TPSC WEEKLY LEGISLATIVE UPDATE

TPSC TEXAS LEGISLATIVE UPDATE - 4/22/2019

Welcome to the Texas Legislative Update

Each week your Texas Pool and Spa Coalition ("TPSC") (aka APEC/APSP/IPSSA) lobbyists will send this helpful e-newsletter designed to keep you informed of happenings at the Texas Capitol during the 2019 Texas Legislative Session.

The Texas Legislative Update will include summarized information of important weekly news items as well as links to relevant bills filed during the session. Please take a few minutes to review this information and, as always, contact us with your questions or comments.

Calendar for Week Ahead

- The House of Representatives adjourned until 10 a.m. Tuesday, April 23.

- The Senate adjourned until 11 a.m. Tuesday, April 23.

Headlines of the Week
Analysis: The Texas Legislature is stuck. Don't worry about it.

By Ross Ramsey, Texas Tribune

It doesn't matter if you start on April Fool's Day or 18 months ahead of a legislative session. It doesn't matter if there was only one issue in the last election and voters have kept the heat coming. It matters, but only a little, when there's a judicial order hanging over them. And it matters not one bit that a governor has declared something an emergency - unless it really and truly is one.

The Texas Legislature does its most important work only when it's about to run out of time.

Until then, this is the state's most expensive, exclusive and exasperating drama club.

The creatures of the House and the Senate skittered back and forth this week, with frequent stops in the middle to see the governor and his people, mired in the details of the grand package of public education finance and property tax reform promised by state leaders at the beginning of the session. They've sprouted some important additions, namely property tax cuts and teacher pay raises.

But they're not exactly hurtling through the legislation this will require.
But don't worry. It's not the deadline yet. They know that, the same way some students know they don't have to freak out about Monday's homework until Sunday night.

The session ends in six weeks, on Memorial Day. It is 70% done. House and Senate committees are cranking out legislation that will, in turn, lengthen the sessions of the full House and Senate. This isn't the deadline, but it is the entrance to a bottleneck that kills roughly 3 of every 4 filed bills.

The big stuff has to compete, but this is in the design: Leaving the priorities of a session until the end is a way to suffocate most of the other stuff. You can see it in the eyes of experienced lobbyists and lawmakers. While the rest of us wonder what's up with schools and taxes, they're trying to get their pet projects through the end of (legislative) days alive.

The two-year state budget has passed both the House and Senate and is on its way to the conference committee that will work out the differences. The House has passed its version of the school finance bill, and the Senate plans to pick that up and work from it. Property taxes, as you've surely read, are what had those government critters scurrying last week. The Senate's $5,000 across-the-board pay raise for teachers and librarians is tucked in there, sort of: The House included a much smaller raise in its education bill. The difference is big, but it's at least on its way to negotiations.

The newest twist - tossed in by the governor, lieutenant governor and speaker - would add a penny to the state's sales tax and use some or all of the proceeds to finance a cut in school property taxes. Democratic and Republican lawmakers who don't like the idea don't like it for different reasons, but it has sparked a kind of bipartisan coalition that isn't crazy about the idea.

Since this is proposed as a constitutional amendment, it would require approval from two-thirds each of the House and the Senate, and then from a majority of voters. That's no easier in a special session than in the current regular session, potentially taking away reasons to delay all of this complicated stuff until later in the year.

And then there's the legislation that most recently gummed up the machine. The House and Senate are poised to debate whether to require voter approval of property tax increases by cities and counties - and maybe schools. But they were poised Thursday, and nothing happened. The Senate, having moved its property tax limits out of committee on Valentine's Day, has been poised longer than a Confederate statue. Lt.
Gov. Dan Patrick's frustration is apparently boiling over; he's threatening to take "nuclear" alternatives if one more senator doesn't join his side.

Both the House and Senate have been trying to get the votes to bring it up and to pass it. The plan was to do that more or less in sync with the House, but the nursery rhyme about broken eggs and all the king's horses and all the king's men still holds.

