September 25, 2019 | No. 86-4

FOCUS *report*

Vetoes of Legislation, 86th Legislature

Gov. Greg Abbott vetoed 56 bills approved by the 86th Legislature during the 2019 regular legislative session. The vetoed bills include 41 House bills and 15 Senate bills.

This report includes a digest of each vetoed measure, the governor's stated reason for the veto, and a response to the veto by the author or the sponsor of the bill. If the House Research Organization analyzed a vetoed bill, the *Daily Floor Report* in which the analysis appeared is cited.

Table of Contents

Requiring the creation and acceptance of certain court forms

HB 51 by Canales (Zaffirini)

Digest

HB 51 would have required the Office of Court Administration (OCA) to create and promulgate standard forms for use by courts in certain criminal actions. The OCA would have had to create nine specific forms for waivers, acknowledgements, and admonishments and to update the forms as necessary. Courts would have had to accept the forms unless the forms were completed in a manner that caused a substantive defect that could not be cured.

The Texas Supreme Court would have had to set a date by which all criminal courts would have had to adopt and use the forms.

Governor's reason for veto

"House Bill 51 would require the creation and use of standardized forms for certain actions in criminal cases. The Office of Court Administration can already create forms for courts to use, so House Bill 51 is unnecessary for that purpose. But in going further and mandating that judges use these standardized forms, the bill as drafted could create larger problems. The author's good intentions are appreciated, but the bill may end up discouraging judges from giving individualized attention to the important matters being waived or otherwise addressed by the forms, and it risks creating loopholes for criminal defendants to exploit whenever the forms are not used. It also could preclude judges from handling these matters orally on the record, which unduly restricts the ability of judges to run their courtrooms."

Response

Rep. Terry Canales, the bill's author, said: "During the legislative session, my staff and I went over this legislation with the governor's office, and we were not presented with any concerns. During the last four years that we have worked on this issue with the Office of Court Administration and various courts throughout the state of Texas, we have never received any kind of concern on this legislation from any legislative office or the governor's office, and we did not have a single legislator vote against this legislation during the 86th legislative session.

"Texas has one set of laws for the entire state of Texas, yet our courts are using completely different forms for waivers and acknowledgements in criminal actions, even in courtrooms across the hall from each other in the same county. Standardizing these forms would reduce errors and make it easier for law practitioners and laymen alike to access the Texas legal system. As we move toward the 87th legislative session, I look forward to working with Gov. Abbott and his staff to refine this legislation and prepare this important bill for passage."

Sen. Judith Zaffirini, the Senate sponsor, said: "While the Office of Court Administration (OCA) could create forms without legislative action, a statutory mandate would have ensured their timely and statewide adoption. Many defense attorneys practice in multiple jurisdictions that produce unique forms for criminal cases. Standardized forms would not only reduce confusion, but also ensure that all criminal defendants are subject to the same judicial process.

"OCA personnel and the judges with whom they work have the expertise, experience, and insight necessary to develop forms that maintain judicial flexibility in rendering decisions. Rather than reducing the need for judges to devote attention to individual items, these forms would have served as a checklist to ensure each judge covered — and each defendant understood — all matters pertinent to a case. What's more, by ensuring all actions taken by criminal courts were properly documented, HB 51 would have made it more, not less, difficult for guilty persons to evade prosecution by exploiting loopholes. Equally important, filling out a form should not preclude judges from handling matters orally on the record."

Notes

HB 51 was digested in the April 11 *Daily Floor Report*.

Requiring TDA to include crop disease prevention in strategic plan

HB 70 by M. González (Hall)

Digest

HB 70 would have required the Texas Department of Agriculture to include in its strategic plan a goal of preventing crop diseases and plant pests. The goal would have had to include provisions for:

- improving the department's preventive management practices concerning diseases and pests and its control and eradication measures;
- implementing a surveillance program to aid in early detection of emerging diseases and pests;
- evaluating and expanding emergency management activities regarding diseases and pests; and
- addressing how the department would educate farmers, producers, and communities that sustain agriculture about crop diseases and plant pests.

Governor's reason for veto

"House Bill 70 would unnecessarily direct the Department of Agriculture to include in its strategic plan the goal of preventing crop diseases and plant pests. That subject is adequately covered in the Department of Agriculture's most recent strategic plan, and that is not expected to change in future iterations. *See* Tex. Gov't Code §2056.002(b)."

Response

Rep. Mary González, the bill's author, said, "The spread of pests and disease-causing organisms that damage plant life could cost global agriculture $540 billion a year, and Texas ranks third in agricultural production in the United States. I filed this piece of legislation because I've seen firsthand in my district that we do not have the tools to effectively address crop diseases and plant pests. I will continue to work on efforts to bring crop disease and plant pest prevention to the forefront of legislative efforts around agriculture."

Sen. Bob Hall, the Senate sponsor, had no comment on the veto.

Notes

The HRO analysis of HB 70 appeared in Part Two of the April 25 *Daily Floor Report*.

Requiring a magistrate's name to be written legibly on signed orders

HB 93 by Canales (Hinojosa)

Digest

HB 93 would have required signed orders issued by a magistrate under the Code of Criminal Procedure or any order pertaining to a criminal matter issued under other state laws to include the magistrate's name in legible handwriting, typewritten form, or stamp print in addition to the magistrate's signature.

Governor's reason for veto

"House Bill 93 would mandate that all orders by magistrate judges not only be signed, but also include the magistrate's name in legible print or writing. Yet it does not address what the consequences would be if the magistrate's name is not printed in the form prescribed, which could create loopholes for opportunistic litigants and prompt needless challenges to court orders. The author may have intended to address the integrity of court orders against possible forgery, but the bill as drafted is not the right answer."

Response

Rep. Terry Canales, the bill's author, said: "During the legislative session, my staff and I went over this legislation with the governor's office and we were not presented with any concerns. On top of that, we did not have a single legislator vote against this legislation during the 86th legislative session.

