TPSC TEXAS LEGISLATIVE UPDATE - 3/31/2019

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, April 1.
- The Senate adjourned until 2 p.m. Monday, April 1.

Headlines of the Week
Analysis: Are Texas lawmakers done with drama or just saving it up for later?

By Ross Ramsey, Texas Tribune

Give the new speaker of the Texas House his due: He managed to avert the legislative firefights that often break out during debates on state budgets.

Dennis Bonnen, Appropriations Committee Chairman John Zerwas and their helpers ran the show - stretched out over most of Wednesday and into the early hours of Thursday - like hyperactive fire marshals, putting out fires before the fires ever got started.

A vote on an across-the-board teacher pay raise was withdrawn after a threat of a point of order that would have prevented debate. A vote on expanding Medicaid - a big issue for some Democrats and, more privately, for a couple of dozen Republicans - failed 80-66, without raised voices or angry words. An amendment that referenced "illegal aliens," sure to spark partisan tinder, was pulled down when the author got a promise of a smoother path for other legislation dear to him - requiring local governments to say what they spend on lobbyists. A freshman lawmaker swapped a controversial budget amendment for prompter hearings on her pipeline bills. An amendment that would dedicate $2.7 billion to property tax
relief brought some of the most conservative Republicans on board.

It was boring. Peaceful, even. Just what a legislative leader wants when the most important bill of the session is on the floor.

When the 11-hour drone was over, the House voted unanimously to send the bill on to the Senate, where a much different budget bill awaits.

There's debate ahead, but the House will go into it apparently unified.

Other pieces await. Next Wednesday, the school finance bill - part of the public education and property tax centerpiece dictated by the state's top leaders - will be on the House floor. It'll be followed a week later, if the plans hold, by legislation requiring voter approval of property tax revenue increases over a set amount.

The budget passed in the wee hours - just after midnight - and was followed by a meeting of the House Ways and Means Committee, which approved legislation that would require cities and counties to get voter permission for property tax increases over 2.5 percent. It's not as strict as what was originally proposed, but it's still not to the liking of the local governments it would affect.

But it's moving, as are the budget and the school finance legislation, and the members of that committee, while not unanimous, were models of good manners in their disagreement.

The change in tenor at the Capitol is matched by a change in what lawmakers are afraid of - or at least appear to be afraid of.

For several sessions, outside conservative activists have had outsize say in legislative politics. The Texas Public Policy Foundation urged state representatives to vote against the budget. None did. Empower Texans, a political organization whose hectoring used to move rightward the votes of anxious Republicans in the House and Senate, was left with a laundry list of complaints the morning after: about the "fiscally
irresponsible budget” and property tax legislation that doesn't cut taxes as much as they'd like - if at all.

In the email to supporters detailing their dismay, they also asked for donations, suggesting contribution amounts higher than the average property tax cuts offered by the legislation they don't like.

There are rough patches ahead. The Senate Finance Committee came in the next morning to approve its version of the budget, which makes different assumptions, has different priorities and will have to be reconciled over the next eight weeks with the House plan. All of that's normal.

The Senate doesn't have a school finance plan ready to go but has approved - unanimously - a $5,000 across-the-board pay raise for public school teachers and librarians.

Some foreshadowing: There isn't enough money in the budget to pay for that and to also do with school finance what the House is proposing to do.

And neither chamber has lined up behind any of several ideas for buying down Texan's property taxes. Proposals range from big cuts - paid for with higher sales taxes or by shedding current tax exemptions - to smaller, narrower cuts paid for by diverting oil and gas tax revenue that would otherwise go into the state's savings account.

So far, lawmakers aren't publicly battling. It's all smooth on the surface. Nothing to see here.

But the usual differences and political stresses are all in place - right below the surface.
The Senate

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

On Monday, the Senate passed six bills including:

- **SB 12** by Joan Huffman (R-Houston) shoring up the Teacher Retirement System pension fund.
- **SB 357** by Robert Nichols (R-Jacksonville) prescribing the maximum height for outdoor advertising signs. *(additional information is in the Transportation section)*
- **SB 497** by Judith Zaffirini (D-Laredo) designating a portion of State Highway 71 in Travis County as the Trooper Carlos Ray Warren Memorial Highway.
- **SB 537** by Lois Kolkhorst (R-Brenham) allowing the Texas Department of Public Safety to purchase food for employees responding to an emergency.
- **SB 553** by Charles Schwertner (R-Georgetown) requiring entities with eminent domain authority to provide notice and information to the land owner prior to condemnation actions. *(additional information is in the Property section)*
- **SB 688** by Charles Perry (R-Lubbock) prescribing the height limitations on vehicles transporting cotton.

About SB 12, Lt. Governor Dan Patrick said, "I have repeatedly told our retired teachers that my goal is to keep the Teacher Retirement System (TRS) solvent forever. SB 12, which unanimously passed the Texas Senate today, provides a secure pathway to achieving that goal. SB 12 takes a principled conservative approach to pension reform and will
bring actuarial soundness to TRS. Ensuring that Texas doesn't get mired in mounting pension debt, as we see in too many other states, must remain a top priority for Texas. SB 12 will also provide a 13th check for retired teachers in 2020.”