And also, the unwritten rule of Texas legislators: Nothing happens, except on deadline. And that's not here just yet.

The Senate

The Senate was in session Monday, Tuesday and Wednesday of this week.

On Monday, the Senate passed 4 bills including SB 2 by Paul Bettencourt (R-Houston), the proposed Texas Property Tax Reform and Relief Act of 2019. Senator Bettencourt said, "This is the day that taxpayers in Texas have long waited for. Our people want real, meaningful property tax relief. That's what I hear most from my constituents. The goal of SB 2 is to give relief not only to those Texans who own homes or operate businesses, but to provide property tax relief for those Texans who have yet to own a home and have yet to start a business. It is for Texans and their businesses that have been feeling the squeeze of rising property taxes. Texas is number 3 in property tax rates across the country, behind only Illinois and New Jersey. There was a 15 percent increase in property taxes for the average home in Dallas in 2018, 11 percent in Harris county in 2019, and nearly double digit increases across the state. SB 2 lets the people vote on any yearly property tax increase above the 3.5% rollback limit."
Governor Greg Abbott said, "Today the Texas Senate took action to deliver on the promise of reining in skyrocketing property taxes. Thanks to the leadership of Lt. Governor Patrick and Senator Bettencourt, meaningful property tax reform is one step closer to becoming a reality. I look forward to continuing to work with Speaker Bonnen, Chairman Burrows and the entire legislature to provide lasting property tax relief for all Texans."

Senator Kel Seliger (R-Amarillo) voted to suspend the Senate's rules to allow debate to take place on SB 2, but remained steadfast in his opposition to the legislation. This decision prevented the blocker bill, which ensures cooperative work in the Senate, from being removed from the order of business in the so-called "nuclear option." Senator Seliger said, "I voted to suspend the rules today in an effort to preserve decades of collegiality and cooperation in the Texas Senate by preserving the procedural 'blocker bill' rather than setting a precedent by moving forward with what the Lt. Governor threatened to hastily throw away by using the 'nuclear option.' To destroy the history of Senate procedures to allow consideration of a bill that is destined to pass is a waste. I hope my action today keeps the Texas Senate from diminishing itself and its exemplary tradition. On the matter of the legislation itself, I continue to oppose the passage of SB 2 in its current form. I have a pair of bills that provide real relief and limit growth in appraisals without hamstringing our local governments and schools. Cities and counties must be able to keep our citizens and streets safe. Our schools must be able to educate the next generation with world class instruction and institutions. I encourage my colleagues in the House to continue to advance a more compromised version of property tax reform in a way that will allow Texas to continue to grow a strong economy."

Senator José Rodríguez (D-El Paso) voiced the concerns of Senate Democrats who voted against SB 2. "I appreciate the effort to address rising property taxes, but SB 2 falls far short of the mark. It will not provide true property tax relief, which can only be achieved when the state fulfills its obligations to adequately fund public schools. Local elected officials know their communities and their needs. Without a doubt, people want local governments to provide basic services. While Texans may be split on the question of revenue caps, they are overwhelmingly in support of local government having the ability to meet local needs like police, fire, and emergency medical services. This approach is regressive, hurting low-income Texans and low-property wealth communities the most. Studies show that revenue caps result in higher fees, fines, and other revenue generators that impact middle- and low-income the most. Shifting the burden and hampering local communities while failing to provide real relief is simply not good public policy. I agree that we need property tax..."
reform that helps those who need it most. But we need to help, not hinder, local communities, and we need to make sure the reform reaches the property taxpayer without imposing new burdens on working Texans. This bill is more symbolic than substantive as far as property tax relief; it is a purely political statement that will yield little return for homeowners. Consequently, I could not vote for it."