"HB 93 simply requires a magistrate's name be typewritten, legibly written, or legibly stamped on a court order. This legislation comes from a very real issue in Hidalgo County where criminals were falsifying court orders by scribbling on a magistrate's signature line. When a person receives a court order, they should have the ability to find out the court where the order originated. This is a major transparency and open-government issue for our courts. The requirements in HB 93 are already in place in federal court orders and in many states throughout the country. As we move toward the 87th legislative session, I look forward to working with Gov. Abbott and his staff to refine this legislation and prepare this important bill for passage."

Sen. Juan "Chuy" Hinojosa, the Senate sponsor, had no comment on the veto.

Notes

The HRO analysis of HB 93 appeared in Part Two of the April 9 *Daily Floor Report*.

Barring charter schools from operating on Memorial Day

HB 109 by Martinez (Hinojosa)

Digest

HB 109 would have prohibited open-enrollment charter schools from operating on Memorial Day. It would have allowed a school district designated as a district of innovation to be exempted from the Education Code prohibition on districts providing student instruction on Memorial Day.

Governor's reason for veto

"Although the purpose of House Bill 109 was to keep Texas schools closed on Memorial Day, as written it would allow up to 859 school districts to remain open on the holiday. Memorial Day is an important holiday, intended to honor and remember the brave men and women who gave their lives in defense of our country. Teaching young Texans how to respectfully celebrate this holiday is critical, and we do not accomplish this goal with a law that may require them to attend school on Memorial Day. If the goal was to create more uniformity in how charter schools and school districts celebrate holidays, the Legislature should draft a more targeted bill next session."

Response

Neither **Rep. Armando Martinez**, the bill's author, nor **Sen. Juan "Chuy" Hinojosa**, the Senate sponsor, had a comment on the veto.

Notes

The HRO analysis of HB 109 appeared in the March 19 *Daily Floor Report*.

Requiring DPS to issue personal ID certificates to certain persons

HB 345 by Holland (Schwertner)

Digest

HB 345 would have required the Department of Public Safety to adopt procedures for the automatic issuance of a personal identification certificate to a person who was 60 years of age or older at the time the person's driver's license was surrendered or revoked. The procedures would have had to meet certain conditions, including compliance with federal guidelines.

Governor's reason for veto

"I have already signed House Bill 2092, requiring DPS to adopt procedures for issuing personal identification certificates to all individuals who surrender their driver's licenses. House Bill 345 would apply to only some of those individuals and require DPS to adopt additional procedures for the automatic issuance of personal identification certificates. Disapproving House Bill 345 will allow individuals to transition to personal identification certificates when they desire and ensure that implementation of this program will not cause administrative headaches."

Response

Neither **Rep. Justin Holland**, the bill's author, nor **Sen. Charles Schwertner**, the Senate sponsor, had a comment on the veto.

Notes

HB 345 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Allowing Liberty County to regulate game rooms

HB 389 by Bailes (Nichols)

Digest

HB 389 would have added Liberty County to the list of counties authorized to regulate game rooms. As a result of the bill, the county would have been able to restrict the location of game rooms and the number of game rooms that could operate in an area of the county.

Governor's reason for veto

"I have signed House Bill 892, which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions from the relevant statute. House Bill 389 attempts to amend the provisions already repealed by House Bill 892. As such, House Bill 389 is unnecessary and I am vetoing it at the request of the author."

Response

Rep. Ernest Bailes, the bill's author, said: "A statewide bill was passed that accomplished the goal of HB 389. As HB 892 would override HB 389, it rendered the bill unnecessary."

Sen. Robert Nichols, the Senate sponsor, said: "It is unnecessary for HB 389 to be passed into law, given that the same provisions also exist in HB 892, which give all counties statewide the authority to regulate game rooms by removing all local bracket language from the relevant statute."

Notes

HB 389 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Creating an offense for not securing child under 2 in rear-facing car seat

HB 448 by C. Turner (Zaffirini)

Digest

HB 448 would have made it an offense to operate a vehicle to transport a child under 2 years old without securing the child in a rear-facing child passenger safety seat system unless the child was taller than 3 feet, 4 inches or weighed more than 40 pounds. A peace officer would have been prohibited from stopping a vehicle or detaining a vehicle operator solely to enforce this offense and from issuing a citation for the offense without first giving a warning. It would have been a defense to prosecution that the child had a medical condition preventing the child from being secured in a rear-facing seat.

Governor's reason for veto

"House Bill 448 is an unnecessary invasion of parental rights and an unfortunate example of over-criminalization. Texas already compels drivers to use a car seat for a child under eight years of age. *See* Tex. Transp. Code §545.412. House Bill 448 would get even more prescriptive, dictating which way the car seat must be facing for a child under two years of age. It is not necessary to micromanage the parenting process to such a great extent, much less to criminalize different parenting decisions by Texans."

Response

Rep. Chris Turner, the bill's author, said: "As a result of this veto, our car seat laws will continue to be outdated and inherently confusing for parents. By passing HB 448, the rear-facing car seat bill, the Legislature made it clear that we want young Texans to be as safe as possible in the event of a crash and that we should clarify and update our law in the process.

"The bill would have aligned our law with American Academy of Pediatrics recommendations, those of first responders, the Department of Public Safety, the Texas Department of Transportation, the Department of State Health Services, the Centers for Disease Control and Prevention, and at least 15 other states that have already made this critical update to their laws.

"In his veto proclamation, the governor stated that this measure is an 'unfortunate example of over-criminalization.' To the contrary, this bill would have actually lessened the penalties on parents. HB 448 would have made a violation a secondary offense, as opposed to current law, which allows law enforcement to cite car seat misuse as a primary offense. In addition, HB 448 would have made the first instance a warning, not a class C misdemeanor, which is the current law if a parent or other caregiver does not use a car seat according to manufacturer guidelines. Unfortunately, that common-sense reform, aimed at making car seat safety about education and not penalization, did not become law as a result of the veto.

