TPSC TEXAS LEGISLATIVE UPDATE - 5/28/2019

Final Texas Legislative Update for 2019 Session

Calendar for Week Ahead

- The House has adjourned Sine Die.
- The Senate adjourned Sine Die.

Headlines of the Week

The 86th Session of the Texas legislature has adjourned
Leadership Press Conference on January 9th

On day 2 of the session, Governor Greg Abbott, Lt. Governor Dan Patrick, and Speaker Dennis Bonnen held a joint press conference in front of the governor's mansion. During the press conference, they discussed their priorities for the 86th legislative session and reaffirmed their commitment to working together to advance solutions to the challenges facing the state. Governor Abbott said, "We are here today to send a very strong, profound and unequivocal message - that the governor, lieutenant governor and speaker are working in collaboration together on a very bold agenda that will be transformative for the state of Texas. The task ahead of us is clear - we must reform our school finance system, limit the growth of skyrocketing property taxes, and provide greater opportunities for every Texan. I look forward to working alongside Lieutenant Governor Patrick and Speaker Bonnen and all members of the legislature to create an even brighter future for our state." Lt. Governor Patrick added, "If the three of us are aligned that we're going to accomplish a mission and pass legislation, it happens. And if the three of us are aligned that something isn't going to pass, it doesn't happen. So this is not just a message to the public and to the media, but I think our members will take note that this is really unprecedented that we're addressing the issues at the beginning of the session, totally united with one another."

Leadership Press Conference on May 23rd

During the last week of the session, Governor Greg Abbott, Lt. Governor Dan Patrick, and Speaker Dennis Bonnen held another press conference in front of the governor's mansion to announce an agreement on the session's major issues - the budget (HB 1), property tax reform (SB 2), and school finance reform (HB 3). Governor Abbott said, "We've stayed together, working collaboratively every single week, every single day, sometimes every single hour of every day. And it's led to a very productive, very fruitful session, a session that has addressed and solved challenges that have plagued our state for decades." Lt. Governor Patrick added, "I came up here in 2003 as a non-elected official with a couple of busloads of citizens from Harris County. We wanted to change property taxes. I've been on that fight for the last 16 years. I came here as a senator and ran for lieutenant governor to address two big issues. One was pro-life and reducing abortion in the state. The other was school finance reform and teacher pay." Speaker Bonnen concluded, "You know, we had the question of who the Speaker of the House was going to be. In that discussion, people
would say, it's unfortunate we're going to have the new speaker because we can't do school finance reform. The members of the Texas House rejected that thought before we ever came into session. Every member of the House said their No. 1 priority was school finance reform."

**Major Issues** - Almost all of the session's important issues were addressed. Here is a run-down of the major priority issues for Governor Greg Abbott, Lt. Governor Dan Patrick, and Speaker Dennis Bonnen taken up by the 86th Legislature:

**Governor Greg Abbott** designated 5 issues as emergency items including:

- **School finance reform and increasing teacher pay** - passed as HB 3
- **Increased school safety** - passed as SB 11
- **Greater access to mental health care services** - Texas Mental Health Care Consortium passed in SB 11; HB 8 school mental health training and curriculum passed; and HB 19 mental health and substance abuse resources for school districts passed
- **Property tax reform** - passed as SB 2
- **Expanded disaster response and readiness programs** - 28 disaster relief and recovery bills passed including HB 5, HB 6, HB 7, and SB 6 (others are listed at the end of the report)

**Lt. Governor Patrick’s Priorities** - Lt. Governor Dan Patrick outlined his 30 priorities:

- **SB 1 State Budget** by Nelson [R- Flower Mound] - passed as HB 1
• **SB 2 Property Tax Reform** by Paul Bettencourt [R-Houston] *Passed*

• **SB 3 Across-the-Board Pay Raise for Teachers** by Jane Nelson [R-Flower Mound]. *Failed to pass but HB 3 includes a payraise for teachers*

• **SB 4 School Finance Reform** by Larry Taylor [R-Friendswood] *passed as HB 3*

• **SB 5 Increase the Homestead Exemption** by Paul Bettencourt [R-Houston] *did not pass*

• **SB 6 Disaster Response Act** by Lois Kolkhorst [R-Brenham] *passed* Lt. Governor Patrick said, "In the wake of Hurricane Harvey, the Texas Senate and I began working immediately to address the aftermath of the storm. I issued 25 interim charges to 9 different Senate Committees, who held over 200 hours of hearings. SB 6 is one of the most important bills we are sending to Governor Abbott this session. It will dramatically improve our disaster response expertise and protocols at the local level and reflects our unwavering commitment to ensuring we're prepared for future natural disasters. It will impact generations of Texans in the years to come."