Also on Monday, the Senate passed SB 9 by Bryan Hughes (R-Mineola), an election fraud prevention bill. Senator Hughes said, "Texas takes election fraud seriously. We must ensure that every vote is counted accurately and that those who cheat are held accountable. SB 9 will require, among other provisions, all voting systems to have a verifiable paper audit trail, authorize audits to confirm the proper function of electronic voting systems, and allow law enforcement to test vulnerabilities in the electoral system. The bill also will stiffen penalties for false statements on voter registration applications and unlawful assistance in voting. From the Rio Grande Valley to East Texas to the Metroplex, we have had troubling allegations or incidents of voter fraud. The ability to govern ourselves is tied to the integrity of the ballot, and conducting secure elections is a core function of state government. Ensuring that our electronic systems have a paper audit trail will greatly enhance security. Moreover, stiffening penalties for voter fraud will deter violations of this sacred right of democratic government."

Texas Freedom Network President Kathy Miller also commented saying, "Lawmakers should be modernizing our election systems to make participating in our democracy easier, not creating more obstacles and making eligible voters worry they could be thrown in jail for making an honest mistake. The idea that we would imprison folks attempting to exercise their right to vote is about as anti-democratic an idea as I can imagine. This bill is really about keeping turnout low, plain and simple. Frankly, it's the kind of bill you pass when you're scared that higher turnout threatens your ability to hold on to power."

On Tuesday, the Senate gave preliminary approval to seven bills and passed 32 bills including SB 16 by Kelly Hancock (R-North Richland Hills), which would establish a student loan repayment assistance program for peace officers. Senator Hancock said, "Our men and women in blue put their lives on the line every day. They deserve our sincere appreciation for doing a tough, and too-often thankless, job. This program is designed as a useful recruitment and retention tool for police departments and should be a real financial help to the heroes who serve our communities on a daily basis. SB 16 directs the Texas Higher Education Coordinating Board
(THECB) to establish the program and its guidelines by December 1, 2019, with certain eligibility requirements already outlined in the bill. For instance, peace officers must have served four consecutive years as full-time employees, with exceptions for active duty military service or disability leave, and must agree to continued employment for at least another four years."

Lt. Governor Dan Patrick said, "I congratulate Senator Hancock and the Texas Senate for unanimously passing Senate Bill 16, which will aid the recruitment of police officers by offering to help repay student loans for officers who choose to serve in local law enforcement post-graduation. Officials at several police departments across the state told me it was sometimes difficult to recruit qualified new officers. When I presented the concept for this program to police officials in Dallas, they were enthusiastic, so we designed a program that could be implemented statewide. This program will help repay college loans for men and women who join a police department after they graduate from college. Our brave law enforcement officers put their lives on the line for us every day and we need to do all we can to support their efforts, including helping to strengthen recruitment tools. As lieutenant governor, I am always proud to stand with the law enforcement community."

Also on Tuesday, the Senate passed SB 1264 by Kelly Hancock (R-North Richland Hills) providing consumer protections against surprise medical billing. Senator Hancock said, "I've been fighting a confusing medical billing system with Texas patients for a decade now. Today's vote means we're one big step closer to ending surprise billing for good. With healthcare costs skyrocketing, this relief can't come soon enough for Texas consumers. SB 1264 removes patients from disputes between insurance companies and providers. It establishes an arbitration process to eliminate the need for patient-triggered mediation and provides state regulatory authority over that arbitration. Key to the legislation, it prohibits surprise billing of consumers in situations where the patients have no choice which provider they see or which facility they visit. This includes medical emergencies, non-network care at in-network hospitals, and out-of-network lab and imaging work."

AARP Texas Director Bob Jackson said, "Consumers deserve to be held harmless from the anguish and shock of surprise medical bills that they encounter from billing disputes between insurers and medical providers. SB 1264 is truly landmark legislation that, if approved by the Legislature and signed into law, would be welcomed relief for Texans."