"The veto sends the irresponsible message that it doesn't matter if a child under age 2 is rear-facing. It does matter. Rear-facing car seats have been proven to save young lives.

Sen. Judith Zaffirini, the Senate sponsor, said: "Extensive evidence shows that using the appropriate car seat correctly can make the difference between life and death for young children. Accordingly, Texas already has determined it is appropriate to require parents to use car seats for children younger than eight. The current law's lack of specificity, however, fails to recognize the different safety measures needed to protect child passengers at different ages. By updating the law to align with the most recent medical and scientific consensus regarding effective, safe car seat use, HB 448 would have promoted critical awareness in parents and saved the lives of vulnerable young Texans (or at least precluded or minimized their injuries).

"Far from being an 'example of over-criminalization,' HB 448 would have reduced current criminal penalties for violations by replacing fines with warnings for first offenses and by making them secondary offenses. This

means no one could be stopped simply for not having a baby in a rear-facing car seat.

"Although disappointed by this veto, I will continue my efforts to reduce traffic injuries and fatalities — especially for our smallest children — during the 2021 legislative session."

Notes

The HRO analysis of HB 448 appeared in Part One of the April 15 *Daily Floor Report*.

Requiring policies on the recess period in public schools

HB 455 by Allen (Watson)

Digest

HB 455 would have required the Department of State Health Services School Health Advisory Committee to develop model policies for the school recess period that encouraged constructive, age-appropriate outdoor playtime. The policies would have included guidelines for outdoor equipment and facilities on public school campuses that maximized the effectiveness of outdoor physical activity. School districts would have been required to adopt a recess policy based on the model recess policies and recommendations from their local school health advisory council.

Governor's reason for veto

"I appreciate the good intentions behind House Bill 455, and there is no disputing the educational and health benefits of recess during the school day. But requiring the State and its school districts to churn out more policies and mandates about recess is just bureaucracy for bureaucracy's sake."

Response

Rep. Alma Allen, the bill's author, said: "HB 455 would have provided research-based guidance and best practices for local districts and schools to use when establishing their own policies. Having the Texas School Health Advisory Committee establish model guidelines for recess policies is not bureaucracy for bureaucracy's sake. On the contrary, the model guidelines are based on best practices already used in some of the state's largest school districts and would provide smaller districts a 'cut and paste' opportunity to define for themselves how recess is administered. We, along with our community partners, are dedicated to ensuring recess for every Texas student consists of unstructured playtime that emphasizes outdoor physical play."

Sen. Kirk Watson, the Senate sponsor, said: "With the growing issue of childhood obesity in Texas, ensuring schools have a recess policy is an important step to foster meaningful child physical activity. Schools enact numerous policies related to student health, conduct, and curriculum, all of which serve an important purpose. This bill would have ensured an equally important policy for school recess in order to provide guidance on this critical element of child development."

Notes

The HRO analysis of HB 455 appeared in Part One of the April 15 *Daily Floor Report*.

Requiring air ambulance companies to enter into reciprocity agreements

HB 463 by Springer (Perry)

Digest

HB 463 would have required air ambulance companies that operated a subscription program in the same service delivery area to enter into reciprocity agreements with each other. Reciprocity agreements for subscription programs would have been exempt from regulation under the Texas Insurance Code.

The bill also would have required the executive commissioner of the Health and Human Services Commission to adopt rules establishing minimum standards for the creation and operation of a subscription program. The rules would have had to:

- ensure protection of public health and safety;
- ensure compliance with federal laws and rules regarding air ambulance subscription program services; and
- establish minimum standards and objectives for the delivery of air ambulance emergency medical services under a reciprocity agreement.

Governor's reason for veto

"House Bill 463, by mandating that air ambulance companies enter into reciprocity agreements, would unnecessarily intrude into the operations of private businesses and could very well reduce the availability of products that protect rural Texans from expensive air ambulance bills. The author was understandably trying to help Texans, but this bill likely runs afoul of federal law and could have unintended consequences. The Legislature and the federal government should find better ways to address the high costs of air ambulance services."

Response

Rep. Drew Springer, the bill's author, said, "Helicopter air ambulances reduce transport times for critically injured/ill patients during life-threatening emergencies and undoubtedly save lives. Yet patients typically have little to no choice over the service or provider that responds to their emergency and can be billed afterwards for charges that have potentially devastating financial impacts. Many residents of Texas have air ambulance memberships which cover the cost of a flight should one be needed for them and their families.

"I filed HB 463 because a constituent of HD 68 once received an air ambulance bill for more than $50,000 despite having an air ambulance membership. As the constituent found out, many of these memberships do not make it clear that an air ambulance from a different provider may be dispatched, leaving a person who needed this emergency service with a hefty bill. The bill would have required air ambulance companies that operated a subscription program to enter into reciprocity agreements with other air ambulance companies that operated a subscription program in the same service area.

"Gov. Greg Abbott vetoed HB 463, despite that the bill passed overwhelmingly in the House and Senate, claiming that mandating air ambulance companies enter into reciprocity agreements unnecessarily intrudes into the operations of private businesses and could very well reduce the availability of products.

"As a free market Republican, I would agree that private business typically works best with the least amount of government interference. However, you are not making a free market decision and are unable to shop for less-expensive alternatives when under the duress of a life-and-death situation for which you have no control over who comes to your rescue. Wealthy investors, attracted by the industry's rapid growth, have acquired many of the biggest air-ambulance operators. Approximately two-thirds of medical helicopters operating in 2015 belong to only three for-profit providers.

"Air ambulance services have proliferated over the past decade, and with them reports of patients and families

ruined by exorbitant bills not covered by insurance. A recent federal report shows that between 2010 and 2014, the median prices for helicopter air ambulance services approximately doubled, from around $15,000 to about $30,000 per transport.

