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LSG Floor Report For POSTPONED BUSINESS Calendar – Friday, May 17, 2019

<p>SB 2223 By: Creighton Sponsor: Canales Cain</p>	<p>Relating to the efficient provision of pilot services by the board of pilot commissioners for Harris County ports.</p>	<p>Transportation Vote: 12 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>The Houston Ship Channel accommodates two-way vessel traffic within Galveston Bay without significant interruption (when the weather is moderate). Increasingly, larger vessels seek access to these ports. For many years the Houston Pilots have made traffic decisions which limit ship traffic in order to safely accommodate bigger ships. Most recently, a Pilot measure put in place last fall requires one-way traffic for a new generation of vessels that call the Port Authority’s public container terminals. The Board of Pilot Commissioners for Harris County Ports oversees licensing and regulation for vessels, pilots, and pilot services for Harris County Ports. To secure efficient pilot services for these ports, the board’s duties include adoption of rules and issuance of orders to pilots and vessels.</p> <p>Starting in 2021, SB 2223 limits the size of vessels that can operate within the jurisdiction of the Board of Pilot Commissioners for Harris County Ports to 1,100 feet until the board determines, after the recommendation of 80% of the Pilots, that it is safe for larger vessels to operate under two-way traffic conditions. From 2019 until 2021, SB 2223 limits the number of large ships going to the public terminals in the port to one per week, which is about 52 ships of 9000 ships that transit through yearly, and does not allow passage to vessels that cannot turn around within the applicable turning basin. Starting in 2021, if the board receives a recommendation that these large vessels may be operated in a safe and efficient manner while maintaining two-way traffic from at least 80% of the pilots operating under its jurisdiction, SB 2223 authorizes the Board of Pilot Commissioners for Harris County Ports to adopt rules authorizing larger vessels. The Board can only do this after holding at least two public hearings.</p> <p>The industry is already at work to fix this. The Port Authority works collaboratively with stakeholders to address coordination of vessels and maximize two-way traffic on the Houston Ship Channel. It has been working with the Army Corps of Engineers for almost ten years on future improvements to the waterway, because the ultimate solution to these issues is expediting and funding the federal improvement project—dredging the channels to make them deeper and wider for the larger vessels. The Port Authority and the Pilot Board have a proven 96-year collaborative history to accommodate ship traffic and vessel size growth with respect to all Houston Ship Channel interests. The legislative proposals regarding two-way traffic could harm the collaboration and stifle future growth.</p>	<p>Favorable, with Amendments Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>
<p>SB 20 By: Huffman Alvarado Bettencourt Campbell Flores Nelson Paxton Perry</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;</p>	<p>Criminal Jurisprudence 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 	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

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<p>Sponsor: Thompson, Senfronia Krause Collier White Davis, Yvonne</p>	<p>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>establishment owners.</p> <ol style="list-style-type: none"> 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 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. 	
<p>SB 604 By: Buckingham Birdwell 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 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. 	<p>Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>

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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 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

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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 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.
- 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.

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.

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.

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

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			<p>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>	
<p>SB 1257 By: Huffman</p> <p>Sponsor: Leach Bonnen, Greg</p>	<p>Relating to the investigation and prosecution of criminal offenses involving the trafficking of persons.</p>	<p>Criminal Jurisprudence</p> <p>Vote: 6 Ayes 3 Nays 0 PNV 1 Absent</p>	<p>SB 1257 will authorize the attorney general full concurrent jurisdiction in certain multi-jurisdictional cases and concurrent jurisdiction following the county or district attorney's first right of refusal in single jurisdictions. As most know, human trafficking is a prevalent problem in Texas, an issue that affects more than 300,000 people in our state.</p> <p>However, the language of SB 1257 makes the false narrative that local District Attorney's (DA) and their offices are having a problem prosecuting cases related to human trafficking and the solution to that is to grant the attorney general the ability to step-in without going through the local prosecutor. Texas prosecutors, with more than 5,000 staff members statewide, are successfully convicting human traffickers and securing long sentences. The attorney general has only four lawyers dedicated to human trafficking, and SB 1257 does not increase that number. In addition, DAs are currently allowed to request the help of the Office of the Attorney General (OAG) if additional resources are needed.</p> <p>If the OAG is interested in helping prosecute more cases under the offense of human trafficking they would do better in assisting law enforcement officers obtaining the additional resources that they need for investigations in order to help the prosecutors convict people under such an offense. Currently, prosecutors cannot prosecute human trafficking cases unless law enforcement agencies first make arrests for those crimes, which is why it is so typical that prosecutors will instead go after a charge of aggravated assault, for example, as that would be easier to prove and still puts the offender behind bars.</p>	<p>Unfavorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