On Tuesday, the Senate passed 14 bills including:

- **SB 89** by Bob Hall (R-Edgewood) establishing a Texas Border Security and Support Service Ribbon.
- **SB 212** by Joan Huffman (R-Houston) requiring reporting of sexual harassment and assault at institutions of higher education. *(additional information is in the Higher Education section)*
- **SB 366** by Kirk Watson (D-Austin) requiring increased reporting by lobbyists.
- **SB 428** by Eddie Lucio, Jr. (D-Brownsville) requiring a study on the feasibility of developing a single intake form for disaster assistance.
- **SB 449** by Brandon Creighton (R-Conroe) clarifying who can testify to the value of real property in an appraisal appeal. *(additional information is in the Tax section)*
- **SB 548** by Brian Birdwell (R-Granbury) clarifying the complaint procedures and filing requirements of the Texas Ethics Commission.
- **SB 552** by Charles Schwertner (R-Georgetown) notifying property owners of their right to refuse a survey of the property by an entity with eminent domain authority. *(additional information is in the Property section)*
- **SB 632** by Lois Kolkhorst (R-Brenham) promoting cooperation between local mental health authorities and law enforcement officials.
- **SB 636** by allowing police officers in smaller cities (Katy) to apply for certification to enforce commercial motor vehicle safety standards.
- **SB 667** by Judith Zaffirini (D-Laredo) changing the Estates Code to clarify procedures related to persons who are incapacitated.
- **SB 683** by Dawn Buckingham (R-Lakeway) cleaning up statutes related to the Texas State Board of Pharmacy and access to the Prescription Monitoring Program.
- **SB 698** by Brian Birdwell (R-Granbury) extending funding for Texas Commission on Environmental Quality's expedited air permitting program.
• **SB 857** by Eddie Lucio, Jr. (D-Brownsville) requiring training for emergency management coordinators in counties of 500,000 or more in population.

• **SB 1413**
  by Judith Zaffirini (D-Laredo) consolidating Texas Workforce Commission reporting requirements.

On Wednesday, the Senate passed 24 bills including:

• **SB 20** by Joan Huffman (R-Houston) codifying the 14 recommendations from the Texas Human Trafficking Prevention Task Force.

• **SB 72** by Jane Nelson (R-Flower Mound) establishing the Human Trafficking Prevention Coordinating Council.

• **SB 124** by Royce West (D-Dallas) allowing counties to require electronic bids for competitive bidding.

• **SB 198** by Charles Schwertner (R-Georgetown) streamlining toll road collection processes and allowing automatic payment of tolls through a bank account.

• **SB 194** by Charles Perry (R-Lubbock) creating the offense of indecent assault (groping) and establishing penalties.

• **SB 306** by Kirk Watson (D-Austin) providing the option for law enforcement to take publicly intoxicated individuals to a sobering center.

• **SB 345** by Brandon Creighton (R-Conroe) Protecting the W.G. Jones State Forest.

• **SB 450** by Beverly Powell (D-Burleson) extending the deadline for economic development corporations to file reports with the comptroller. *(additional information is in the Economic Development section)*

• **SB 530** by Brian Birdwell (R-Granbury) increasing enforcement authority for Texas Commission on Environmental Quality to implement the Federal Safe Drinking Water Act. *(additional information is in the Environment section)*

• **SB 533** by Brian Birdwell (R-Granbury) incentivizing operators to bring inactive wells back into production. *(additional information is in the Tax section)*

• **SB 559** by Borris Miles (D-Houston) requiring hospitals and birthing centers to release medical records regarding maternal deaths to the Department of State Health Services within 30 days. *(additional information is in the Health section)*
• **SB 612** by Bob Hall (R-Edgewood) is the sunset fill for the State Office of Risk Management. *(additional information is in the Workers’ Compensation section)*

• **SB 614** by Robert Nichols (R-Jacksonville) is the sunset bill for the Finance Commission of Texas, Texas Department of Banking, and the Department of Savings and Mortgage Lending.

• **SB 670** by Dawn Buckingham (R-Lakeway) updating regulatory provisions to allow the Health and Human Services Commission to implement telemedicine and telehealth Medicaid services. *(additional information is in the Health section)*

• **SB 702** by Paul Bettencourt (R-Houston) requiring local political subdivisions to report their lobbying activities.

• **SB 726** by Judith Zaffirini (D-Laredo) increasing the cap on community development investments for state banks.

• **SB 923** by Joan Huffman (R-Houston) prohibiting minors (under 18 years old) from entering or being employed at a sexually-oriented business.