• **SB 7 Flood Disaster Plan and Matching Fund** by Brandon Creighton [R-Conroe] *passed*

• **SB 8 Statewide Flood Plan** by Charles Perry [R-Lubbock] *passed*

• **SB 9 Enhance Election Security** by Bryan Hughes [R-Mineola] *did not pass*
• **SB 10 Texas Mental Health Care Consortium** by Jane Nelson [R-Flower Mound] *SB 10 did not pass, but provisions included in SB 11*

• **SB 11 School Safety** by Larry Taylor [R-Friendswood] *passed* Lt. Governor Patrick said, "In the wake of the Santa Fe High School shooting last year, we knew we had to take swift action to prevent future tragedies from occurring. SB 11 will implement a comprehensive package of strategies to help prevent school shootings. Our goal is that no child will ever feel afraid at school and our prayer is that no Texas family will ever experience the grief that follows a school shooting. The safety of our children remains paramount - the future of Texas depends on it."

• **SB 12 Retired Teachers’ Security Act** by Joan Huffman [R-Houston] *passed* Lt. Governor Patrick said, "I have repeatedly told our retired teachers that my goal is to keep the Teacher Retirement System (TRS) solvent forever, and today, we have accomplished that goal. Senate Bill 12 is now on its way to Governor Abbott's desk. SB 12 takes a principled conservative approach to pension reform and will bring actuarial soundness to TRS. Other than a parent, no person is more important to the development of our children than our teachers. Standing by our retired teachers and ensuring that Texas doesn't get mired in mounting pension debt must always remain top priorities for our state. SB 12 will also provide a 13th check for retired teachers in 2020. TRS is the 13th largest pension system in the world. It provides benefits to over 420,000 people."

• **SB 13 Ethics Reform** by Brandon Creighton [R-Conroe] *did not pass*

• **SB 14 Expand Rural Broadband** by Robert Nichols [R-Jacksonville] *passed*
• **SB 16 Police College Loan Forgiveness** by Kelly Hancock [R-North Richland Hills] *passed*

• **SB 17 Protecting Religious Liberties** by Charles Perry [R-Lubbock] did not pass, but SB 1978 protecting membership in, affiliation with, and support provided to religious organizations *passed*

• **SB 18 Protecting Campus Free Speech** by Joan Huffman [R-Houston] *passed*

• **SB 19 Protecting Second Amendment Rights** by Bryan Hughes [R-Mineola] *did not pass, but the companion, HB 302 passed*

• **SB 20 Stop Human Trafficking** by Joan Huffman [R-Houston] *passed*. About SB 20, Lt. Governor Patrick said, "SB 20 reaffirms our commitment to ending human trafficking in Texas and our determination to bring all human traffickers to justice. I congratulate Sen. Joan Huffman for her leadership on this issue and her vigilant commitment to ending this horrible crime in our great state. There are over 234,000 victims of human trafficking in Texas at any given time. SB 20 reforms the way we combat human trafficking and strengthens penalties for offenders."

• **SB 21**
  
  **Raise the Smoking Age to 21** by Joan Huffman [R-Houston] *passed*

• **SB 22 Defund Abortion Providers** by Donna Campbell [R-New Braunfels] *passed*
• **SB 23 Texas Born-Alive Infant Protection Act** by Lois Kolkhorst [R-Brenham] *passed as HB 16*

• **SB 24 Alternatives to Abortion Information Act** by Eddie Lucio [D-Brownsville] *passed*

• **SB 25 Higher Education Credit Transfer** by Royce West [D-Dallas] *passed*

• **SB 26 Honoring State Parks Commitment** by dedicating sales taxes on sporting goods to the Parks and Wildlife Department and Texas Historical Commission by Lois Kolkhorst [R-Brenham] *passed*

• **SB 27 Stop Government Overreach** by Bryan Hughes [R-Mineola] *passed*

• **SB 28 Stop Frivolous Government Lawsuits/oversight over political subdivisions' contingent fee contracts** by Joan Huffman [R-Houston] *passed as HB 2826*

• **SB 29 Stop Taxpayer Funded Lobbying** by Bob Hall [R-Edgewood] *did not pass*

• **SB 30 Taxpayers Right to Know and Bond Transparency** by Brian Birdwell [R-Granbury] *passed*

**Speaker Bonnen’s Priorities** - In his swearing-in speech, House Speaker Dennis Bonnen outlined his priorities:
• **Public School Finance Reform** - passed as HB 3

