TPSC TEXAS LEGISLATIVE UPDATE - 3/24/2019

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. Monday, March 25.

The Senate adjourned until 10:30 a.m. Monday, March 25.
Analysis: Texas lawmakers will obviously need a special session, right? Only if they screw things up.

By Ross Ramsey, Texas Tribune

The hallway gossip and speculation in the Texas Capitol is about whether it will take a special session to accomplish anything on school finance, property taxes, teacher pay raises - all the big stuff.

The conventional wisdom is that they'll fall short. Don't buy it. It's crazy talk - even though the Legislature has backed itself into that very same corner so many times over the years.

Except when it's caused by something outside the government's control, a special session is what happens when the Legislature fails to do its job, when leaders don't lead, when the people who make it so profitable for others to sell whiskey and steaks in Austin forget what they were sent here to do.

This year's list of big things to do was not written by anyone outside the Capitol. The courts have done it before, but this
time, state leaders - the governor, the lieutenant governor and the House speaker - wrote their own list of priorities.

This legislative session passed its halfway point this week. It's been quiet, relatively speaking, in a way that idles the folks in the halls and gives them time to speculate about how this lawmaking train will go off its rails.

If it does, blame the people in charge.

Sure, Texas legislators are handling the small and often goofy business they always do. In the last few days, the House passed bills that would force cities to stop over-regulation of children's lemonade stands and to reveal how much they're spending on big-time entertainers (like Enrique Iglesias) at civic events (in McAllen, the offender of the moment). The Senate, not to be outdone, passed a bill that allows restaurants to allow dogs to come to dine with their humans.

But big stuff is moving now.

On Monday, the House Appropriations Committee passed a state budget, the first major step on the session's one truly obligatory duty. It will be up for a House vote next week. Related legislation that fills holes in the current budget, pays for some Hurricane Harvey relief, shores up teacher retirements and so on - all by taking money from the state's economic stabilization fund - is also bound for the full House.

A day later, the House Public Education Committee passed the fat (186 pages!) school finance bill, after removing a merit pay program that proved unpopular with teacher groups.

And on Wednesday, Senators approved a set of bills prompted by the cleanup after Hurricane Harvey, with funding aimed at rebuilding and improving the responses to future storms like it.

Earlier in the session, the Senate Property Tax Committee approved legislation that would require voter approval of any property tax revenue increase of more than 2.5 percent. That got stuck, apparently for lack of support, between the committee and the full Senate. Conversations are underway, as they say, with supporters and opponents trying to find a number other than 2.5 percent that works, or a process that works better than the prospect of triggering voter referenda every year. The House Ways & Means Committee hasn't yet
voted on its version, but has some of the same conversations going.

And the Senate unanimously passed legislation approving across-the-board $5,000 annual pay raises for all public school teachers and librarians. That's one of the lieutenant governor's priorities; the governor and the speaker have committed to teacher pay raises, but not necessarily to that form or amount.

So there's a bit of sand in the gears, but the gears of state are turning.

The biggest of the big items - a state budget, a school finance bill, teacher pay raises, and property tax reform - are all in motion as lawmakers pass the halfway point of the 20-week session. There's also talk of a property tax cut that could be paired with that proposed limit on future property tax growth, financed by local or statewide increases in sales taxes.

It won't all pass, at least not in the form it's in today. It might turn out that putting this package together might be beyond the abilities of this Legislature and the state's top three leaders.

But lawmakers have time. They know what their big goals are. It's too early to let them off the hook, to say this game will have to go into overtime, even if lawmakers are operating at a time in American politics when voters seem to yawn at demonstrations of legislative incompetence.

They still have more than 60 days left in this session; no reason to promise 30 more. Not yet.
The Senate was in session Monday, Tuesday and Wednesday of last week. On Wednesday, they recessed so bills could be referred to committees on Thursday.

On Monday, the Senate passed four bills including:

- **SB 40** by Judith Zaffirini (D-Laredo) allowing court proceedings to be briefly suspended in a declared disaster area (see Tort section for more information);
- **SB 230** by Charles Perry (R-Lubbock) limiting landowner liability for rock climbing recreational activities on his/her property (see Tort section for more information);
- **SB 282** by Dawn Buckingham (R-Lakeway) providing reimbursement to counties for delayed transportation projects (see Transportation section for more information); and
- **SB 489** by Judith Zaffirini (D-Laredo) protecting the home address of judges and their spouses (see Privacy section for more information).

On Tuesday, the Senate passed nine bills including:

- **SB 41** by Judith Zaffirini (D-Laredo) exempting pro bono attorneys ad litem from rotation and reporting requirements;
- **SB 83** by Bob Hall (R-Canton) designating a portion of FM 1570 in Hunt County as the John L. Horn Memorial Parkway;
- **SB 401** by Kirk Watson (D-Austin) establishing the Joint Oversight Committee on Government Facilities to review deferred maintenance plans;
- **SB 467** by Judith Zaffirini (D-Laredo) requiring the State Commission on Judicial Conduct to report pending complaints (see Tort section for more information);
- **SB 476** by Kelly Hancock (R-North Richland Hills) allowing restaurant customers to bring their dog to the patio (see General Business section for more information);
- **SB 554** by Charles Schwertner (R-Georgetown) clarifying buy-back opportunities on land taken through eminent domain (see Property section for more information);
• **SB 743** by Bob Hall (R-Canton) establishing the Texas Olive Oil Industry Advisory Board *(see Economic Development section for more information)*

• **SB 748** by Lois Kolkhorst (R-Brenham) establishing the Newborn Screening Preservation Account to provide newborn screenings; and

• **SB 752** by Joan Huffman (R-Houston) granting immunity from liability from volunteer health care providers during a disaster *(see Tort section for more information)*.