LSG Floor Report For GENERAL STATE Calendar – Friday, May 17, 2019

<p>SB 29 By: Hall</p> <p>Sponsor: Middleton Phelan Metcalf Longoria Burrows</p>	<p>Relating to the use by a political subdivision of public money for lobbying and certain other activities.</p>	<p>State Affairs</p> <p>Vote: 8 Ayes 1 Nays 0 PNV 4 Absent</p>	<p>Under SB 29, if a political subdivision engages in prohibited lobbying activities a resident or taxpayer would be able to bring about an injunctive relief against them in order to prevent an association or organization or any further payment of fees or dues from continuing. A taxpayer or resident who prevails would be entitled to recover their reasonable attorney's fees and costs incurred in bringing the action. SB 29 will also require the disclosure of amounts spent on lobbying activities to influence or attempt to influence the outcome of pending legislation on any comprehensive annual financial report required to be prepared by a political subdivision or authority.</p> <p>The prohibition on schools, cities, counties, and certain transportation authorities would remove their ability to support or oppose proposed legislation and prevents them from fully engaging and advocating on issues that are prohibited within SB 29. This would cut out a critical voice and valuable knowledge from the Legislature's deliberations. Local officials must often spend their time in the community, serving their constituents and working on local policy issues, thereby limiting their capacity to engage in the legislative process. As an extension of staff, schools and cities have historically hired representatives, through an open, transparent and competitive process, to effectively support and advance community priorities in a fiscally responsible manner.</p> <p>SB 29 imposes unnecessary restrictions on cities and transportation authorities' ability to support or oppose proposed legislation related to taxation (including the implementation, rates, and administration of taxes), bond elections, tax-supported debt, ethics, and transparency. SB 29 will only allow those who are an (elected) officer or employee of a political subdivision to act on behalf of their local government and for all local officials. Without clear intent, the provisions of SB 29 can be incredibly problematic for special districts such as school, hospital, agricultural, water, wastewater and environmental districts that have the ability to impose taxes to fund core services</p>	<p>Unfavorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
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<p>SB 22 By: Campbell Bettencourt Birdwell Buckingham Creighton Fallon Flores Hall Hancock Huffman Hughes Kolkhorst Lucio Nelson Nichols Paxton Perry Schwertner Seliger Taylor</p> <p>Sponsor: Noble Morrison King, Phil Klick Springer</p>	<p>Relating to prohibiting certain transactions between a governmental entity and an abortion provider or affiliate of the provider.</p>	<p>State Affairs</p> <p>Vote: 7 Ayes 4 Nays 0 PNV 2 Absent</p>	<p>that they provide. Many of these special districts pay fees or dues to an association or organization to represent their districts' needs (e.g. Texas Hospital Association, Texas Association of School Boards, Texas Association of Rural Schools, Texas Association of Counties, and the Texas Municipal League among others).</p> <p>SB 22 will prohibit a governmental entity from entering into a taxpayer resource transaction with an abortion provider or an affiliate of an abortion provider, except in specific circumstances such as a licensed hospital or the office of licensed physician that performs fewer than 50 abortions per year. SB 22 will allow the state to interfere with partnerships that a city or municipality may have made with a health care agency that perform abortions, even if they contract for services not related to the procedure.</p> <p>As defined in SB 22, a taxpayer resource transaction will mean a sale, purchase, lease, donation of money, goods, services, or real property, or any other transaction between a governmental and a private entity that provides to the private entity something of value derived from state or local tax revenue, regardless of whether the governmental entity receives something of value in return. It also establishes the term to include advocacy or lobbying by or on behalf of an applicable governmental entity on behalf of the interests of an applicable abortion provider or affiliate.</p> <p>Many of these entities that SB 22 aims to strip funding from provide basic women's healthcare such as cervical cancer screening and protection, HIV screenings and testing for sexually transmitted diseases (STD). SB 22 will also prohibit an entity, like Planned Parenthood, from contracting with a local governmental entity to address public health crises like Zika, HIV and STD outbreaks, which will leave a critical gap in safety net providers for many Texas communities.</p> <p>Additionally, SB 22 will authorize the attorney general to bring an action in the name of the state to issue a court order to cease any violations of the prohibition on taxpayer resource transactions with an abortion provider or affiliate and provides for the recovery of reasonable attorney's fees and costs incurred in bringing the action.</p>	<p>Unfavorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>SB 916 By: Johnson</p> <p>Sponsor: Zerwas</p>	<p>Relating to supportive palliative care.</p>	<p>Public Health</p> <p>Vote: 10 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>SB 916 codifies the definition of supportive palliative care as physician-directed interdisciplinary patient and family centered care provided to a patient with a serious illness. The bill specifies that palliative care may not discriminate based on a patient's age or terminal prognosis. Additionally, it clarifies that palliative care may be provided alongside treatments with the purpose of curing or minimizing the effects of a patient's illness or methods aiming to optimize the patient's quality of life in medical as well as non-medical ways. The patient should be educated on the various treatments and options available to them and also afforded the right to informed consent and input regarding their care. These additional provisions are also codified as components of the definition of supportive palliative care. The enactment of this bill will repeal the current definition of palliative care and redefine all instances of "palliative care" in Code to match the definition of "supportive palliative care." The bill also redefines the term "hospice services" in code to eliminate the term "palliative care" in the definition, thereby eliminating palliative from being considered as hospice care.</p> <p>Both hospice care and palliative care seek to optimize the comfort and extend compassionate care to patients with life-limiting illnesses. However, palliative care addresses, not only the medical needs of a patient, but also the</p>	<p>Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org</p>

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			<p>emotional, and spiritual needs. Palliative care can also be provided while a patient is continuing active treatment. Though hospice care can also help provide support at the terminal stage of an illness when treatment is deemed to be ineffective, supportive palliative care offers benefits regardless of the stage of the illness. This statutory change in definition allows the extension of the definition to all patients, not just those who are terminally ill.</p> <p>SB 916 requires the HHSC to conduct a study to identify potential improvements to a patient's quality of life and health outcomes. The study should also identify methods for cost savings to the state by providing Medicaid reimbursement for supportive palliative care. The study should include information and comparisons of other states' implementation of Medicaid reimbursement for supportive palliative care. The Palliative Care Interdisciplinary Advisory Council will be responsible for providing recommendations and assistance to the HHSC for this study. HHSC may collaborate with any other entity it deems necessary and may solicit and accept funding from any public or private source. Upon the completion of the study, HHSC should provide the findings to the Palliative Care Interdisciplinary Advisory Council, no later than September 1, 2022. The Advisory Council should include these findings in the report it submits to the relevant Legislative committees every two years.</p>	
<p>SB 170 By: Perry</p> <p>Sponsor: Price Springer</p>	<p>Relating to reimbursement of rural hospitals under Medicaid.</p>	<p>Human Services</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>Rural hospitals in Texas are struggling to stay open due to the lack of funding for operating costs. Rural hospitals see a higher rate of uninsured individuals than their urban counterparts and have additional challenges to provide services. With these challenges, rural hospitals in Texas are closing; leaving rural communities without appropriate access to inpatient and general outpatient care. Texas saw more rural hospital closures in the last 5 years than any other state. SB 170 seeks to remedy the underpayment of rural hospitals by creating a reimbursement methodology which is based on the actual cost incurred to provide services to Medicaid recipients.</p> <p>SB 170 directs the Health and Human Services Commission (HHSC) to develop a prospective reimbursement method to pay rural hospitals participating in Medicaid. This reimbursement method should ensure that rural hospitals be paid on an individual basis for the services provided to Medicaid recipients by using the hospital's most recent information about the actual cost to provide those services. This prospective cost-based reimbursement rate will be updated every 2 years by HHSC.</p> <p>SB 170 directs HHSC to adopt the reimbursement methodology by rule and may require the following:</p> <ul style="list-style-type: none"> • Managed Care Organization MCO reimbursement of rural hospitals for services using a minimum fee schedule which may have federal matching funds available • Amount of reimbursement may be adjusted by HHSC for penalties <p>Every even-numbered year, HHSC will determine the prospective cost-based reimbursement rate for rural hospitals based on the hospital's cost reports as submitted to the Center for Medicare and Medicaid Services. Moving forward, by the end of August 2022, HHSC will develop and implement a true cost-based reimbursement methodology for rural services provided to Medicaid recipients which give prospective payments to the rural hospital and an additional reimbursement the following year to reimburse actual cost to provide services for Medicaid recipients. SB 170 states that if federal law does not allow the use of a true cost-based reimbursement method, HHSC will continue to use the prospective cost-based reimbursement methodology to pay rural hospitals for providing services to Medicaid recipients. SB 170 clarifies that HHSC is required to implement these provisions only if money is appropriated to do so.</p>	<p>Favorable</p> <p>Evaluated by: Ali Schoon 515-313-3712 Ali@TexasLSG.org</p>