• **Texas Children** - Passed as HB 2764 (training for Department of Family & Protective Services caregivers); and SB 355 (strategic plan on implementation of resources provided to foster parents); and HB 1 increases funding for foster care providers and increased staff positions to maintain lower caseloads per worker

• **Human Trafficking** - passed as HB 292 (peace officer training), HB 403 (training for school personnel), HB 3800 (reporting human trafficking cases) and SB 20 (prostitution and trafficking prevention)

• **Property Tax Reform** - passed as SB 2

• **Health Care** - passed as HB 2048 providing a more stable source of funding for trauma care

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The Senate

The Senate adjourned *Sine Die* at 4:00 p.m. Prior to adjourning, the Senators elected Senator Joan Huffman (R-Houston) as **President Pro Tempore** of the Texas Senate. She will serve as Governor of Texas at times when both the Governor and Lt. Governor are out of the state.
The House

The House adjourned *Sine Die* at 12:50 p.m. The House caucuses announced their "**Freshman of the Year**" awards:

- Republican Caucus - Representative Brad Buckley (R-Killeen)
- Democratic Caucus - Representative John Bucy (D-Austin)
- Legislative Black Caucus - Representative Sheryl Cole (D-Austin)
- Mexican-American Legislative Caucus - Representative Jessica Gonzalez (D-Dallas)
- LGBTQ Caucus - Representative Julie Johnson (D-Carrollton)
- Legislative Study Group - Jon Rosenthal (D-Houston)

Speaker Dennis Bonnen introduced Governor Greg Abbott, who was in the chamber as the House adjourned. The speaker also thanked House members for a productive session.
Texas plumbing board and laws abolished after legislative strife

By Alexa Ura, Texas Tribune

The state agency that regulates Texas plumbers is set to begin a "wind down" period and is scheduled to be abolished in 2020 after state lawmakers failed to pass legislation Sunday that would have extended the agency's existence.

But there will be little for the agency to do after September. Lawmakers on Sunday also nixed the portion of state code that gives the state authority to regulate the plumbing profession. It's possible cities and counties could instead oversee plumbing, lawmakers said.

The Texas State Board of Plumbing Examiners - responsible for licensing plumbers and enforcing plumbing law - was caught up in a legislative fiasco with lawmakers twice failing to pass the legislation that would have kept it going. It was also not saved via legislation known as a "sunset safety net bill" that lawmakers pass each legislative session to keep a long list of state agencies from shutting down.

The agency was up for what's known as the sunset review process, through which lawmakers periodically make assessments on how efficiently state agencies are being run and whether they should continue to exist.
Lawmakers on the Sunset Advisory Commission pitched transferring the plumbing board to the Texas Department of Licensing and Regulation, a broader agency that oversees more than two dozen professions. The commission’s review found it took up to eight months to receive a plumbing license from the plumbing board at a time when the state and the nation are facing a workforce shortage of plumbers. The Texas Department of Licensing and Regulation estimated it could reduce that wait time to a matter of weeks.

But lawmakers were split on the timing of that move.

When legislation that called for the transfer came up in the House, state Rep. Senfronia Thompson, D-Houston, amended the measure, Senate Bill 621, so that the move would not take place until 2021. But that language was removed when a committee of Senate and House lawmakers met to hash out the different versions of the bill approved by each chamber.

On Sunday night, Thompson objected to the change and asked her colleagues to reject the final version of the legislation so the plumbing board would not be reviewed again in two years when the licensing and regulation department was up for sunset. She chided the Senate for running over House lawmakers “because they don’t think we’re intelligent enough to make decisions on our own.”

“How many people in your districts have told you that because of what has been going on for the last several years that they got poop running out of their house and all over the streets?” Thompson said. “Nobody in your district has been telling you that. But they’ve been telling you they need plumbers, they need to be independent and all we’re doing is giving them the independence that we created.”

State Rep. Chris Paddie, a Marshall Republican who is the vice chair of the Sunset Advisory Committee, asked the House to sign off on the bill, pointing to separate legislation that would push the plumbing board’s next review to 2023.

“If this bill does not pass, what happens is they fall under the safety net, which means they immediately go into sunset review again,” Paddie said.

The legislation went down on a vote of 88-57.

It came up again three hours later with Paddie asking his colleagues to reconsider their votes. He noted he had failed to give the House crucial information - there was actually no safety net in place, so the House had gutted both the agency and the plumbing code.
"Congratulations to us all because our plumbing shortage is solved because we can all become plumbers," Paddie said.

