p> <p>SB 21 also clarifies that identification must be required of any individual younger than 30 (an increase from the original 27) before the sale or gifting of a cigarette, e-cigarette, or other tobacco product. The bill also prohibits the distribution of a coupon or other discount method for cigarettes, e-cigarettes, or other tobacco products to an individual younger than 21.</p> <p>Any individual under the age of 21 who attempts to obtain or use a cigarette, e-cigarette or tobacco product can be fined up to \$100, a reduction from the original \$250. However, the individual may apply to have this conviction removed from their record on or after their 21st birthday. SB 21 removes the condition for the individual to have completed certain programs before being eligible to have the conviction removed from their record.</p> <p>Products that are approved for by the US Food and Drug Administration for the treatment of nicotine or smoking addiction are exempt from the provisions of this bill if they are labeled appropriately.</p> <p>The bill also includes various instances of clean up language that addresses inconsistencies and updates appropriate sections of Texas Code.</p>	<p>Sharon@TexasLSG.org</p>
<p>SB 475 By: Hancock</p> <p>Sponsor: Hernandez Flynn</p>	<p>Relating to an advisory body on the security of the electric grid.</p>	<p>State Affairs</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 5 Absent</p>	<p>SB 475 will create the Texas Electric Grid Security Council, which will be an advisory board to ensure best practices regarding security against cyber threats and attacks. The council would be comprised of the Chair of the Public Utility Commission, the CEO of ERCOT, and a Governor appointee.</p> <p>As Texas has its own electric grid fully within its borders, it is important for the State to coordinate amongst its electric stakeholders. SB 475 allows for the council to consult and coordinate with: the Texas Division of Emergency Management; the United States Department of Energy; the United State Department of Homeland Security; the North American Electric Reliability Corporation; the Texas Reliability Entity; federal and state agencies; members of the electric industry; and grid security experts.</p> <p>In response to requests made by stakeholders laid out in SB 475, the council shall issue recommendations regarding:</p> <ul style="list-style-type: none"> the development of education programs or marketing materials to promote the development of a grid security workforce; the development of grid security best practices; preparation for events that threaten grid security; and amendments to the state emergency management plan to ensure coordinated and adaptable response and recovery efforts after events that threaten grid security. <p>SB 475 would also allow the council to prepare a report outlining grid security response that does not involve classified or highly sensitive, company-specific information. If they do, they are required to deliver the report to the governor, the lieutenant governor, and the legislature on or before December 1 immediately preceding a regular session of the legislature.</p>	<p>Favorable</p> <p>Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

<p>SB 300 By: Miles</p> <p>Sponsor: Thompson, Ed</p>	<p>Relating to indefinite quantity contracts for the provision of certain services to declared disaster areas following a natural disaster.</p>	<p>Homeland Security & Public Safety</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>After Hurricane Harvey landed in Texas, the Texas General Land Office (GLO) made a report about some of the issues the state faced during the recovery period. There were concerns that the state did not have enough pre-hurricane contracts and there was a delayed response to recovery efforts.</p> <p>SB 300 amends the Natural Resources Code to require the GLO to enter into an indefinite number of contracts with vendors in order to provide services in order to construct, repair, or rebuild property after a natural disaster. The contracts will be ready to execute in case a natural disaster happens and will be negotiated ahead of time. The contracts will be funded by several sources including local, state, and federal agencies.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435- 9049 Santiago@TexasLSG.org</p>
<p>SB 442 By: Hancock</p> <p>Sponsor: Perez Lucio III Oliverson</p>	<p>Relating to a disclosure regarding flood coverage under a commercial or residential property insurance policy.</p>	<p>Insurance</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>SB 442 would require disclosure of flood coverage in residential and commercial insurance. A disclaimer of a policy that does not cover flood damages because of hurricane wind and rain would be explicit and given to the consumer upon policy renewal or purchase.</p> <p>SB 442 would add more consumer protection and transparency when purchasing commercial or residential property insurance, as the consumer will have explicit documentation of the lack of flood insurance and the ability to make a more informed choice when purchasing property coverage.</p>	<p>Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org</p>