• **SB 934** by Kelly Hancock (R-North Richland Hills) increasing the time to appeal a workers' compensation decision. *(additional information is in the Workers’ Compensation section)*

• **SB 935** by Kelly Hancock (R-North Richland Hills) requiring the Division of Workers' Compensation to establish requirements for review of medical billing. *(additional information is in the Workers’ Compensation section)*

• **SB 955** by Paul Bettencourt (R-Houston) removing the authority of a taxing unit to challenge a category of property. *(additional information is in the Tax section)*

• **SB 956** by Paul Bettencourt (R-Houston) allowing inaccuracies in a rendition statement to be corrected. *(additional information is in the Tax section)*

• **SB 999** by Donna Campbell (R-New Braunfels) directing the Department of State Health Services to develop a state plan on awareness, treatment and prevention of Alzheimer's disease.

• **SB 1134** by Kirk Watson (D-Austin) designating a portion of FM 734 in Austin as the Master Sergeant Jonathan J. Dunbar Memorial Highway.

• **SB 1363** by Robert Nichols (R-Jacksonville) adding tow trucks into the "move over/slow down" law.
About the passage of SB 20, Lt. Governor Dan Patrick said, "I congratulate Senator Joan Huffman and the entire Texas Senate on the unanimous passage of CSSB 20 and for her vigilant commitment to ending human trafficking in Texas. CSSB 20 reaffirms our determination to bring human traffickers to justice and stop the scourge of this horrible crime. This legislation will create safer communities across Texas. There are over 234,000 victims of human trafficking in Texas at any given time. CSSB 20 reforms the way we combat human trafficking and strengthens penalties for offenders."

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

**Total number of bills passed by the Senate this week: 44**

**Total number of bills passed by the Senate this session: 72**

**This Week:** The Senate will reconvene at 2:00 p.m. on Monday, April 1, 2019.

The House was in session on Monday, Tuesday and Wednesday of last week.
On Monday, the House gave preliminary approval to nine bills including:

- **HB 76** by Dan Huberty (R-Humble) requiring school districts to offer info on EKG's to UIL student-athletes.
- **HB 123** by James White (R-Hillister) allowing foster and homeless youth to receive a personal ID certificate without parental permission.
- **HB 155** by Terry Canales (D-Edinburg) requiring Texas Department of Criminal Justice to notify courts that inmates have served 75 days so they can return to community supervision.
- **HB 165** by Diego Bernal (D-San Antonio) providing endorsements for special education students. *(additional information is in the Public Education section)*
- **HB 337** by Lyle Larson (R-San Antonio) requiring motorboat operators to use emergency engine cutoff switches.
- **HB 364** by Tony Tinderholt (R-Abilene) requiring the Department of Public Safety to maintain a database of defendants subject to alcohol monitoring through ignition interlock devices.
- **HB 659** by James White (R-Hillister) requiring an annual statistical report on Texas Department of Criminal Justice inmates who are parents.
- **HB 1218** by Stephanie Klick (R-Fort Worth) requiring even distribution of SNAP benefits throughout the month.
- **HB 1389** by Senfronia Thompson requiring courts to consider primary caretaker status in sentencing.

On Tuesday, the House gave final approval to the nine Monday bills, and gave preliminary approval to six bills including:

- **HB 61** by James White (R-Hillister) authorizing escort flag vehicles to use flashing blue and amber lights.
- **HB 382** by Lina Ortega (D-El Paso) allowing utilities in El Paso to establish a low-income assistance program.
- **HB 428** by Matt Shsheen (R-Plano) prohibiting sex offenders in prison from using the Internet to find pen pals.
• **HB 547** by Terry Canales (D-Edinburg) allowing digital images of hunting and fishing licenses as proof of licensure.

• **HB 638** by Giovanni Capriglione (R-Keller) allowing school districts to issue posthumous high school diplomas.

• **HB 1101** by Drew Darby (R-San Angelo) changing the name of the Southwest Collegiate Institute for the Deaf to Southwest College for the Deaf.

On Wednesday, the House gave final approval to the six bills taken up on Tuesday. They spent 12 hours in debate and after consideration of 307 amendments gave preliminary approval to:

• **HB 1** by John Zerwas (R-Fulshear) is the general appropriations bill.

• **SB 500** by Jane Nelson (R-Flower Mound) and John Zerwas (R-Fulshear) is the supplemental appropriations bill.

Total number of bills reported out of House Committees this week: 101

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

Total number of bills passed by the House this session: 34

**This Week:** The House will reconvene at 10:00 a.m. on Monday, April 1, 2019. Speaker Dennis Bonnen announced that the House will be in session Monday through Friday next week. Friday is Speaker's Reunion Day when former House members return to visit the House.
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.

**HEARING ALERT**

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

HB 2858 has been posted for hearing in House Urban Affairs for Thursday, April 4th. The hearing can be viewed on that day by clicking the link below and selecting the Urban Affairs tab. The hearing is slated to begin at 8 am and will stand in recess between 10 am - 1pm while the House meets to conduct daily business.
Please tune-in and support your fellow TPSC members who will be testifying on this important measure!

Video link: https://house.texas.gov/video-audio/

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](https://tlo.texas.gov) (TLO).

To learn more about the Texas State Senate and its activities, visit the [Texas State Senate](https://www.senate.state.tx.us) website.

To learn more about the Texas House of Representatives and its activities, visit the [Texas House of Representatives](https://www.house.state.tx.us) 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*