<p>SB 1579 By: Alvarado</p> <p>Sponsor: Bohac</p>	<p>Relating to the creation of certain emergency services districts.</p>	<p>County Affairs</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>SB 1579 authorizes an emergency services board district to create another emergency services district if it has a population 3.3 million or more if:</p> <ul style="list-style-type: none"> • There are identical boundaries of another district adjacent to the creating district; and • The enabling of services by the creating district is more economically efficient. <p>SB 1579 requires the creating district board to create another district, to adopt a system that to name, or rename the other district. It also mandates the creating district board to appoint an initial board of the other district which provides for the appointment and issuing of terms to newly created district commissioners.</p> <p>SB 1579 explicitly states that the creating district receives an annual payment equal to one-half of the amount to cover servicing cost service the bonded indebtedness if the other created district has bonded indebtedness at the time of creation.</p>	<p>Favorable Evaluated by: Brandi Granderson (202) 808-6140 Brandi.Granderson_HC@house.texas.gov</p>
<p>SB 708 By: Zaffirini</p> <p>Sponsor: Raney Hinojosa Clardy Meza Meyer</p>	<p>Relating to collection and use of child safety data for licensed day-care centers.</p>	<p>Human Services</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>The number of deaths and serious injuries sustained by children while in daycare is evidence that Texas' current minimum standards for the safety and well-being of children are not sufficient. Experts know that a lower adult to child ratio and smaller group sizes contribute to better outcomes for children. Yet, Texas needs further data and guidance to determine what ratios and group sizes are safest and reasonable for daycare centers. When conducting investigations, the Health and Human Services Commission (HHSC) simply tracks whether the provider was in compliance with minimum standards for adult to child ratios and group sizes but does not track the actual ratios or group sizes. SB 708 seeks to provide further data and information in regard to group sizes and adult/child ratios in Texas child-care centers. In addition, SB 708 will collect more data dealing with serious injuries and deaths in daycare centers.</p> <p>SB 708 directs HHSC, in collaboration with the Department of Family and Protective Services (DFPS), to collect, organize, and report the following data for licensed daycare centers on the HHSC website:</p> <ul style="list-style-type: none"> • Number of high or second highest priority investigations by HHSC or DFPS • Number of licensed daycare violations • Number of confirmed serious injuries of children • Number of child deaths <p>For the purposes of group sizes and adult to child ratios, during each inspection of a licensed daycare center, HHSC inspectors will collect the following data for groups of children 4 years or younger in each daycare center:</p> <ul style="list-style-type: none"> • Age of the children in the group • Number of children in the group • Number of caregivers supervising the group <p>HHSC shall submit an annual report to the legislature which includes the:</p> <ul style="list-style-type: none"> • Number of confirmed serious injuries and deaths for children 4 years or younger organized by each daycare center, including the ages of the children • Priority level of the investigation in response to the serious injury or death of a child • Number of investigations pertaining to a high or second-highest level priority for a child organized by age • Number of violations found during these investigations <p>Collecting this data regarding group sizes and adult to child ratios in addition to serious incidents in licensed daycare centers will provide necessary information for Texas to have informed child care policies and ensure the safety of</p>	<p>Favorable Evaluated by: Ali Schoon 515-313-3712 Ali@TexasLSG.org</p>

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			children in Texas daycares.	
<p>SB 38 By: Zaffirini Campbell</p> <p>Sponsor: Lozano Frullo</p>	<p>Relating to the offense of hazing.</p>	<p>Higher Education</p> <p>Vote: 6 Ayes 1 Nays 0 PNV 4 Absent</p>	<p>Currently, Texas' hazing statute fails to provide proper guidance on what conduct constitutes hazing and does not address adequately the dangers of alcohol and drug-related hazing. There have been at least 50 hazing-related deaths across the nation in the last 10 years and current law for venues, or locations, leaves open that the only court in which an instance of hazing may be prosecuted is one that has no geographic relationship to any of the parties involved.</p> <p>SB 38 will make clear definitions for hazing and coercing a student to consume alcohol or drugs to be classified as hazing. SB 38 will add clear standards for a person seeking immunity and define automatic immunity from criminal prosecution and civil liability as well as establish a person will not be granted automatic immunity for reporting his or her own act of hazing. SB 38 will establish in the case of prosecution of hazing offenses, venue or location is proper in the jurisdiction in which the offender and victim's institution is located, provided the prosecutor in the original jurisdiction consents. SB 38 will require institutions to distribute their hazing reports to students attending orientation and no later than 14 days prior to the start of every semester.</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org</p>
<p>SB 18 By: Huffman Nelson</p> <p>Sponsor: Geren</p>	<p>Relating to the protection of expressive activities at public institutions of higher education.</p>	<p>Higher Education</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 4 Absent</p>	<p>Currently there are concerns regarding restrictions on the right to free speech and related content on public institutions of higher education.</p> <p>SB 18 requires a public institution of higher education, with reasonable restrictions relating to time and place, to ensure that the common outdoor areas of the institution's campus are treated as if they are public forums and will permit any person to engage in expressive activities in those areas freely if the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the institution. SB 18 will require public institutions of higher education to protect the freedom of speech and assembly as part of their mission. SB 18 will require public institutions to create policies regarding expressive activities available to students enrolled and require the institution to develop materials, programs, and procedures made available by publication methods such as the student handbook, during orientation, and on the institution website. SB 18 will prohibit public institutions of higher education to act against a student or organization based on political, religious, philosophical, ideological, or academic viewpoints expressed by the organization based on their expressive activities.</p> <p>The concern with this bill is that, while college campuses should be an open learning environment for different ideas to be challenged, until there is full diverse representation from the institutions that will be creating and implementing policies for students' rights and responsibilities regarding expressive activities, there will be loopholes certain hate groups and organizations can utilize. These loopholes could allow targeted harassment from such students or organizations and create a pervasively hostile environment for vulnerable students which further hinders their safety on campus and is not conducive to learning. Colleges and universities are not undergoing a campus free speech crisis and instead should be required to recruit diverse faculty and administrators, not to silence free speech on campus, but to keep vulnerable populations of students in mind and raise awareness about the policy implementation for their student organizations.</p>	<p>Unfavorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org</p>
<p>SB 1283 By: Miles</p> <p>Sponsor: Wu Klick Rose</p>	<p>Relating to the availability under Medicaid of certain drugs used to treat human immunodeficiency virus or prevent acquired immune deficiency syndrome.</p>	<p>Public Health</p> <p>Vote: 10 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>Antiretrovirals (ARVs) are a part of the current standard treatment for HIV. The World Health Organization recommendations say that ARV therapy should be started as soon as possible after diagnosis. Doing so maximizes the suppression of the HIV virus and stops the progression of the disease.</p> <p>Currently, ARVs are protected under Texas Medicaid in practice. SB 1283 codifies these protections to ensure that any federal changes do not affect Texans abilities to access prescribed ARVs. To do so, SB 1283 prohibits the Executive Commissioner of the HHSC from creating rules or standards for the Medicaid vendor drug program that</p>	<p>Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org</p>