"The state of Montana passed legislation similar to HB 463 in 2017 and still has vibrant air ambulance services with subscription services. The only result of the state law in Montana has been to chase out the bad actors – and there are bad actors. In the past, air ambulance providers have paid illegal kickbacks to secure deployments, failed to acknowledge that their memberships may not cover costs if subscribers were rescued by a different service provider, and in many cases have unnecessarily transported people via air ambulance who could have instead been transported safely by a ground ambulance.

"HB 463 was a small attempt at protecting Texans who try to protect themselves in case of an emergency by purchasing an air ambulance membership. I am disappointed the governor vetoed the bill, leaving Texans exposed to predatory pricing during their most vulnerable moments."

Sen. Charles Perry, the Senate sponsor, had no comment on the veto.

Notes

The HRO analysis of HB 463 appeared in Part One of the April 8 *Daily Floor Report*.

Allowing counties to create local provider participation funds

HB 651 by Springer (Kolkhorst)

Digest

HB 651 would have allowed a county not served by a hospital district or public hospital to administer a county health care provider participation program. The county could have collected annual mandatory payments from nonpublic hospitals in the county to provide the nonfederal share of a Medicaid supplemental payment program and certain other purposes. The mandatory payments would have been assessed on the net patient revenue of each nonpublic hospital.

The bill would have required each county that collected mandatory payments to create and deposit those payments in a local provider participation fund. The fund also would have included earnings of the fund and money received from the Health and Human Services Commission as a refund of an intergovernmental transfer from the county to the state to provide the nonfederal share of Medicaid supplemental payment program payments. The bill would have prohibited money in the local provider participation fund from being commingled with other county funds.

Deposited money in the fund could have been used only for:

- funding certain intergovernmental transfers from the county to the state to provide the nonfederal share of a Medicaid supplemental payment program and other Medicaid waiver programs or payments to certain Medicaid managed care organizations;
- paying indigent care costs;
- paying the county's administrative expenses for the county health care provider participation program; and
- making certain refunds to paying hospitals.

Governor's reason for veto

"I have signed House Bill 4289, which grants counties, cities, and hospital districts the authority to establish a health care provider participation program. In light of House Bill 4289, House Bill 651 is unnecessary because it sought to achieve the same purpose and similarly would grant authority to establish these programs, but only for certain counties. I am grateful to Representative Springer and Senator Kolkhorst for working to address this important issue."

Response

Neither **Rep. Drew Springer**, the bill's author, nor **Sen. Lois Kolkhorst**, the Senate sponsor, had a comment on the veto.

Notes

The HRO analysis of HB 651 appeared in Part One of the April 9 *Daily Floor Report*.

Telling arrestees of military enlistment consequences of guilty, no contest pleas

HB 929 by Anchia (Watson)

Digest

HB 929 would have required a magistrate to inform an arrested person brought before the magistrate within 48 hours of arrest that a plea of guilty or no contest for the charged offense could affect the person's eligibility for enlistment or re-enlistment in the U.S. armed forces or could result in the person's discharge from the U.S. armed forces if the person was a member.

Governor's reason for veto

"Under current law, a magistrate must inform an arrested person of important constitutional protections, such as the right to counsel. House Bill 929 would have added yet more recitations about non-constitutional matters, making these magistration warnings less helpful to arrestees. Magistration should focus arrestees on exercising their constitutional rights at the beginning of the criminal justice process."

Response

Rep. Rafael Anchia, the bill's author, said: "As Texans, we value our individual liberties. The Sixth Amendment serves as a constitutional protection to those fundamental rights.

"The Texas Code of Criminal Procedure recognizes these protections and requires magistrates to warn individuals, in all felony proceedings, of the implications of a guilty or no contest plea.

"However, admonishments related to pleas on military status are not required for felony or misdemeanor cases, even though a plea may lead to collateral consequences associated with enlistment, re-enlistment, or even punitive discharge from the armed services, which can be grounds for losing veteran's mental and medical health benefits.

"HB 929 sought to do one simple thing: protect our men and women in uniform by ensuring they are fully informed of the consequences of their plea, and its effect on their military status."

Sen. Kirk Watson, the Senate sponsor, said: "Although not a constitutional matter, knowing how one's plea of guilty or no contest could impact their military status is of utmost importance. I believe this warrants our attention, and we owe it to those who serve this country to ensure they are given all necessary information early in the legal process in order to make informed decisions."

Notes

HB 929 was digested in the April 11 *Daily Floor Report*.

Creating a pilot program in Atascosa County for appealing ARB orders

HB 994 by Guillen (Flores)

Digest

HB 994 would have established a pilot program allowing property owners in Atascosa County to bring certain appeals of an appraisal review board (ARB) order to a justice court rather than to district court or to binding arbitration. An appeal could have been brought to a justice court if it related to a claim of excessive appraisal of property qualifying as a residence homestead with an appraised value of $500,000 or less. The bill would have expired September 1, 2025.

Governor's reason for veto

"The Tax Code permits homeowners to protest the appraised value of their property to an Appraisal Review Board and, if they are not satisfied with the Board's ruling, to appeal that ruling to district court or binding arbitration. House Bill 994 would have created an exception to this process for just one county, allowing homeowners in Atascosa County whose homes are valued at $500,000 or less to appeal to a justice of the peace, rather than to a district court or arbitration. The Legislature has not identified a reason to treat the residents of one county so differently, and to depart from uniform procedures for property tax appraisal and protest."

Response

Rep. Ryan Guillen, the bill's author, could not be reached for comment on the veto.

Sen. Peter Flores, the Senate sponsor, had no comment on the veto.

Notes

The HRO analysis of HB 994 appeared in Part Two of the April 23 *Daily Floor Report*.