The legislation was shot down again, this time on a 78-68 vote.

The plumbers board is now heading toward what's known as a "wind down" period, which gives it until Sept. 1, 2020, to wrap up its operations, said Jennifer Jones, executive director of the Sunset Advisory Commission. The plumbing code, which regulates everything from plumbers' insurance to the standards they must follow, expires in September, but Paddie said individual municipalities will likely still be able to regulate plumbers under local regulations.

**In other words, there is no longer a license needed to be a plumber in Texas although it could still be regulated (at some level) in municipalities.**

Key Legislation and Bills of Interest

**HB 125** by Martinez - Relating to the online publication of home addresses of certain occupational license holders.

Passed in both chambers. Sent to Governor. Effective September 1, 2019.

**HB 191** by Stephenson - Relating to the disposal of pesticides.

Passed in both chambers. Sent to Governor. Effective September 1, 2019.
HB 218 and HB 258 by Krause/Blanco - Relating to the abolition of student loan default or breach of a student loan repayment or scholarship contract as a ground for non-renewal or other disciplinary action in relation to a professional or occupational license.

*Both moved in the House. No further action taken beyond that point.*

HB 1153 by White - Relating to the consequences of a criminal conviction on a person's eligibility for an occupational license; charging a fee.

*Filed and referred. No further action taken.*

HB 966 by Dutton - Relating to providing a sales and use tax refund or franchise tax credit for businesses that employ certain apprentices.

*Heard in committee. No further action taken.*

HB 1857 by Goldman - Relating to an exemption from the plumbing licensing law for plumbing work performed on certain private property.

*Heard in committee. No further action taken.*

HB 1868 by Lozano - Relating to the creation of the Texas Rural Water Advisory Council.

*Passed the House. No further action taken.*

HB 1924 by Blanco - Relating to state agency enforcement of laws regulating small businesses.

*Heard and voted favorably in committee. No further action taken.*

HB 2031 by Turner - Relating to a statewide water conservation public awareness program.
Filed and referred. No further action taken.

**HB 2452** by Goldman - Relating to the Texas Department of Licensing and Regulation complaint review process.

Passed in both chambers. Sent to Governor. Effective September 1, 2019.

**HB 2850** by Goldman - Relating to the confidentiality of complaints and investigations in certain occupational licensing programs of the Texas Department of Licensing and Regulation.

Filed and referred. No further action taken.

**HB 2858** by Toth - Relating to adoption of a swimming pool and spa code for use in municipalities in this state.

Passed in both chambers. Sent to Governor. Effective September 1, 2019.

**HB 2858** was the TPSC’s marquee legislative effort this session. The bill establishes a uniform statewide code for the construction of pools and spas. In doing so, it requires any municipality in the state who elects to regulate pools and spas to adopt the International Pool and Spa Code as the uniform code for construction and enforcement.

The bill does allow for municipalities to amend the code, at their election, to provide for accommodations to meet certain unique city needs.

The bill was given a delayed implementation date of September 1, 2020, in order to allow cities to begin the process of switching to the new code and/or preparing for amendments.

**HB 3622** by Paddie - Relating to the adoption of certain plumbing codes by the Texas State Board of Plumbing Examiners.

The bill failed on the House floor.
HB 4112 by Paddie - Relating to the review of certain occupational licensing rules by the office of the governor.

Filed and referred. No further action taken.

HB 4608 by White - Relating to the authority of the Texas Department of Licensing and Regulation to contract with municipalities and counties to perform inspections of electrical work.

Filed and referred. No further action taken.

SB 685 by Alvarado - Relating to providing a sales and use tax refund or franchise tax credit for businesses that employ certain apprentices.

Heard in committee. Left pending.

SB 783 by Hinojosa - Relating to state agency enforcement of laws regulating small businesses.

Filed and referred. No further action taken.

SB 787 by Hancock - Relating to a reduced licensing fee for certain former license holders.

Passed Senate. Referred and heard in House committee. No further action taken.

Keep Track of the Texas Legislature

To keep track of bills or access legislative information for this or previous sessions, visit Texas Legislature Online (TLO).

To learn more about the Texas State Senate and its activities, visit the Texas State Senate website.

To learn more about the Texas House of Representatives and its activities, visit the Texas House of Representatives website.
Thank you for taking the time to read our Texas Legislative Update e-newsletter. We look forward to providing weekly news and information important to each of you while working to make the 86th Legislative Session a very successful one for the Texas Pool and Spa Coalition!

Sincerely,

Jake Posey and Steve Koebele
Your TPSC Lobby Team