<p>SB 944 By: Watson</p> <p>Sponsor: Capriglione</p>	<p>Relating to the public information law.</p>	<p>State Affairs</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 5 Absent</p>	<p>SB 944 amends the Texas Public Information Act to have its provisions applied to public records stored on private devices, (e.g. if a public official is using a private email account or device to conduct public business) as records dealing with government business is already public record, by law. SB 944 will not impact personal or private information as it would only affect communication or information in relation to official business that is on a privately-owned device.</p> <p>SB 944 would apply to any current or former elected official and government employee. The application of SB 944 would also apply to a temporary custodian and make them subject to the release of information if a request is made. Failure to do so would result in disciplinary action by the governmental body that employs the temporary custodian, or any other applicable penalties provided by law.</p> <p>SB 944 makes confidential and exempts information obtained by a governmental body that was provided by an out-of-state health care provider in connection with a quality management, peer review, or best practices program for which the out-of-state health care provider pays.</p> <p>SB 944 requires the attorney general to create a public information request form by that provides a requestor the option of excluding from a request information that the governmental body determines is confidential or subject to any other exception.</p> <p>SB 944 establishes that a governmental body that posts the designated email and mailing addresses on its website or that prints those addresses on that displayed sign is not required to respond to a written public information request that is not received at one of those addresses, by hand delivery, or by an additional method approved by the governmental body.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

<p>SB 579 By: Hughes Sponsor: VanDeaver</p>	<p>Relating to the exemption from ad valorem taxation of certain property owned by the TexAmericas Center.</p>	<p>Ways & Means Vote: 9 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>The TexAmericas Center in Bowie County is a former army depot transformed by the 1998 and 2005 rounds of Base Realignment and Closure. These realignments resulted in a surplus of 19,000 acres and millions of structural square-footage. The Red River Redevelopment Authority successfully developed the area into a mixed-use commercial park starting in 2007 and now employs thousands of employees.</p> <p>Given the similarities to other entities such as Type B Economic Development Corporation and Defense Base Development Authorities and comparative disadvantage, it is suggested that the TexAmericas Centers should receive the same property tax exemption intended to incentivize economic investment and job creation. SB 579 would add a new public property tax exemption for a leasehold or other possessory interest granted to a person by the TexAmericas Center or by a TexAmericas affiliated, title-holding, nonprofit corporation. While this would affect local tax revenue streams, the bill has the support of all taxing entities that fall within the affected footprint, including Texarkana College and all five school districts.</p>	<p>Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org</p>
<p>SB 709 By: West Seliger Sponsor: Frullo Stucky Zerwas Walle</p>	<p>Relating to the allocation and use of the annual constitutional appropriation to certain agencies and institutions of higher education.</p>	<p>Appropriations Vote: 20 Ayes 0 Nays 0 PNV 7 Absent</p>	<p>SB 709 is legislation required by the Texas Constitution to reallocate money in the Higher Education Fund (HEF). HEF funds are distributed to 30 different institutions that are not eligible to receive money in the Available University Fund (AUF). These funds provide for acquiring land, construction, major repair and rehabilitation of buildings, acquisition of capital equipment, library books, and materials. Reallocations in SB 709 are based off recommendations from the most recent study regarding the allocation formula for the distribution of HEF funds. SB 709 updates institutions that are eligible for HEF funds as well as increases the annual amounts given to these institutions and agencies beginning in 2021.</p> <p>The following amounts are outlined in SB 709: Midwestern State University: \$4,933,200 University of North Texas: \$37,346,563 University of North Texas Health Science Center at Fort Worth: \$15,125,502 University of North Texas at Dallas: \$3,354,441 Stephen F. Austin State University: \$11,277,793 Lamar University: \$13,141,181 Lamar Institute of Technology: \$2,553,130 Lamar State College Orange: \$1,488,396 Lamar State College Port Arthur: \$2,217,102 Sam Houston State University: \$18,236,811 Texas State University: \$37,606,478 Sul Ross State University: \$2,151,723 Sul Ross State University Rio Grande College: \$472,890 Texas Southern University: \$11,719,335 Texas Tech University: \$49,874,746 Texas Tech University Health Sciences Center: \$21,652,392 Angelo State University: \$6,792,999 Texas Tech University Health Sciences Center El Paso: \$5,557,572 Texas Woman 's University: \$14,554,133 University of Houston: \$54,514,004 University of Houston Victoria: \$3,542,817 University of Houston Clear Lake: \$7,726,043 University of Houston Downtown: \$10,828,344</p>	<p>Favorable Evaluated by: Brittany Sharp (210) 748-0646 Brittany@TexasLSG.org</p>

