

1-1 By: Creighton S.B. No. 1443
 1-2 (In the Senate - Filed March 8, 2017; March 20, 2017, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 May 8, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 3; May 8, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15	X			
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1443 By: Taylor of Collin

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to electronic benefits transfer cards used by recipients
 1-22 of benefits under certain assistance programs.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter B, Chapter 531, Government Code, is
 1-25 amended by adding Section 531.0911 to read as follows:

1-26 Sec. 531.0911. PHOTOGRAPH AND OTHER INFORMATION ON CERTAIN
 1-27 ELECTRONIC BENEFITS TRANSFER CARDS. (a) In this section:

1-28 (1) "Financial assistance program" means the
 1-29 financial assistance program established under Chapter 31, Human
 1-30 Resources Code.

1-31 (2) "Recipient" means a person who receives benefits
 1-32 under the financial assistance program or the supplemental
 1-33 nutrition assistance program.

1-34 (3) "Supplemental nutrition assistance program" has
 1-35 the meaning assigned by Section 33.0005, Human Resources Code.

1-36 (b) Subject to Subsection (d), the commission shall ensure
 1-37 that the front side of each electronic benefits transfer card used
 1-38 by a recipient for purposes of receiving benefits under the
 1-39 financial assistance program or the supplemental nutrition
 1-40 assistance program displays:

1-41 (1) the name and photograph of the recipient;

1-42 (2) the words "Fraud Hotline" followed by the
 1-43 telephone number of the commission's toll-free hotline for
 1-44 reporting suspected fraud required under Section 531.108(b)(2);
 1-45 and

1-46 (3) the Internet website address maintained by the
 1-47 commission for the purpose of allowing persons to report suspected
 1-48 fraud in either the financial assistance program or the
 1-49 supplemental nutrition assistance program.

1-50 (c) The Department of Public Safety shall provide to the
 1-51 commission the photograph of a recipient that the department has in
 1-52 its records for purposes of complying with Subsection (b)(1). The
 1-53 commission and the department may enter into a memorandum of
 1-54 understanding for purposes of this subsection.

1-55 (d) A recipient is exempt from the photograph requirement
 1-56 imposed by Subsection (b) if:

1-57 (1) the recipient is:

1-58 (A) 65 years of age or older;

1-59 (B) younger than 19 years of age;

1-60 (C) blind;

- 2-1 (D) disabled;
- 2-2 (E) a victim of domestic violence;
- 2-3 (F) homeless; or
- 2-4 (G) issued the electronic benefits transfer card
- 2-5 at a field, regional, or other local commission office; or
- 2-6 (2) the Department of Public Safety does not have a
- 2-7 photograph of the recipient available.
- 2-8 (e) The executive commissioner may adopt rules necessary to
- 2-9 implement this section.

2-10 SECTION 2. Section 730.007(c), Transportation Code, is

2-11 amended to read as follows:

2-12 (c) This section does not:

2-13 (1) prohibit the disclosure of a person's photographic

2-14 image to:

2-15 (A) a law enforcement agency, the Texas

2-16 Department of Motor Vehicles, a county tax assessor-collector, or a

2-17 criminal justice agency for an official purpose;

2-18 (B) an agency of this state investigating an

2-19 alleged violation of a state or federal law relating to the

2-20 obtaining, selling, or purchasing of a benefit authorized by

2-21 Chapter 31 or 33, Human Resources Code; ~~or~~

2-22 (C) an agency of this state investigating an

2-23 alleged violation of a state or federal law under authority

2-24 provided by Title 4, Labor Code; or

2-25 (D) the Health and Human Services Commission for

2-26 use on an electronic benefits transfer card as required by Section

2-27 531.0911, Government Code; or

2-28 (2) prevent a court from compelling by subpoena the

2-29 production of a person's photographic image.

2-30 SECTION 3. (a) Except as provided by Subsection (b) of

2-31 this section:

2-32 (1) notwithstanding Section 531.0911, Government

2-33 Code, as added by this Act, the Health and Human Services Commission

2-34 is not required to issue electronic benefits transfer cards that

2-35 comply with that section until September 1, 2018, but is required to

2-36 begin issuing cards that comply with that section beginning on that

2-37 date; and

2-38 (2) the commission shall ensure that on or before

2-39 August 31, 2020, each electronic benefits transfer card used to

2-40 deliver benefits to recipients under the financial assistance

2-41 program under Chapter 31, Human Resources Code, or the supplemental

2-42 nutrition assistance program under Chapter 33, Human Resources

2-43 Code, conforms to Section 531.0911, Government Code, as added by

2-44 this Act.

2-45 (b) The Health and Human Services Commission is required to

2-46 implement this Act only if the legislature appropriates money

2-47 specifically for that purpose. If the legislature does not

2-48 appropriate money specifically for that purpose, the commission

2-49 may, but is not required to, implement this Act using other

2-50 appropriations available for the purpose.

2-51 SECTION 4. If before implementing any provision of this Act

2-52 a state agency determines that a waiver or authorization from a

2-53 federal agency is necessary for implementation of that provision,

2-54 the agency affected by the provision shall request the waiver or

2-55 authorization and may delay implementing that provision until the

2-56 waiver or authorization is granted.

2-57 SECTION 5. This Act takes effect September 1, 2017.

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