Senator Donna Campbell (R-New Braunfels), who is a physician, opposed SB 1264. She said, "SB 1264 is a step in the wrong direction. This bill moves
our state closer to single-payer medicine and further away from doctors and hospitals being able to operate in a free market. The state cannot simply wave a magic wand and make the real costs of providing health care disappear. These costs have to be made up somewhere, either by reducing access to care or through health insurance companies raising their premiums. Neither is a decent outcome for patients. Surprise medical bills do exist, not because of greedy doctors, but because health insurers who charge thousands of dollars in premiums surprisingly don't pay for health care when families need it. This is the true issue that meaningful health care reform must address. SB 1264 does not, and so I must vote against this bill."

On **Wednesday**, the Senate gave preliminary approval to three bills and passed 31 bills including **SB 29** by Bob Hall (R-Edgewood), which would **prohibit the use of public funds for lobbying expenses**.

**Lt. Governor Dan Patrick** said, "I congratulate Senator Hall and the Texas Senate for passing SB 29 and for taking a principled stand against this local misuse of taxpayer funds. Voters elect local officials to represent them. They shouldn't have their taxpayer dollars squandered to pay for hired-gun lobbyists who too often are working against taxpayer interests. SB 29 is a principled conservative reform that is long overdue and I commend the Texas Senate for passing it today."

Other bills that passed the Senate this week are in the issue categories below.

**Total number of bills reported out of Senate Committees this week:** 112

**Total number of bills passed by the Senate this week:** 150

**Total number of bills passed on the Local & Uncontested Calendar:** 83

**Total number of bills passed by the Senate this session:** 440

**This Week:** The Senate will reconvene at 11:00 a.m. on Tuesday, April 23, 2019.
The House was in session Monday through Thursday of last week.

On Monday, the House gave preliminary approval to 54 bills and passed two bills.

On Tuesday, the House passed 59 bills to third reading and gave final approval to 55 bills. Receiving preliminary approval were HB 18, which would add positive behavior interventions support to school districts’ improvement plans and expanding school counseling programs for students with mental health conditions; HB 19, which would require local mental health authorities to employ a non-physician mental health professional to serve as a mental health resource for school districts; and HB 1070, which would require additional mental health first aid training for school employees, all by Four Price (R-Amarillo). Representative Price said, "All three of these bills work in tandem to provide impactful resources, support and other solutions to positively address the heightened mental health concerns in Texas public schools. Also, all three bills support Governor Greg Abbott’s efforts to provide additional resources for students with a mental health condition. I am grateful for Governor Abbott's leadership in raising the profile of mental health matters by prioritizing it as a legislative emergency item during his 2019 State of the State Address. Effectively identifying and treating children with mental health issues can help prevent the loss of critical developmental, academic, and emotional maturity."
On **Wednesday**, the House gave preliminary approval to 27 bills and passed 60 bills including **HB 26** by Jeff Leach (R-Plano), known as the "**Texas Born-Alive Infant Protection Act**." Representative Leach said, "What we have recently seen in Virginia, New York and Washington, D.C., should shock the collective conscience of our Nation. The callous disregard for human life and the refusal to stand against infanticide exhibited by many elected leaders cannot go unanswered. With the passage of the Texas Born-Alive Infant Protection Act, the Lone Star State is sending a clear message that we will not remain silent and we will not rest in the fight for life. As the author of HB 16, I am proud to join my colleagues in setting in stone the strongest protections in the Nation for babies who survive abortion and, along with them, invite and encourage pro-life legislators in other states to follow Texas' lead. HB 16 is designed to strengthen the protections afforded to infants who survive abortion procedures by creating a physician-patient relationship between the physician and the surviving infant at the time of birth, thus requiring the highest standards of medical care to be afforded to the baby. The bill creates statutory civil causes of action to pursue against the physician, in addition to criminal penalties, should the physician fail to provide the appropriate medical treatment to the child. Further, the bill provides a reporting mechanism by which a person who has knowledge of a physician's failure to provide the appropriate standard of medical care can report any incident to the Office of the Attorney General."