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			<p>Texas A&M University Corpus Christi: \$11,478,824 Texas A&M International University: \$7,462,394 Texas A&M University Kingsville: \$8,858,060 West Texas A&M University: \$7,446,495 Texas A&M University Commerce: \$11,123,859 Texas A&M University Texarkana: \$2,050,273 Texas State Technical College System Administration and the Harlingen, Marshall, West Texas, Waco, Fort Bend, North Texas campuses: \$8,662,500</p> <p>Additionally, SB 709 removes the required approval from the legislature and the Texas Higher Education Coordinating Board to spend HEF funds for new construction, land acquisition projects, and major repair and rehabilitation projects more than \$600,000. The bill also includes cloud computing services or other intangible assets with an expected useful life more than a year to the items eligible to be used with HEF funds.</p>	
<p>SB 362 By: Huffman Sponsor: Price</p>	<p>Relating to court-ordered mental health services.</p>	<p>Judiciary & Civil Jurisprudence</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>The Texas Judicial Council met during the interim in order to form the Guardianship, Mental Health, and Intellectual/Developmental Disabilities Committee and make recommendations to improve how the courts interact with individuals with an intellectual disability.</p> <p>SB 362 amends the Health and Safety Code and makes the following changes regarding how a court handles cases that involve people with disabilities and allows judges to make less stringent sentencing for this population.</p> <ul style="list-style-type: none"> • SB 362 allows judges to refer the offender to outpatient services if the crime was not one that causes harm to others. The outpatient services cannot be longer than 45 days unless deemed necessary by the judge. • SB 362 outlines the requirements that must occur in a court proceeding in order for the judge to make his ruling and outlines the deadlines to which facilities have to abide by in order to perform certain tasks with these individuals. These deadlines include a deadline to decide if the client needs to be transferred to another outpatient facility to better serve their needs. • Funding for these services will be provided to HHSC to administer to the private mental health facilities that will perform all of the services in order to help the client, including handling any side effects from medication that is prescribed. • SB 362 requires the court of criminal appeals to ensure that enough training is provided to the judges in order to make proper rulings and the trainings must be provided annually. 	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>SB 1113 By: Lucio Sponsor: Springer</p>	<p>Relating to a waiver authorizing the application of pesticides for mosquito control by certain municipal or county employees in an emergency.</p>	<p>Agriculture & Livestock</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>Vector-borne diseases are transmitted among their human, animal, or plant hosts by insects and are the transmitters of disease-causing organisms that carry pathogens from one host to another. Vectors of human disease are typically species of mosquitoes and ticks that can transmit viruses, bacteria, or parasites to humans and other warm-blooded hosts.</p> <p>Since 2016, the Rio Grande Valley has been faced with the threat of the Zika virus and has been a local health threat ever since. Zika is a virus that is transmitted by a mosquito and has been known to cause microcephaly, or the congenital condition associated with incomplete brain development in babies, for mothers infected with a mosquito carrying zika. The local public health department in the Rio Grande Valley asked the Governor for an emergency waiver through the Texas Department of Agriculture (TDA) for the spraying of mosquitos because there was shortage of certified vector control applicators.</p> <p>SB 1113 codifies a waiver, the protocol, and procedure through the TDA for local health departments to request</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org</p>

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			emergency mosquito control through supervised pesticide application. SB 1113 will reduce the risk of mosquito-borne diseases in communities that are most susceptible to infection.	