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			<p>requires any prior authorization for an antiretroviral drug that treats HIV or prevents AIDS. An MCO is also prohibited from requiring such a prior authorization that could restrict or delay the dispensing of the prescribed antiretroviral. The bill enumerates the specific antiretroviral drugs that are included in the codified definition.</p> <p>SB 1283 clarifies that if HHSC or other state agency needs federal authorization for the implementation of any provision of the bill, the agency will be permitted to delay implementation until the authorization is granted.</p>	
<p>SB 1640 By: Watson Bettencourt</p> <p>Sponsor: Phelan Murr Meyer Guerra Canales</p>	<p>Relating to the open meetings law.</p>	<p>State Affairs</p> <p>Vote: 13 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>SB 1640 would address issues with the Texas Open Meetings Act (TOMA) in response to the Court of Criminal Appeals decision determining the “walking quorum” prohibition as unconstitutional due to vague language. The “walking quorum” prohibition is meant to prevent members from discussing public business in a series of secret gatherings in small groups outside of a posted meeting to evade the open meetings requirement. SB 1640 places into statute more clear language to determine an offense violating TOMA. SB 1640 clarifies that a “deliberation” is a verbal or written communication between a quorum of members of the governmental body discussing an issue under the purview of that governmental body. This will ensure that text, email, social media, etc. exchanges between a quorum of members are included in types of communication which are prohibited under TOMA.</p> <p>SB 1640 amends current statute to establish that a member of a governmental body commits a criminal offense (\$500 fine and a maximum of six months in prison) by violating TOMA if they knowingly communicate (even once) in a series of communications with other members of the governmental body, which would be fewer than a quorum, about an issue within the purview of that governmental body. The involved individuals would have to know at the time of communication that involvement would be considered a deliberation had these communications occurred in a single instance with a quorum. Open meetings are crucial to ensuring the accountability of elected officials to the public and SB 1640 closes a loophole to uphold the original intent of TOMA.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>SB 449 By: Creighton</p> <p>Sponsor: Wray</p>	<p>Relating to testimony by an appraisal district employee as to the value of real property in certain ad valorem tax appeals.</p>	<p>Ways & Means</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 3 Absent</p>	<p>SB 449 addresses a judicial preference for testimony by appraisal district employees (including licensed, certified, temporary out-of-state, or supervised trainee) in regard to the value of real property for excessive or unequal appraisal appeals. This provision was enacted by the 84th session and is set to go into effect in 2020. SB 449 would repeal this section of the Tax Code regarding judicial preference that places the taxpayers at a disadvantage and thus would increase objectivity and credibility in the property value appeals process.</p>	<p>Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org</p>
<p>SB 952 By: Watson</p> <p>Sponsor: Lucio III Miller</p>	<p>Relating to standards for nutrition, physical activity, and screen time for certain child-care facilities and homes.</p>	<p>Human Services</p> <p>Vote: 7 Ayes 1 Nays 0 PNV 1 Absent</p>	<p>Learning healthy habits early in life can lead to better long term outcomes and child-care centers play an important role in providing healthy food and safe physical activities to children in their care. In addition, according to the CDC, 1 in 4 children ages 2-5 years old are obese. SB 952 seeks to impact childhood obesity and overall health by improving minimum standards for child-care centers (such as daycare centers or registered family homes) in regard to nutrition, physical activity, and screen time for children. SB 952 requires Texas minimum standards align with nationally recognized programs, providing clear guidance for child-care centers to follow. SB 952 ensures best practices for child-care centers for the health, safety, and well-being of children in their care.</p> <p>In regard to nutrition, SB 952 would require child-care centers to meet minimum standards as established by the Child and Adult Care Food Program administered by the U.S. Department of Agriculture. Child-care centers must meet the best practice standards for nutrition set forth by the program. However, child-care centers are not required to participate or comply with the reporting requirements of this program. This program provides multiple healthy food options and has nutrition requirements categorized by meal/snack which is easier for child-care centers to follow when planning and serving meals to children.</p>	<p>Favorable Evaluated by: Ali Schoon 515-313-3712 Ali@TexasLSG.org</p>