On Wednesday, the Senate passed ten bills including:

• **SB 6** by Lois Kolkhorst (R-Brenham) requiring the Department of Emergency Management to prepare a handbook of best practices in disaster response *(see Statewide section for more information)*;

• **SB 7** by Brandon Creighton (R-Conroe) establishing the Texas Infrastructure Resiliency fund for flood mitigation projects *(see Public Education section for more information)*;

• **SB 8** by Charles Perry (R-Lubbock) establishing a statewide flood response and mitigation plan *(see Public Education section for more information)*;

• **SB 18** by Joan Huffman (R-Houston) establishing free speech policies for college campuses *(see Higher Education section for more information)*;

• **SB 65** by Jane Nelson (R-Flower Mound) instituting procurement reforms *(see Procurement section for more information)*;

• **SB 355** by Royce West (D-Dallas) developing a strategic plan to ensure Texas' mental health prevention plan and early intervention services meet federal requirements;

• **SB 363** by Kirk Watson (D-Austin) prescribing circumstances for the Department of Public Safety to access data in the Prescription Monitoring Program;

• **SB 420** by Dawn Buckingham (R-Lakeway) removing the requirement for pharmacists to check the Prescription Monitoring Program for refills *(see Health section for more information)*;

• **SB 563** by Charles Perry (R-Lubbock) requiring quarterly reports on federal money for flood mitigation projects *(see Environment section for more information)*;
• **SB 607** by Kirk Watson (D-Austin) is the sunset bill for the Veterans' Land Board.

About Senate passage of the Hurricane Harvey disaster response bills, Lt. Governor Dan Patrick said, "Senate Bills 6, 7 and 8 are some of the most important bills the Texas Senate will pass this session. They will impact generations of Texans for years to come. I congratulate Senators Kolkhorst, Creighton and Perry and the entire senate for unanimously passing these disaster response bills, which are key to our rebuilding effort following Hurricane Harvey and mitigating future flood disasters across the state. These Texas Senators - along with other senators from the impacted areas - began working on the storm immediately. They were involved on the ground in every effort, dealing with tragic loss and rescue, helping clean up the aftermath and coordinating local efforts. Their commitment to their districts and the people of Texas has been unwavering and the legislation passed today lays out the path to our final recovery from the most damaging storm in state history."

Total number of bills reported out of Senate Committees this week: 62

Total number of bills passed by the Senate this week: 23

Total number of bills passed by the Senate this session: 28

**This Week:** The Senate will reconvene at 10:00 a.m. on Monday, March 25, 2019.
The House

The House was in session on Monday, Tuesday, Wednesday and Thursday of last week.

On Tuesday, the House gave preliminary approval to nine bills including:

- **HB 41** by Will Metcalf (R-Conroe) offering leave for state employees who are search and rescue volunteers;
- **HB 92** by Eddie Rodriguez (D-Austin) allowing underperforming campuses to operate as community schools (see Public Education section for more information);
- **HB 109** by Armando "Mando" Martinez (D-Weslaco) prohibiting open-enrollment charter schools from operating on Memorial Day (see Public Education section for more information);
- **HB 111** by Mary Gonzalez (D-Clint) requiring training to prevent abuse of children with cognitive disabilities (see Public Education section for more information);
- **HB 234** by Matt Krause (R-Fort Worth) prohibiting local ordinances against children's lemonade stands;
- **HB 277** by Tom Oliverson (R-Cypress) requiring online admission applications to link to employment data (see Higher Education section for more information);
HB 330 by Gary VanDeaver (R-New Boston) excluding students who suffer serious injuries from school dropout rates (see Public Education section for more information);

HB 403 by Senfronia Thompson (D-Houston) requiring child abuse prevention training for school administrators (see Public Education section for more information); and

HB 1244 by Trent Ashby replacing the U.S. history end-of-course assessment with a civics test (see Public Education section for more information).

On Wednesday, the House gave final approval to the nine Tuesday bills, and gave preliminary approval to eight bills including:

HB 81 by Terry Canales (D-Edinburg) requiring disclosure of information on public entertainment events (see Economic Development section for more information);

HB 125 by Armando "Mando" Martinez (D-Weslaco) restricting publication of home addresses of counselors and social workers (see Privacy section for more information);

HB 305 by Dennis Paul (R-Webster) requiring political subdivisions to post information on meetings and elections online (see Tax section for more information);

HB 339 by Andrew Murr (R-Junction) requiring speed limit signs at the end of work zones (see Transportation section for more information);

HB 396 by Gary VanDeaver (R-New Boston) expanding the uses of the instructional materials and technology fund (see Public Education section for more information);

HB 422 by Alma Allen (D-Houston) ensuring a school board has created district- and campus-level committees (see Public Education section for more information);

HB 540 by Jeff Leach (R-Plano) designating the Officer David Sherrard Memorial Highway; and

HB 637 by Mary Gonzalez (D-Clint) removing a salary cap for superintendents at the Texas School for the Blind and School for the Deaf.
On Thursday, the House gave final approval to the eight bills initially debated on Wednesday.

**New House Members** - On Monday, Christina Morales (D-Houston) was sworn in to represent House District 145. On Thursday, Ray Lopez (D-San Antonio) was sworn in to represent House District 125. The House is now complete with 150 members.

**Total number of bills reported out of House Committees this week:** 63

**Total number of bills passed by the House this week:** 17

**Total number of bills passed by the House this session:** 17

*This Week:* The House will reconvene at 10:00 a.m. on Monday, March 25, 2019.

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**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.

**TPSC SPONSORED BILL**

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

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