SB 1306 By: Kolkhorst Sponsor: Burns	Relating to requiring a school district to post on the district's Internet website the contact information of the school administrator primarily responsible for student discipline at a district campus.	Public Education Vote: 11 Ayes 2 Nays 0 PNV 0 Absent	Currently, public school districts are not required to post on their district website the information of the campus behavior coordinator or the person who is responsible for handling student discipline. SB 1306 will require school district to post on their website the contact information of each administrator primarily responsible for student discipline at a campus. The information that will be required to be posted is the email address and phone number of campus behavior coordinator, or the person who is responsible for handling student discipline. SB 1306 does not apply to districts of innovation as they are exempt from the requirements of having a designated campus behavior coordinator.	Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org
SB 1571 By: Campbell Sponsor: Stucky	Relating to recovery audits of payments made by state agencies to vendors.	State Affairs Vote: 10 Ayes 0 Nays 0 PNV 3 Absent	SB 1571 will decrease an agency's expenditure level to \$50 million (currently \$100 million) in order to increase the number of agencies subject to the payment recovery audit. This will be done with the intent to expand the number of consulting firms authorized to conduct these audits, as there have been reports that the comptroller of public accounts has had many difficulties in implementing requirements to contract with consultants due to the small number of agencies subject to those requirements.	Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org
SB 1276 By: Powell Sponsor: Frullo	Relating to an agreement between a school district and public institution of higher education to provide a dual credit program to high school students enrolled in the district.	Higher Education Vote: 11 Ayes 0 Nays 0 PNV 0 Absent	High school students can enroll in dual credit courses to save time and money when they enter postsecondary education, and this can give students a head start to obtain college credit. However, if the dual credit courses do not count toward the students' major in college, the student might see that the efforts for those dual credit courses have gone to waste. Currently, high school students can earn endorsements to align with their interests and prepare them for college. Often these district endorsements are not aligned with post-secondary pathways and this can cause frustration for students when they enter postsecondary education. SB 1276 will ensure that school districts and institutions of higher education are on the same page when it comes to student advising and district endorsements as well as post-secondary pathway alignments by building a collaboration into the dual credit agreements between both entities. SB 1276 will require an agreement between a public school districts and public institutions of higher education for purposes of a dual credit program that will provide for accurate alignment with the students endorsement courses sequences.	Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org
SB 1928 By: Fallon Sponsor: Krause	Relating to a certificate of merit in certain actions against certain licensed or registered professionals.	Judiciary & Civil Jurisprudence Vote: 9 Ayes 0 Nays 0 PNV 0 Absent	In a civil suit for malpractice against a licensed architect, engineer, land surveyor, or landscape the plaintiff must have a certificate of merit filed by a third party who has the same license as the person they are suing in order to state that the defendant actually committed malpractice. However, if there is a countersuit, current law is unclear if the defendant must file the same certificate or not for the counterclaim. SB 1928 amends the Civil Practice and Remedies code to change the word from "plaintiff" to "claimant". By doing this, SB 1928 clarifies that any party seeking to sue a licensed professional must file a certificate of merit to show they practice in the area of expertise of the defendant.	Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org
SB 1063	Relating to the operation of	Insurance	SB 1063 amends the Insurance Code to allow for more proficient practice in the Texas Property and Casualty	Favorable

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<p>By: Hancock</p> <p>Sponsor: Paul</p>	<p>the Texas Property and Casualty Insurance Guaranty Association.</p>	<p>Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>Insurance Guaranty Association (TPCIGA). Changes made to the Insurance code would allow for the association to recover legal fees incurred while defending claimants. The streamlining of procedure and determined layout would provide best industry practice standards and bring TPCIGA up to par with other industry regulating bodies such as Texas Windstorm Insurance Association (TWIA).</p> <p>The following changes in SB 1063 are as follows:</p> <ul style="list-style-type: none"> • Duties would be performed with notice of insolvency of an insurer without a separate Commissioner’s notice. • The ability to conduct meetings via conference call and that a recording of the meeting is available to the public online. • An impaired insured’s insurer is not liable, and a new ensuring body is not entitled to suit against the insolvent insurer to the extent of the applicable liability limits of the policy. • Entitlement of association to recover legal fees when defending the impaired insurer’s insured against a claim brought by the new ensuring body. • Requires a court to award the associated legal fees incurred during litigation. The association may establish a procedure for requesting financial information from an insured to determine the net-worth of insureds. If there is refusal when requested from TPCIGA, the burden of proof lays with the insured and if litigation is pursued the discrepancy, the association is entitled to recovery of legal fees due to refusal. • A judgment or settlement is not evidence of liability or claim against TPCIGA or the insured-insurer. • Require association to handle claims through a contract claims adjuster with approval from the Commissioner as well as complete reimbursement of the servicing facility applicable to servicing agreement and no other expenses. • TPCIGA does not have a cause of action against impaired insured’s insurer for money the association has paid as a consequence of insolvency and prohibits the right to recover this loss. The association is entitled to recovery when there is a sale of salvage property as a result. • Regarding the defending of a covered claim for workers compensation, the association is entitled to recovery of legal fees in the settlement. 	<p>Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org</p>
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