Allowing Jefferson County to regulate game rooms

HB 1031 by Deshotel (Creighton)

Digest

HB 1031 would have added Jefferson County to the list of counties authorized to regulate game rooms. As a result of the bill, the county would have been able to restrict the location of game rooms and the number of game rooms that could operate in an area of the county.

Governor's reason for veto

"I have signed House Bill 892, which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions from the relevant statute. House Bill 1031 attempts to amend the provisions already repealed by House Bill 892. As such, House Bill 1031 is unnecessary."

Response

Rep. Joe Deshotel, the bill's author, said: "With the passage of HB 892 it was proper to veto HB 1031. The goal was reached."

Sen. Brandon Creighton, the Senate sponsor, had no comment on the veto.

Notes

HB 1031 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Authorizing property transfers for the Willacy County Navigation District

HB 1053 by Guillen (Lucio)

Digest

HB 1053 would have authorized the Willacy County Navigation District to sell, exchange, or lease real property or interest in real property. The disposition of real property would have been exempt from certain notice, bidding, and other statutory requirements.

The bill also would have allowed the Port of Harlingen Authority to impose a property tax of up to 10 cents on each $100 valuation of taxable property in the authority for the maintenance, operation, and upkeep of the authority and the improvements constructed by the authority.

Governor's reason for veto

"House Bill 1053 has two fatal flaws: First, it would exempt the Willacy County Navigation District from competitive bidding requirements applicable to all other navigation districts, allowing it to donate, exchange, convey, sell, or lease a real property interest for less than reasonable market value and without providing public notice. This exception to the general laws of our State would unnecessarily undermine the tenets of transparency.

"Second, it would authorize the Port of Harlingen Authority to impose an ad valorem tax. The end-of-session addition of this power was not properly vetted through the legislative process and did not receive a public hearing. While likely not the intent of this bill's author or sponsor, this would set a bad example for how special districts can evade statutory and legislative oversight in the future."

Response

Neither **Rep. Ryan Guillen**, the bill's author, nor **Sen. Eddie Lucio**, the Senate sponsor, could be reached for comment on the veto.

Notes

The HRO analysis of HB 1053 appeared in the Part Two of the April 10 *Daily Floor Report*.

Requiring biennial report on green stormwater infrastructure

HB 1059 by Lucio (Rodríguez)

Digest

HB 1059 would have required the Texas Commission on Environmental Quality (TCEQ) to appoint a 10-member group each fiscal biennium to prepare a report on the use of green stormwater infrastructure and low impact development in the state.

Reports prepared under the bill would have had to include a list of each entity with land development authority that allowed the use of green stormwater infrastructure and low impact development in land development projects, an assessment of the various benefits of and recommendations to encourage the increased use of such infrastructure and development, and other items listed in the bill. The groups that prepared these reports would have consisted of members representing counties, cities, certain special districts, university programs related to land development, real estate developers, civil engineers, landscape architects, environmental groups, professional organizations focused on water conservation, and providers of green stormwater infrastructure and low impact development systems or practices.

Governor's reason for veto

"House Bill 1059 would mandate a series of reports that are redundant and unnecessary. Many cities and counties are already using adaptive strategies to manage stormwater runoff. Institutions of higher education, meanwhile, are providing sufficient information and support to local governments to promote even broader application of these stormwater-management tools."

Response

Rep. Eddie Lucio, the bill's author, had no comment on the veto.

Sen. José Rodríguez, the Senate sponsor, said:

"HB 1059 passed both the House and Senate with overwhelming bipartisan support. Contrary to the governor's assertion, numerous experts and stakeholders said the information collected by this study was not duplicative and would have provided local and state governments and other interested parties with information pertinent to green stormwater infrastructure development and the role it plays in the broader water planning strategy of the state. For example, there is no statewide inventory of green infrastructure, so we're not even measuring what we have, much less planning to bring more green roofs, rain gardens, and permeable pavement to the state. Given the number and severity of flooding occurrences over the last several years and ongoing problems related to water pollution, the state should look at every avenue to mitigate and minimize the negative impacts of these disasters."

Notes

HB 1059 was digested in Part One of the April 30 *Daily Floor Report*.

Allowing Texas Veterinary Board to hire and commission peace officers

HB 1099 by Guillen (Hinojosa)

Digest

HB 1099 would have allowed the Texas State Board of Veterinary Medical Examiners to employ and commission certified peace officers to enforce the Veterinary Licensing Act. If the board commissioned peace officers, it would have had to designate one as a chief investigator.

Governor's reason for veto

"House Bill 1099 would allow the Texas Board of Veterinary Medical Examiners to hire peace officers to investigate violations of the Veterinary Licensing Act. Legislation was passed last session to help the Board develop an effective way to inspect and monitor the potential diversion of controlled substances at veterinarians' offices, and to consistently implement its enforcement procedures. The Board should use its existing tools instead of creating more state-commissioned peace officers and seeking out new tasks related to supervising those officers."

Response

Rep. Ryan Guillen, the bill's author, could not be reached for comment on the veto.

Sen. Juan "Chuy" Hinojosa, the Senate sponsor, said, "Whereas medical doctors can only stock a 72-hour supply of controlled substances, veterinarians are different from other practitioners in that their ability to stockpile and dispense controlled substances is unlimited. No state or federal agency comprehensively tracks the total amount of controlled substances flowing through Texas veterinarians as they prescribe and dispense directly to clients. What's more, the Drug Enforcement Administration (DEA) provided data that showed that from 2012 to 2016, veterinarians in Texas had reported more than 53,000 dosage units as lost or stolen, compared to medical doctors reporting 6,803 instances.

"The Texas State Board of Veterinary Medical Examiners' lack of peace officer status hampers the board's ability to interact and exchange information with various state or federal law enforcement organizations, such as DEA, U.S. Department of Agriculture, Texas Department of Public Safety, and the Texas Racing Commission. State and federal law enforcement agencies have difficulty providing information to board investigators due to laws prohibiting the release of criminal justice information to non-criminal justice personnel. The commissioning of board investigators would allow for the exchange of information and help with the potential theft and abuse of controlled substances. We have an opioid epidemic in our state."