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			<p>In regard to physical activity and screen time, SB 952 would require child-care centers to meet minimum standards as published by the newest edition of <i>Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs</i> which is recommended by the American Academy of Pediatrics for quality standards in child care. For example, <i>Caring for Our Children</i> limits screen time for ages 2-5 years old to one hour and states that young toddlers and infants should not have screen time. Current minimum standards allow for two hours of screen time for the same age group which is twice the recommended time by a variety of nationally recognized organizations.</p> <p>SB 952 does allow for HHSC to give an exemption to child-care centers that have a reasonable inability to adopt these minimum standards. HHSC shall allow compliance to be met through alternative guidelines.</p> <p>Minimum standards for nutrition, physical activity, and screen time are already in place for child-care centers to comply with; SB 952 improves on those standards for the health, safety, and well-being of children in their care.</p>	
<p>SB 1092 By: Nichols</p> <p>Sponsor: Canales</p>	<p>Relating to certain contracts requiring competitive bidding by the Texas Department of Transportation.</p>	<p>Transportation</p> <p>Vote: 11 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>The current method of obtaining traffic control and safety devices through the Comptroller involves delays and additional costs which make the process inefficient. Materials are currently procured through the Comptroller's "Smart-Buy" program which forces TxDOT to go with the lowest bid. The choice could be 100 miles away if the unit cost is cheaper than local providers. The "Smart-Buy" program is beneficial for many state purchases but for TxDOT, it wastes time and resources to transport mass amounts of concrete, for example, 100 miles for each trip. The Smart-Buy system also charges an additional 1.5% for the materials or commodities; in 2017 the fee collected \$3.5 million that could have been used elsewhere.</p> <p>There are suggestions for the procurement of these devices through the same competitive bidding process used for state highway projects. SB 1092 requires Texas Department of Transportation (TxDOT) to submit for competitive bids to attain traffic control or safety devices to be used on highways in the state highway system. This saves taxpayer dollars, especially because TxDOT spends more money than other government agencies because they buy a huge amount of supplies for highway construction, road repair, and road safety.</p>	<p>Favorable</p> <p>Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>
<p>SB 2342 By: Creighton</p> <p>Sponsor: Leach</p>	<p>Relating to the jurisdiction of, and practices and procedures in civil cases before, justice courts, county courts, statutory county courts, and district courts.</p>	<p>Judiciary & Civil Jurisprudence</p> <p>Vote: 5 Ayes 2 Nays 0 PNV 2 Absent</p>	<p>County courts at law currently have the authority to expedite the resolution of cases that have \$100,000 dollars or less in dispute. Under the expedited rules, the discovery time frame is shorter and therefore allows cases to be resolved at a faster pace. Justice of the Peace courts currently have jurisdiction of claims that do not exceed \$10,000 dollars in dispute. However, there are concerns regarding the increase in court litigation that has resulted in delays and have caused some disputes to go unresolved.</p> <p>SB 2342 increases the jurisdiction of county courts as well as justice of the peace courts to alleviate certain costs associated with litigation. SB 2342 increases the jurisdictions of these courts by allowing the Supreme Court of Texas to apply expedited rules to cases that have \$250,000 dollars or less in dispute in county courts and increases the jurisdiction of the justice of the peace courts to handle cases with \$20,000 or less in dispute. SB 2342 also increases the amount of recovery from a civil case from \$200,000 to \$250,000 in county courts. By increasing the jurisdiction of these courts and applying the expedited rules, the cases within these courts will be shorter and therefore have less billable hours, lowering the costs of litigation.</p> <p>SB 2342 also has a provision that increases the number of jurors on these cases from 6 jurors to 12 in cases where \$250,000 or more is in dispute. SB 2342 sets out local provisions for specific counties and their juror requirements within the state.</p>	<p>Will of the House</p> <p>Evaluated by: Santiago Cernigliaro (713) 435- 9049 Santiago@TexasLSG.org</p>

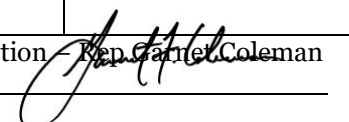
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			<p>There is a need to raise the jurisdictions within the courts to alleviate the costs and backlog, however, increasing the jurisdiction amounts and raising the juror composition potentially creates an unfunded mandate for the counties. By raising the jurisdictions of the courts, the lower filing fees will be applied to more cases and cause a decrease in revenue from the fees that would be applied to the cases with more money in dispute. There are also concerns that these courts only have jury boxes big enough for 6 jurors, increasing the jury sizes to 12 would require remodeling of the courtrooms. With the increase of cases going through these courts, the judges will require more staff to assist with the filing and the paperwork which is also not covered by the bill. All these expenses could potentially cost hundreds of thousands of dollars that counties do not have. Additionally, there are concerns that the cases with more than \$100,000 dollars in dispute are more complex cases. By applying the expedited rules to these more complex cases, there is less time to conduct discovery meaning that complex cases are being resolved faster but worked less diligently, adding room for errors and potentially not litigating the cases correctly.</p>	
<p>SB 1151 By: Huffman</p> <p>Sponsor: Longoria</p>	<p>Relating to the comptroller's access to criminal history record information of wrongfully imprisoned persons.</p>	<p>Appropriations</p> <p>Vote: 22 Ayes 0 Nays 0 PNV 5 Absent</p>	<p>SB 1151 would grant the Comptroller of Public Accounts (CPA) access to the Department of Public Safety's Criminal Justice Information Service System to perform administrative searches on the recipients of wrongful imprisonment compensation. Under the Tim Cole Act, the CPA is responsible for the annuity payments of those who are receiving wrongful imprisonment compensation. Under this Act, if an individual who is receiving these payments is convicted of a felony, annuity payments are immediately terminated.</p> <p>Currently, the CPA contacts TDCJ to confirm if any wrongful imprisonment claimants have been convicted of a felony. Under this process, it is possible for there to be a period of time from when a claimant is convicted to when they are entered into the TDCJ system that the claimant is receiving payments that should have been terminated. Allowing the CPA the authority to perform these searches on the claimants will allow the agency to have access to this information at an earlier point so the CPA can terminate payments immediately. This bill will reduce the interagency delay, increase efficiency at CPA and save the state money.</p>	<p>Favorable Evaluated by: Brittany Sharp (210) 748-0646 Brittany@TexasLSG.org</p>
<p>SB 1207 By: Perry</p> <p>Sponsor: Krause Parker Leach Davis, Sarah</p>	<p>Relating to the operation and administration of Medicaid, including the Medicaid managed care program and the medically dependent children (MDCP) waiver program.</p>	<p>Insurance</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>SB 1207 directs HHSC by rule to increase the maximum family income for determining eligibility for families with disabled children for Medicaid managed care organization (MCO). The provision included would facilitate more transparency as well as streamlined access to information from the Health and Human Services Commission (HHSC) fir recipients regarding care, programming, and long-term solutions for their needs.</p> <p>The following would be added or amended into Code:</p> <ul style="list-style-type: none"> • If a recipient is denied or an application is incomplete, as determined by HHSC, the commission will send notice to the family and the provider. In these notices, the family will have an easy to understand guide paired with information necessary to rectify the incomplete application or reasoning for denial. The provider will be provided a detailed, clinical explanation for denial of the family. • An internet accessible list of providers with applicable timelines for prior authorization and up-to-date coverages will be maintained by each Medicaid managed care organization. • Medicaid MCO will go under external medical review from an unaffiliated third party to determine justifications of various decisions made by the managed care program. • If a child becomes ineligible for a medically dependent child waiver, the authorized representative of the child may place the child on another waiver program list for long-term care. • A child under reassessment by the Medicaid care program may have an assessment disputed or appealed by the authorized representative and is entitled to peer-to-peer review. • Medically dependent children waiver programs will be subject to review from an external quality review organization annually. Results are submitted to the governor. • Improvement of care assessment tools as well as s streamlining of annual reassessments; make a Medicaid escalation hotline available via telephone for recipients to receive information. 	<p>Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org</p>

