

Suspending limitations on conference committee
jurisdiction, S.B. No. 20 (Huffman/Thompson of Harris)

By: Thompson of Harris

H.R. No. 2198

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 86th Legislature, Regular Session, 2019, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on Senate Bill 20 (the prevention of,
6 reporting regarding, investigation of, prosecution of, criminal
7 and civil penalties for, and other consequences of prostitution,
8 trafficking of persons, and related criminal offenses, to
9 treatment, services, and compensation available to victims of those
10 offenses, and to orders of nondisclosure for certain persons who
11 are victims of certain of those offenses) to consider and take
12 action on the following matters:

13 (1) House Rule 13, Sections 9(a)(1) and (3), are suspended
14 to permit the committee to change, alter, or amend text and to add
15 text on a matter not in disagreement in the transition language
16 provided by proposed SECTION 2.06 of the senate engrossment of
17 Senate Bill 20 and provided by the corresponding section of the bill
18 as the bill was amended by the house, to read as follows:

19 SECTION 2.06. (a) Except as provided by Subsection (b) of
20 this section, the change in law made by this article applies only to
21 an offense committed on or after the effective date of this Act. An
22 offense committed before the effective date of this Act is governed
23 by the law in effect on the date the offense was committed, and the
24 former law is continued in effect for that purpose. For purposes of

1 this section, an offense was committed before the effective date of
2 this Act if any element of the offense occurred before that date.

3 (b) Subsection (a) of this section does not apply to Section
4 402.035(f-3), Government Code, as added by this article.

5 Explanation: This change is necessary to provide for a
6 transition for Section 402.035(f-3), Government Code, as added by
7 the house.

8 (2) House Rule 13, Section 9(a)(4), is suspended to permit
9 the committee to add text on a matter not included in either the
10 house or senate version of the bill by adding the following new
11 ARTICLES to the bill:

12 ARTICLE 5. SEX TRAFFICKING PREVENTION AND VICTIM TREATMENT PROGRAMS

13 SECTION 5.01. Subtitle B, Title 2, Health and Safety Code,
14 is amended by adding Chapter 50 to read as follows:

15 CHAPTER 50. SEX TRAFFICKING PREVENTION AND VICTIM TREATMENT
16 PROGRAMS

17 SUBCHAPTER A. TREATMENT PROGRAM FOR VICTIMS OF CHILD SEX
18 TRAFFICKING

19 Sec. 50.0001. DEFINITIONS. In this subchapter:

20 (1) "Child sex trafficking" has the meaning assigned
21 by Section 772.0062, Government Code.

22 (2) "Program" means the treatment program for victims
23 of child sex trafficking established under this subchapter.

24 Sec. 50.0002. ESTABLISHMENT; PURPOSE. The commission, in
25 collaboration with the institution designated under Section
26 50.0003, shall establish a program to improve the quality and
27 accessibility of care for victims of child sex trafficking in this

1 state.

2 Sec. 50.0003. DESIGNATION OF INSTITUTION; OPERATION OF
3 PROGRAM. (a) The commission shall designate a health-related
4 institution of higher education to operate the program.

5 (b) The designated institution shall improve the quality
6 and accessibility of care for victims of child sex trafficking by:

7 (1) dedicating a unit at the institution to provide or
8 contract for inpatient care for victims of child sex trafficking;

9 (2) dedicating a unit at the institution to provide or
10 contract for outpatient care for victims of child sex trafficking;

11 (3) creating opportunities for research and workforce
12 expansion related to treatment of victims of child sex trafficking;
13 and

14 (4) assisting other health-related institutions of
15 higher education in this state to establish similar programs.

16 (c) The commission shall solicit and review applications
17 from health-related institutions of higher education before
18 designating an institution under this section.

19 Sec. 50.0004. FUNDING. In addition to money appropriated
20 by the legislature, the designated institution may accept gifts,
21 grants, and donations from any public or private person for the
22 purpose of carrying out the program.

23 Sec. 50.0005. RULES. The executive commissioner shall
24 adopt rules necessary to implement this subchapter.

25 SUBCHAPTER B. MATCHING GRANT PROGRAM FOR MUNICIPAL SEX TRAFFICKING
26 PREVENTION PROGRAMS

27 Sec. 50.0051. ESTABLISHMENT OF MATCHING GRANT PROGRAM. (a)

1 The commission shall establish a matching grant program to award to
2 a municipality a grant in an amount equal to the amount committed by
3 the municipality for the development of a sex trafficking
4 prevention needs assessment. A municipality that is awarded a
5 grant must develop the needs assessment in collaboration with a
6 local institution of higher education and on completion submit a
7 copy of the needs assessment to the commission.

8 (b) A sex trafficking prevention needs assessment developed
9 under Subsection (a) must outline:

10 (1) the prevalence of sex trafficking crimes in the
11 municipality;

12 (2) strategies for reducing the number of sex
13 trafficking crimes in the municipality; and

14 (3) the municipality's need for additional funding for
15 sex trafficking prevention programs and initiatives.

16 Sec. 50.0052. APPLICATION. (a) A municipality may apply to
17 the commission in the form and manner prescribed by the commission
18 for a matching grant under this subchapter. To qualify for a grant,
19 an applicant must:

20 (1) develop a media campaign and appoint a municipal
21 employee to oversee the program; and

22 (2) provide proof that the applicant is able to obtain
23 or secure municipal money in an amount at least equal to the amount
24 of the awarded grant.