Notes

The HRO analysis of HB 1099 appeared in Part Two of the April 17 *Daily Floor Report*.

Allowing county assistance districts to perform certain duties

HB 1120 by Miller (Miles)

Digest

HB 1120 would have allowed a county assistance district in Fort Bend County to perform inside or outside the district an authorized function that benefited the district.

Governor's reason for veto

"Special districts exist to perform functions within their districts, but House Bill 1120 would extend this power outside the boundaries without adequate safeguards to protect against the potential for abuse."

Response

Rep. Rick Miller, the bill's author, said, "HB 1120 would have allowed for a county assistance district in Fort Bend County to perform certain functions both inside and immediately outside its boundaries to improve the district's ability to benefit the community and operate in a cost-efficient manner.

"HB 1120 would have allowed for a county assistance district to perform five key functions inside and immediately outside its boundaries, including:

- the construction, maintenance, or improvement of roads or highways;
- the provision of law enforcement and detention services;
- the maintenance or improvement of libraries, museums, parks, or other recreational facilities;
- the provision of services that benefit the public health or welfare, including the provision of firefighting and fire prevention services; and
- the promotion of economic development and tourism.

"I would have been more than happy to work with the governor's office to ensure that this legislation created adequate safeguards to protect against potential abuse. However, the first time I was aware of any concerns from the governor's office was when I received notification of the veto for HB 1120. This veto is an unfortunate loss for my constituents who would have greatly benefited from this legislation."

Sen. Borris Miles, the Senate sponsor, said, "HB 1120 would have provided Fort Bend County flexibility in administering its county assistance districts. County assistance districts allow counties to raise revenue from targeted areas then expend the revenue on certain public services. HB 1120 would have clarified that while county assistance districts collect revenues from targeted areas, they could spend revenues to the benefit of the county, throughout the county.

"Certain Texas counties, particularly Fort Bend County, have lost sales tax revenue base as some municipalities strip annex certain roads and commercial properties to collect sales tax but then fail to provide services to these areas. HB 1120 would have provided Fort Bend County relief by clearly allowing its county assistance districts to expend revenues to benefit the entire county, whether inside or outside the district's tax base. This veto denies Fort Bend County the ability to help everyone in the county from the revenues generated by these districts. The governor's office never indicated any concerns with the bill during the session and their now-stated concern about the potential for abuse exists with any special district and could have been addressed if the author's office or our office had been informed of their concerns."

Notes

HB 1120 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Making it a crime to possess a weapon on backside of airport terminal

HB 1168 by Anchia (West)

Digest

HB 1168 would have expanded the offense of possessing or carrying a firearm or other restricted or prohibited weapon in or into a secured area of an airport to include possessing or carrying a weapon in or into an adjacent aircraft parking area used by common carriers in air transportation but not used by general aviation. The bill would have made it a defense to prosecution that the person was authorized by a federal agency or the airport operator to possess a firearm in a secured area.

Governor's reason for veto

"House Bill 1168 would impose an unacceptable restraint on the Second Amendment rights of law-abiding travelers. The Legislature may have intended simply to keep firearms off the tarmac, but the bill as drafted would newly prohibit carrying in any part of the airport terminal building, even ahead of the TSA inspection checkpoint. By vetoing this bill, I am ensuring that Texans can travel without leaving their firearms at home. I look forward to working with the next Legislature on the good idea behind this bill."

Response

Rep. Rafael Anchia, the bill's author, said: "Gov. Greg Abbott vetoed HB 1168, legislation intended to secure airports across our state.

"HB 1168 was filed during the first month of the legislative session, and was referred to the House Committee on Homeland Security & Public Safety. The bill quickly garnered bipartisan support, bolstered by bipartisan joint authors — Chairman King (R-Parker), Rep. Tinderholt (R-Tarrant), Chairman Turner (D-Tarrant) and Rep. Meza (D-Dallas). HB 1168 was considered in a public hearing and was reported favorably by a unanimous vote of every member of the committee. The bill received overwhelming bipartisan support in both the House and Senate chambers. The bill was sent to the governor's desk on May 21, 2019.

"Throughout the legislative process, I engaged with a broad group of stakeholders to ensure the provisions of HB 1168 were acceptable to all parties. From the National Rifle Association (NRA) and the Texas State Rifle Association (TSRA) to Dallas/Fort Worth International Airport (DFW Airport), I fielded and accepted input from all participants. After months of negotiating countless iterations of the bill, I was able to deliver what would become the enrolled version of HB 1168.

"Aviation experts have stated that 'insider threats' remain a primary security concern for domestic airports. Currently, it is against federal law for an employee, such as a baggage handler, to possess a weapon in the Airport Operations Area (i.e., airside, ramp or tarmac). Due to limited resources, federal agents do not have the capacity to respond to these cases. HB 1168 would make it a state crime to possess a prohibited weapon in these restricted areas, which would in turn provide our state officials the same jurisdiction as federal agents to address these issues.

"In 2015, Gov. Abbott penned a letter to the citizens of Texas. The opening line of the letter reads, 'The state's first and most solemn responsibility is ensuring the security of all Texans.' The letter's purpose was to unveil the Texas Homeland Security Strategic Plan 2015-2020 (The Plan). The Plan specifically identifies the importance of securing our state's 'critical infrastructure'. As defined by The Plan, 'Critical Infrastructure are those systems and assets, whether physical or virtual, so vital to the United States or the State of Texas that the incapacity or destruction of such systems and assets would have a debilitating impact on security, economic security, public health or safety, or any combination thereof.' The Plan further mentions that 'five of the sixteen critical infrastructure sectors in Texas are considered "lifeline sectors," meaning that all of the other eleven sectors depend on these systems to operate.' One of the five identified lifeline sectors includes the

'Transportation Systems Sector: Aviation Sub-Sector.'