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			<ul style="list-style-type: none"> • HHSC and the MCO before administering an adverse decision regarding services after a prior authorization request must offer the opportunity to discuss with the physician and organize a review of this determination. • Reconsideration is allowed by the provider on behalf of the recipient. • MCOs will in good-faith, assist recipients with the receipt of Medicaid wrap-around services. 	
<p>SB 1376 By: Paxton</p> <p>Sponsor: Patterson González, Mary Ashby VanDeaver</p>	<p>Relating to eliminating certain requirements imposed on school districts and other educational entities.</p>	<p>Public Education</p> <p>Vote: 12 Ayes 1 Nays 0 PNV 0 Absent</p>	<p>In the summer of 2018, a work group was created titled the K-12 Improvement, Innovation, and Mandate Relief work group. This work group represents educator labor groups, teachers, school administrators, and policy organizations to address unnecessary mandates and focus on improving polices for student outcomes. This workgroup outlined several recommendations that focuses on 5 areas of issue: data collection, reporting and utilization; school operations, student pathways, course offerings, and public school options; teacher quality; and classroom conduct and school discipline.</p> <p>SB 1376 will repeal the submission of local depository contracts to TEA since the process is repetitive and school districts must already have these contracts verified by their independent auditors.</p> <p>SB 1376 will require a notice of a charter application to be given to superintendents, in a school district for the establishment of a charter school. This notice will include information about when and where a new charter will be opening to the superintendents of a school district.</p> <p>SB 1376 will remove the High School Completion and Success Council which was a council that has not been funded in the last two biennia and has no longer provided outcomes.</p> <p>SB 1376 will change the name of the <i>master reading teacher grant program</i> to <i>master teacher grant program</i> to expand on the applicability of the master teacher grant program to include the subjects of mathematics, technology, and science.</p> <p>SB 1376 will require the University Interscholastic League (UIL) instead of the commissioner of education to create and implement an extracurricular activity safety training program and require the UIL to provide the training to students who participate in athletic extracurricular activities. The program will be conducted by the UIL, or by the American Red Cross, American Heart Association or a similar organization that the UIL deems acceptable.</p> <p>SB 1376 will require certain governmental entities to establish a recycling program and give preference to products made from recycled materials when purchasing. SB 1376 additionally will allow the Texas Commission on Environmental Quality (TCEQ) to determine exemptions from the recycling program on certain criteria:</p> <ul style="list-style-type: none"> • A municipality with a population less than 5,000 if TCEQ determines it would create a hardship on them • A school district with a student enrollment of less than 10,000 students 	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org</p>
<p>SB 943 By: Watson Buckingham Hinojosa Rodríguez</p> <p>Sponsor: Capriglione Phelan </p>	<p>Relating to the disclosure of certain contracting information under the public information law.</p>	<p>State Affairs</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 4 Absent</p>	<p>SB 943 would increase transparency and accountability in state and local government contracting to avoid waste, fraud, and abuse. SB 943 addresses two Texas Supreme Court rulings from 2015 (the Boeing ruling and the Greater Houston Partnership ruling) that severely limited government contracting records that can be obtained under the Texas Public Information Act (PIA).</p> <p>SB 943 will require contracting information, unless considered to be truly proprietary and needs to remain undisclosed in order to foster competition, to be released under PIA. SB 943 will accomplish this by:</p> <ul style="list-style-type: none"> • Restoring the competition or bidding exception to its longstanding interpretation so that only 	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

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Wilson			<p>governmental bodies may raise it;</p> <ul style="list-style-type: none"> • Creating a new exception for contractors' proprietary information that's shared with a governmental body through the bid and solicitation process; • Updating the trade secrets exception to include the definition of "trade secret" in the Texas Civil Practice & Remedies Code; • Ensuring that contractors cannot raise the propriety information or trade secrets exception to block the public's access to key contract terms and information indicating whether or not a contractor performed its duties under the contract; • Adding private prisons, private civil commitment facilities, and Alamo managers to the list of "governmental bodies" in the PIA; • Providing a safe harbor that excludes economic development entities that maintain independence from the governmental bodies with which they do business from the definition of "governmental body" in the PIA; and • Requiring other contractors to maintain information about their government contracts and share it with the governmental body if the governmental body needs it to respond to a PIA request it receives. 	
<p>SB 1680 By: West Sponsor: Rose</p>	<p>Relating to the approval of certain private or independent institutions of higher education to participate in the tuition equalization grant program.</p>	<p>Higher Education Vote: 8 Ayes 0 Nays 0 PNV 3 Absent</p>	<p>The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) allows institutions to attain accreditation, as it is a statutory requirement, for private or independent institutions of higher education in Texas to receive funds from the Texas Tuition Equalization Grant (TEG). Paul Quinn College (PQC) is a private liberal arts college and they relinquished their SACSCOC accreditation in 2011 so they no longer receive TEG funding for their eligible students. PQC is a nationally accredited institution and in the last four years has introduced a new model of higher education: the urban "work college". The US Department of Education acknowledged PQC as the first urban Work College in Texas and one of eight in the country.</p> <p>SB 1680 allows the Texas Higher Education Coordinating Board (THECB) to approve TEG funding for a private or independent institution of higher education in Texas for schools that:</p> <ul style="list-style-type: none"> • Previously qualified but no longer holds the same accreditation as public institutions of higher education • Currently are accredited by an accreditor that is recognized by the THECB • Currently are designated as a Work College • Currently participating in a federal financial aid program 	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org</p>
<p>SB 733 By: Perry Flores Sponsor: Cyrier</p>	<p>Relating to the authorization of a fee for participation in the Managed Lands Deer Program.</p>	<p>Culture, Recreation & Tourism Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>The Texas Parks and Wildlife Department (TPWD) Managed Lands Deer Program (MLDP) established in 2018 to foster sustainable stewardship of native wildlife on private lands. Landowners enroll in one of two options, allowing them extending seasons and adjusted harvest limits. The MLDP currently operates without the ability to charge a fee and the administrative cost is making the program financial unfeasible.</p> <p>SB 733 authorizes the TPWD to provide for the assessment of and the ability to impose, participation fees for the MLDP or its successor. The bill further dictates the commission will adopt rules to implement the program as well as remit the fees to the Game, Fish and Water Safety account, less allowable costs.</p>	<p>Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org</p>