**National Abortion Rights Action League** issued a statement saying, "There's a reason the federal version of this bill failed to pass and why national medical organizations oppose this bill, and that's because HB 16 is not about medicine, it's a bill based on lies and fear mongering. It promotes a false narrative intended to criminalize doctors and demonize physicians who perform abortions. This intentional inaccuracy subjects healthcare providers to potential violence and harassment and unnecessary investigations and prosecution by pushing a false narrative about the practice of medicine. To be absolutely clear, no one supports infanticide or physicians not practicing medicine to the best of their ability and training - infanticide is already illegal and being in favor of access to abortion or against this bill is not an equivocation of being supportive of infanticide. This bill only applies to doctors who perform abortion and does nothing to improve the healthcare of any infant. This bill is a solution in search of a problem, and to call it anything else would be simply untrue."

On **Thursday**, the House gave preliminary approval to 2 bills and passed 26 bills on the regular calendar and 38 bills on the Local & Consent calendar. They gave final approval to **HB 8** by Victoria Neave (D-Dallas), which would **clear the backlog of untested "rape kits"** and revise
timelines for analyzing sexual assault kits. Representative Neave said, "The Lavinia Masters Act will tackle the backlog of thousands of untested rape kits in Texas and bring justice to survivors of sexual assault. HB 8 is named after Lavinia Masters, who, at the age of 13 years old, was raped at knifepoint in the middle of the night by a man who broke into her home. Lavinia's rape kit sat on a shelf untested for more than 20 years. Once tested, the 10-year statute of limitations had expired. HB 8 will address the circumstances in Lavinia's case that led to the delay in the testing of her rape kit so that, in future cases, victims are not denied justice."

Other bills that passed the House this week are in the issue categories below.

**Total number of bills reported out of House Committees this week:** 365

**Total number of bills passed by the House this week:** 181

**Total number of bills passed on the Local & Consent Calendar:** 38

**Total number of bills passed by the House this session:** 447

*This Week:* The House will reconvene at 10:00 a.m. on Tuesday, April 23, 2019.

Key Legislation and Bills of Interest

**HB 125** by Martinez - Relating to the online publication of home addresses of certain occupational license holders.
• Prevents TDLR from publishing home addresses of a licensee.

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

• Chlorine, oxidizers and containers related thereto are subject to the bill.

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.

• Eliminates the ability to deny/revoke a license based on student loan debt default.

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

• This legislation makes it harder to revoke.terminate an occupational license based on a criminal conviction.

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

• Potential for tax deductions based on certain apprenticeship and training programs.

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

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

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

• Allows a small business the opportunity to remedy first-time violations of agency rules.

HB 2031 by Turner - Relating to a statewide water conservation public awareness program.

HB 2147 by Dutton - Relating to the availability of financial information of nonprofit corporations for public inspection.
HB 2452 by Goldman - Relating to the Texas Department of Licensing and Regulation complaint review process.

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.

**BILL UPDATE**

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

HB 2858 was voted from committee on 4/11/19. Details of the bills progress are listed below. We expect a calendar setting within the next week or so.

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HB 3622 by Paddie - Relating to the adoption of certain plumbing codes by the Texas State Board of Plumbing Examiners.
HB 4112 by Paddie - Relating to the review of certain occupational licensing rules by the office of the governor.

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.

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

- Potential for tax deductions based on certain apprenticeship and training programs.

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

- Allows a small business the opportunity to remedy first-time violations of agency rules.

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

SB 964 by Alvarado - Relating to certain plumbing, air conditioning, and electrical services performed as a volunteer during a disaster.

SB 1106 by Buckingham - Relating to the adoption of certain plumbing codes by the Texas State Board of Plumbing Examiners.

SB 1995 by Birdwell - Relating to the review of certain occupational licensing rules by the office of the governor.

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