"Per The Plan, Texas' general aviation sector includes more than 225 public-use airports and 21 international airports located throughout the state. Texas is home to six of the top 50 busiest airports in the nation by annual passengers boarded. These include DFW Airport (#4), Houston George Bush Intercontinental (#15), Dallas Love Field (#31), Austin-Bergstrom International Airport (#33), William P. Hobby Airport (#36), and San Antonio International Airport (#43).

"HB 1168 was a good-faith attempt to protect the citizens of Texas and our visitors from threats of harm, and mitigate the potential dangers that may result in the loss of life. The bill was a byproduct of thoughtful deliberations and bipartisan compromise.

"House Bill 1168, a public safety bill related to our nation's critical infrastructure, was vetoed by Gov. Greg Abbott on June 15, 2019.

"The Airport Safety Bill was about helping local law enforcement protect airport passengers. Making sure people with guns can't get on the tarmac is common sense. The legislature gets it. The governor didn't."

Sen. Royce West, the Senate sponsor, said: "The intent of the bill was of course to keep firearms out of secure areas at an airport, such as the tarmac. While I am disappointed in the veto, I am pleased that the governor also sees the merit in this idea."

Notes

The HRO analysis of HB 1168 appeared in Part Two of the April 23 *Daily Floor Report*.

Allowing county assistance districts to provide certain grants

HB 1174 by Reynolds (Miles)

Digest

HB 1174 would have allowed a county assistance district in Fort Bend County to provide a grant or loan to a political subdivision to assist in funding the performance of at least one of the district's authorized functions.

Governor's reason for veto

"House Bill 1174 would allow county assistance districts to give their financial resources to other political subdivisions, but would do so without protecting against abuse."

Response

Rep. Ron Reynolds, the bill's author, said, "I am deeply disappointed that Gov. Abbott chose to veto HB 1174. The bill would have allowed county assistance districts to provide a grant or a loan to a political subdivision of the state. This would have helped the districts better serve the area(s) that they encompass. The idea for this legislation came from a current Fort Bend County commissioner who saw the need to make a change in the law to allow for more flexibility within the county assistance districts, which would benefit these communities.

"The governor's interpretation of the bill was not correct. He said HB 1174 would not have protected against abuse of these CAD funds. However, county commissioners and county judges are the governing boards of the various county assistance districts. It takes a majority of a district's board to spend any sales tax revenue from the district, providing protection from abuse."

Sen. Borris Miles, the Senate sponsor, said, "HB 1174 would have provided Fort Bend County needed flexibility in administering its county assistance districts. County assistance districts allow counties to raise revenue from targeted areas and then expend the revenue on certain public services. HB 1174 would have allowed Fort Bend County's county assistance district to collect revenues from the district and enter into funding agreements with the county or other political subdivisions, to the benefit of the entire county.

"Certain Texas counties, particularly Fort Bend County, have lost sales tax revenue base as some municipalities strip annex certain roads and commercial properties to collect sales tax but then fail to provide services to these areas. HB 1174 would have provided Fort Bend County some relief by allowing its county assistance districts to partner with other local government entities to the benefit of the county. The governor's office never indicated any concerns with the bill during the session and their now-stated concern about the potential for abuse exists with any special district and could have been addressed if the author's office or our office had been informed of their concerns."

Notes

HB 1174 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Removing school quality from affordable housing tax credit criteria

HB 1215 by Collier (Alvarado)

Digest

HB 1215 would have allowed the Texas Department of Housing and Community Affairs to require that a proposed development meet certain criteria related to educational quality as part of the threshold criteria used for assessing applications to the low-income housing tax credit program. The department would have been prohibited from adopting a scoring system for the low-income housing tax credit program that awarded points to an application based on criteria related to educational quality. The department would have had to conduct a study on the effects these provisions had on the allocation of low income housing tax credits. The provisions would have expired September 1, 2021.

Governor's reason for veto

"House Bill 1215 mirrors current policy regarding the use of educational quality by the Texas Department of Housing and Community Affairs in administering the low income housing tax credit program. The bill would limit administrative flexibility, however, to a degree that is unacceptable."

Response

Rep. Nicole Collier, the bill's author, said, "It's unfortunate Gov. Abbott chose to veto HB 1215, an affordable housing bill, given that this legislation is similar to HB 3574, a bill I filed — *and that he signed* — from the 85th session. There was hard evidence that showed the 9 percent housing tax credit system, as amended from the 85th session, was a success given that at least three different parts of the state saw new affordable housing development under the program that would not have happened had this provision not been in place. Moreover, denying the extension of this bill is particularly puzzling to me given that our state is experiencing tremendous growth amidst a low supply of affordable housing. The governor's belief that the Texas Department of Housing and Community Affairs could institute a similar policy through its own steam is misplaced especially in light of the change in the law that initially facilitated the state agency to implement the policy in the first place."

Sen. Carol Alvarado, the Senate sponsor, could not be reached for comment on the veto.

Notes

The HRO analysis of HB 1215 appeared in Part One of the May 6 *Daily Floor Report*.

Allowing Upshur County to regulate game rooms

HB 1404 by Dean (Hughes)

Digest

HB 1404 would have added Upshur County to the list of counties authorized to regulate game rooms. As a result of the bill, the county would have been able to restrict the location of game rooms and the number of game rooms that could operate in an area of the county.

Governor's reason for veto

"I have signed House Bill 892, which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions from the relevant statute. House Bill 1404 attempts to amend the provisions already repealed by House Bill 892. As such, House Bill 1404 is unnecessary and I am vetoing it at the request of the author."

Response

Rep. Jay Dean, the bill's author, had no comment on the veto.

Sen. Bryan Hughes, the Senate sponsor, could not be reached for comment on the veto.