<p>SB 810 By: Perry Flores</p> <p>Sponsor: Cyrier Larson Price King, Tracy O. Paddie</p>	<p>Relating to the identification of breeder deer.</p>	<p>Culture, Recreation & Tourism</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>SB 810 revises the identification requirements for breeder deer as concerns have been raised regarding the ability to accurately identify these deer for the purpose of Chronic Wasting Disease tracking and mitigation. Current regulations by the Texas Parks and Wildlife Department (TPWD) require breeder deer held within a permitted facility be properly tagged (single, reasonably visible, durable tag with unique, 4-digit TPWD identification number) no later than March 31st following the year of birth. The current regulations also specify an additional required tattoo marker matching the unique TPWD ID number before the animal is released from the facility. Because of the discrepancy in deadlines for the tags versus tattoos, breeder deer, lacking this second, permanent identifying mark, can and have been known to escape from facilities. Ranchers, landowners, and TPWD rely on a reliable method of identification to assess and track the spread of Chronic Wasting Disease.</p> <p>SB 810 would require both the tattoo and tag to be applied prior to March 31st of the year following birth and would update the specifications of the TPWD approved tags. The bill would mandate a 5-digit unique TPWD code to be applied to the front of the tag, while still allowing for an additional owner-specified ID number on the tag face. SB 810 requires TPWD to maintain a database with unique identifiers. The bill further clarifies an electronic identification device may be used but is not considered sufficient for ID compliance, though TPWD must consider this as evidence of positive identification before making a determination to destroy a deer.</p> <p>The provisions of the bill would apply only to those deer born after January 1, 2020. The bill includes provisions for replacement tags but does not require nor limit the owner's right to remove the tag upon release.</p>	<p>Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org</p>
<p>SB 1096 By: Perry</p> <p>Sponsor: Oliverson Coleman Sheffield Leach</p>	<p>Relating to certain benefits provided through the Medicaid managed care program, including pharmacy benefits.</p>	<p>Public Health</p> <p>Vote: 10 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>Definition of Terms</p> <ul style="list-style-type: none"> • <u>prior authorization</u> - a requirement from an insurer that a health care provider must have approval from the insurer before providing certain procedures, medication, or other services to the patient. • <u>MCO</u> - an organization that contracts with HHSC to offer health care plans. PBM's process prescription medication claims, review drug utilization, develop drug formularies, and other prescription drug related responsibilities. • <u>drug formulary</u> - a list of prescription drugs that are covered by a prescription drug plan which can be implemented by an MCO or PBM. • <u>vendor drug program</u> - the centralized Texas Medicaid formulary to which all MCOs and PBM's are required to adhere. This includes all MCOs and PBM's who participate in the STAR Kids program. Certain drugs on the Medicaid formulary may need one or both types of prior authorization, whether clinical or non-preferred. • <u>fail-first or step therapy</u> - a set of requirements that a patient must attempt cheaper drug therapies and fail on each before being granted authorization for the originally prescribed medication <p>The Texas STAR Kids managed care program includes children and young adults under 21 with disabilities and serves about 5,500 individuals. SB 1096 requires HHSC to perform a utilization review of those enrolled in the STAR Kids managed care program. The review will be conducted every two years with a sample of children enrolled in the program. It aims to verify that any required clinical prior authorizations are not being used as a barrier to access to care and that the authorizations are being based on publicly available clinical criteria. Prior authorizations often serve as a way for the insurer to restrict costly services and therapies. Often, the preauthorization acts as a barrier to patient's access to necessary services. A 2010 study by the American Medical Association shows that two-thirds of physicians reported waiting several days to receive prior authorization and a tenth waited more than a week. This can delay important medical services or medication for a patient. Currently, the federal Medicaid Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefit requires</p>	<p>Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org</p>