25 (b) The commission shall review applications for a matching
26 grant submitted under this section and award matching grants to
27 each municipality that demonstrates in the application the most

1 effective strategies for reducing the number of sex trafficking
2 crimes in the municipality and the greatest need for state funding.

3 (c) The commission may provide a grant under Subsection (b)
4 only in accordance with a contract between the commission and the
5 municipality. The contract must include provisions under which the
6 commission is granted sufficient control to ensure the public
7 purpose of sex trafficking prevention is accomplished and the state
8 receives the return benefit.

9 Sec. 50.0053. FUNDING. In addition to money appropriated
10 by the legislature, the commission may solicit and accept gifts,
11 grants, or donations from any source to administer and finance the
12 matching grant program established under this subchapter.

13 SUBCHAPTER C. SEX TRAFFICKING PREVENTION GRANT PROGRAM FOR LOCAL
14 LAW ENFORCEMENT

15 Sec. 50.0101. ESTABLISHMENT OF GRANT PROGRAM. (a) The
16 office of the governor, in collaboration with the Child Sex
17 Trafficking Prevention Unit established under Section [772.0062](#),
18 Government Code, shall establish and administer a grant program to
19 train local law enforcement officers to recognize signs of sex
20 trafficking.

21 (b) The office of the governor may establish eligibility
22 criteria for a grant applicant.

23 (c) A grant awarded under this section must include
24 provisions under which the office of the governor is provided
25 sufficient control to ensure the public purpose of sex trafficking
26 prevention is accomplished and the state receives the return
27 benefit.

1 Sec. 50.0102. FUNDING. In addition to money appropriated
2 by the legislature, the office of the governor may solicit and
3 accept gifts, grants, or donations from any source to administer
4 and finance the grant program established under this subchapter.

5 SECTION 5.02. As soon as practicable after the effective
6 date of this Act:

7 (1) the executive commissioner of the Health and Human
8 Services Commission shall adopt rules as necessary to implement
9 Subchapters A and B, Chapter 50, Health and Safety Code, as added by
10 this article; and

11 (2) the governor shall adopt rules as necessary to
12 implement Subchapter C, Chapter 50, Health and Safety Code, as
13 added by this article.

14 SECTION 5.03. A state agency is required to implement a
15 provision of this article only if the legislature appropriates
16 money to the agency specifically for the purpose of implementing
17 the applicable provision. If the legislature does not appropriate
18 money specifically for the purpose of implementing the applicable
19 provision, the agency may, but is not required to, implement the
20 provision using other appropriations available for that purpose.

21 ARTICLE 6. PROHIBITION ON CERTAIN BIDS AND CONTRACTS RELATED TO
22 PERSONS INVOLVED IN HUMAN TRAFFICKING

23 SECTION 6.01. Subchapter A, Chapter 2155, Government Code,
24 is amended by adding Section 2155.0061 to read as follows:

25 Sec. 2155.0061. PROHIBITION ON CERTAIN BIDS AND CONTRACTS
26 RELATED TO PERSONS INVOLVED IN HUMAN TRAFFICKING. (a) A state
27 agency may not accept a bid or award a contract, including a

1 contract for which purchasing authority is delegated to a state
2 agency, that includes proposed financial participation by a person
3 who, during the five-year period preceding the date of the bid or
4 award, has been convicted of any offense related to the direct
5 support or promotion of human trafficking.

6 (b) A bid or award subject to the requirements of this
7 section must include the following statement:

8 "Under Section 2155.0061, Government Code, the vendor
9 certifies that the individual or business entity named in this bid
10 or contract is not ineligible to receive the specified contract and
11 acknowledges that this contract may be terminated and payment
12 withheld if this certification is inaccurate."

13 (c) If a state agency determines that an individual or
14 business entity holding a state contract was ineligible to have the
15 bid accepted or contract awarded under this section, the state
16 agency may immediately terminate the contract without further
17 obligation to the vendor.

18 (d) This section does not create a cause of action to
19 contest a bid or award of a state contract.

20 SECTION 6.02. Section 2155.077(a-1), Government Code, is
21 amended to read as follows:

22 (a-1) The commission shall bar a vendor from participating
23 in state contracts that are subject to this subtitle, including
24 contracts for which purchasing authority is delegated to a state
25 agency, if the vendor has been:

26 (1) convicted of violating a federal law in connection
27 with a contract awarded by the federal government for relief,

1 recovery, or reconstruction efforts as a result of Hurricane Rita,
2 as defined by Section 39.459, Utilities Code, Hurricane Katrina, or
3 any other disaster occurring after September 24, 2005; ~~or~~

4 (2) assessed a penalty in a federal civil or
5 administrative enforcement action in connection with a contract
6 awarded by the federal government for relief, recovery, or
7 reconstruction efforts as a result of Hurricane Rita, as defined by
8 Section 39.459, Utilities Code, Hurricane Katrina, or any other
9 disaster occurring after September 24, 2005; or

10 (3) convicted of any offense related to the direct
11 support or promotion of human trafficking.

12 SECTION 6.03. Section 2155.0061, Government Code, as added
13 by this article, applies only in relation to a state contract for
14 which the request for bids or proposals or other applicable
15 expressions of interest are made public on or after the effective
16 date of this Act.

17 SECTION 6.04. Section 2155.077, Government Code, as amended
18 by this article, applies only to a contract entered into on or after
19 the effective date of this Act.

20 Explanation: The addition is necessary to add programs for
21 sex trafficking prevention and sex trafficking victim treatment and
22 to prohibit certain bids and contracts related to persons involved
23 in human trafficking.