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			<p>comprehensive and preventative health care services for all Medicaid enrollees under the age of 21. There are concerns that certain requirements or barriers for prior authorization can be harmful to patients and may be in violation of the EPSDT. Fail-first or step therapy requirements imposed by insurers state that a patient must first attempt cheaper drug therapies before being granted authorization for the originally prescribed medication. This can cause preventable and unnecessary health outcomes, including adverse drug reactions, ER visits, or hospitalization.</p> <p>SB 1096 also adds the requirement that prohibits the managed care organization (MCO) or the pharmacy benefit manager (PBM) from requiring prior authorization other than clinical prior authorization or prior authorization required by HHSC for a drug prescribed to a child in the STAR Kids program if the drug is on the vendor drug program formulary or the preferred drug list.</p> <p>The MCO or PBM may not impose any other barriers to a such a drug prescribed to an eligible child in the STAR Kids program. The MCO or PBM is required to provide for the continued access of such a prescribed drug for the child regardless of the drug's status on the vendor drug program or MCO's own formulary. The MCO or PBM is prohibited from using a protocol that requires a drug treatment program other than the one recommended by the child's physician as a requirement for coverage of the drug. These requirements and prohibitions imposed on an MCO or PBM will be enumerated in their contract with HHSC.</p> <p>If any MCO or PBM violates these provisions, they will be liable for payment of the penalties enumerated in their contract with HHSC. The penalty will be imposed per violation and in an amount proportionate to the forecasted damages.</p> <p>SB 1096 clarifies that if HHSC or other state agency needs federal authorization for the implementation of any provision of the bill, the agency will be permitted to delay implementation until the authorization is granted. Additionally, HHSC is only required to implement provisions of this bill if the necessary legislative appropriations are made. If such appropriations are not made, HHSC is allowed to determine whether or not the agency will implement the provisions using other available funds.</p>	
<p>SB 1840 By: Hinojosa</p> <p>Sponsor: Murr</p>	<p>Relating to the assistance and technology fund and use of money in the fund.</p>	<p>Judiciary & Civil Jurisprudence</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>Currently the Technology Fund for Justice provides for the cost of continuing education and training for judges and the purchase of technological enhancements in courts. To provide for the fund, those convicted of a misdemeanor offense pay \$4 dollars as part of their court fees and that is deposited into the fund. However, due to technological advances, additional staff and additional education is needed to maintain proper efficiency in the court.</p> <p>SB 1840 expands the use of the technology fund to cover the cost of providing additional court staff and training for court personnel. Additionally, SB 1840 applies this fund to all counties by removing the population cap. SB 1840 allows for courts across the state to be up to date with technology and train all staff to use this technology therefore allowing courts to be efficient.</p>	<p>Favorable Evaluated by: Santiago Cernigliaro (713) 435- 9049 Santiago@TexasLSG.org</p>
<p>SB 436 By: Nelson</p> <p>Sponsor: Price Rose Minjarez Sheffield VanDeaver</p>	<p>Relating to statewide initiatives to improve maternal and newborn health for women with opioid use disorder.</p>	<p>Public Health</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 4 Absent</p>	<p>The National Institute on Drug Abuse stated that in 2017, Texas had 1,458 deaths due to opioid overdoses. 1 in 9 Texans suffer from Substance Abuse Disorder, and in 2014 alone, the state spent over \$2 billion in opioid-related health care costs. Between 1999 and 2014, the country saw the rate of opioid abuse among women delivering babies quadrupled. One of the recommended treatments for opioid abuse disorder is medication-assisted treatment (MAT) which combines behavioral therapy and pharmaceutical therapy.</p> <p>Neonatal Abstinence Syndrome (NAS) occurs when a baby suffers from opioid withdrawal as a result of being born to an opioid-using pregnant woman. Opioid, including heroin and misused prescription drugs, can cross the placenta and affect the fetus. Consequently, when the baby is born, because it has been removed from the opioid-saturated environment of the mother's body, 60-94% of the time, baby will begin to experience withdrawal symptoms, or NAS. Symptoms of NAS include sweating, irritability, feeding problems, and seizures. Infants who are</p>	<p>Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org</p>

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			<p>born with NAS require prolonged hospitalization and treatment with medication. NAS can be emotionally and financially taxing on families and communities with the average hospital stay lasting 20 days and costing over \$30,000. For reference, a typical birth is about \$9000. Within the past five years, Texas has seen a 60% increase in newborns suffering from NAS.</p> <p>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. Through improved health care that is optimized for mothers and babies affected by opioid use disorder and that offers effective treatments such as MAT alongside provider support, Texas can reduce the number of women and children that see negative health and live outcomes as a result of opioid use disorder.</p> <p>SB 436 requires DSHS to collaborate with the Maternal Mortality and Morbidity Task Force to develop and implement initiatives to improve outreach and outcomes for women with opioid use disorder. To do so, DSHS must seek to help women with opioid use disorder by:</p> <ul style="list-style-type: none"> • improving screening procedures for identification and care of the disorder • improve continuity of care by ensuring that the women are referred to and receive appropriate treatment • optimizing health care provided to pregnant women • optimizing health care provided to newborns with neonatal abstinence syndrome (NAS) • increasing access to medication-assisted treatment (MAT) during pregnancy and postpartum • preventing opioid disorder by reducing the number of opioid drugs prescribed during the perinatal period (before, during, and after pregnancy) <p>DSHS is allowed to conduct a pilot program at certain hospitals with expertise caring for newborns with NAS before implementing any of these initiatives. SB 436 also requires DSHS to promote and facilitate use of maternal health informational materials by healthcare providers to promote maternal care best practices for women with opioid abuse disorder.</p> <p>DSHS will be responsible for submitting to the appropriate committees of the Legislature a report evaluating the outcomes of each of these initiatives and the pilot program, if implemented.</p>	
<p>SB 1947 By: Watson Sponsor: Sheffield</p>	<p>Relating to the regulation of the prescribing and dispensing of controlled substances by veterinarians.</p>	<p>Agriculture & Livestock</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>Currently federal law requires controlled drug distributors to submit information to the DEA through the Automation of Reports and Consolidated Orders System (ARCOS). Wholesale drug distributors are required to maintain a database of drug orders to help identify a suspicious order and track every unit of a controlled substance. Currently, the same information that the wholesale drug distributors submit to the DEA ARCOS system is also required to be submitted to the Texas State Board of Pharmacy, but they are not utilizing this data to track veterinary drug orders and could create a gap for investigating suspicious activity.</p> <p>SB 1947 will require the wholesale drug distributor information data that is reported to be available the Texas Board of Veterinary Medical Examiner (TBVME) for routine inspections and investigations.</p> <p>SB 1947 will require a veterinarian to complete two hours of continuing education related to opioid abuse and controlled substance diversion, inventory, and security every two years to renew their veterinary practicing license.</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org</p>

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<p>SB 2075 By: Paxton</p> <p>Sponsor: Miller</p>	<p>Relating to public school compliance with dyslexia screening, reading instrument requirements, and a requirement that a school district notify certain parents or guardians of a program providing students with reading disabilities the ability to borrow audiobooks free of charge.</p>	<p>Public Education</p> <p>Vote: 11 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>Currently the TEA commissioner is not required to report through the Public Education Information Management System (PEIMS) on information regarding the number of students enrolled in the district or school who are identified as having dyslexia nor is screening for students with dyslexia and related disorders mandatory. Students with dyslexia have specific needs that are currently not being properly addressed.</p> <p>SB 2075 will ensure that screening and treatment for dyslexia and related disorders are properly addressed in schools by requiring the TEA to monitor school district compliance and to provide parents or guardians of the students' information about the Texas State Library Archives Commission program which provides free access to audio books. Additionally, SB 2075 will require the TEA commissioner to have each school district and open-enrollment charter school report through PEIMS on the number of students enrolled in the district or school who are identified as having dyslexia.</p>	<p>Favorable</p> <p>Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org</p>
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