Notes

HB 1404 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Allowing McLennan County to regulate game rooms

HB 1476 by Anderson (Birdwell)

Digest

HB 1476 would have added McLennan County to the list of counties authorized to regulate game rooms. As a result of the bill, the county would have been able to restrict the location of game rooms and the number of game rooms that could operate in an area of the county.

Governor's reason for veto

"I have signed House Bill 892 which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions in the relevant statute. House Bill 1476 attempts to amend the statute already repealed by House Bill 892. As such, House Bill 1476 is unnecessary."

Response

Neither **Rep. Charles "Doc" Anderson**, the bill's author, nor **Sen. Brian Birdwell**, the Senate sponsor, could be reached for comment on the veto.

Notes

HB 1476 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Expanding list of out-of-network health claims eligible for mediation

HB 1742 by Smithee (Johnson)

Digest

HB 1742 would have allowed certain health plan enrollees to request mediation to settle certain out-of-network health benefit claims. The bill would have included laboratory services among the out-of-network health claims eligible for mediation if the specimen evaluated by the laboratory was collected at the preferred provider's office or facility. The bill would have made other conforming changes applicable to mediation under Insurance Code ch. 1467.

Governor's reason for veto

"In an effort to end surprise medical billing in Texas, I have signed Senate Bill 1264 into law. That leaves no work to be done by House Bill 1742, as the bill itself acknowledges in Section 14. I applaud the Legislature for addressing this critical issue in a number of bills, and I am proud to have signed the broadest one that reached my desk."

Response

Rep. John Smithee, the bill's author, had no comment on the veto.

Sen. Nathan Johnson, the Senate sponsor, said, "Gov. Abbott's veto of HB 1742 wasn't a veto in the ordinary sense of refusing to implement policy; it was more of a declaration of mootness. In fact, the policy of HB 1742 did prevail — it was absorbed into the larger surprise billing legislation, SB 1264.

"Importantly, the original version of SB 1264 did not extend to medical laboratory billing. Medical lab billing was incorporated into SB 1264 via a committee substitute only after HB 1742 had already been heard in the House. As Gov. Abbott noted in his veto statement, by its own terms, HB 1742 would go into effect only in the event the broader surprise medical billing legislation, SB 1264, did not pass. It passed, as amended, to include the objectives of HB 1742.

"Texas is now one of only a handful of states that explicitly protect patients from surprise billing when their in-network health care provider sends a specimen to an out-of-network lab for processing. This scenario is clearly one in which a patient has no choice in or control over whether he or she receives out-of-network care, but until now, it was not included in the state's surprise billing protection statute. We are pleased with the outcome."

Notes

HB 1742 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Prohibiting the prosecution of children for prostitution

HB 1771 by Thierry (Huffman)

Digest

HB 1771 would have prohibited individuals younger than 17 years old from being prosecuted for prostitution related to selling sex. These offenses could not have been considered delinquent conduct or conduct indicating a need for supervision, and children could not have been arrested or referred to juvenile courts for such conduct.

Law enforcement officers taking possession of a child suspected of prostitution would have been required to use their best efforts to deliver the child to the child's parent or another individual entitled to take possession of the child. If the parent or other individual were not immediately available, officers would have been required to contact local service providers or care coordinators to have the child assigned to a caseworker. Caseworkers would have had to create services to fit the child's immediate and long-term rehabilitation and treatment needs. If local service providers or care coordinators were not available, officers would have had to transfer the child to the Department of Family and Protective Services.

Governor's reason for veto

"Although House Bill 1771 is a well-intentioned tool to protect victims of human trafficking, it has unintended consequences. The bill takes away options that law enforcement and prosecutors can use to separate victims from their traffickers, and it may provide a perverse incentive for traffickers to use underage prostitutes, knowing they cannot be arrested for engaging in prostitution. Efforts to reduce trafficking are to be commended, and I have signed numerous laws this session cracking down on it. I look forward to working with the author on ways to separate victims from their traffickers, both physically and economically."

Response

Rep. Shawn Thierry, the bill's author, said: "A child is not a prostitute, period, end of sentence. Children who are involved in sex trafficking are in fact, and in law, rape victims being preyed upon by perverse adult predators and pedophiles. In every circumstance, the Texas Legislature has a duty to protect, not criminally punish, victims of rape. My bill, HB 1771, codified a uniform, best-practices approach where law enforcement, local, and state agencies would have worked in tandem to protect child sex trafficking victims, without criminalization.

"There is no logical, moral, or ethical basis to continue arresting and prosecuting children who are victims of sexual exploitation and sexual assault. It is well beyond the time for the state of Texas to end the archaic labeling of children as prostitutes under Texas law. We must recognize sex trafficking of minors as another egregious form of child abuse."

Sen. Joan Huffman, the Senate sponsor, had no comment on the veto.

Notes

HB 1771 was digested in Part Two of the May 9 *Daily Floor Report*.

Allowing certain utilities to use water from the Edwards Aquifer

HB 1806 by T. King (Campbell)

Digest

HB 1806 would have allowed a retail public water utility that was an initial regular permit holder and whose service area was wholly or partly inside the boundaries of the Edwards Aquifer Authority to use water withdrawn from the aquifer to provide retail water service in a county adjacent to the boundaries of the authority within the utility's certificated service area. The San Antonio Water System would have been authorized to sell up to 6,000 acre feet of water withdrawn from the aquifer per year at wholesale to a retail public utility or river authority for use in any county adjacent to Bexar County. If the water was sold for use in Kendall County under certain circumstances, the water system would have been required to obtain consent of the Kendall County Commissioners Court for a sale of water under the bill.

Governor's reason for veto

"House Bill 1806 would allow the San Antonio Water System to sell water from the Edwards Aquifer to adjacent counties, many of which are outside the regulatory jurisdiction of the Edwards Aquifer Authority, without any input from other permit holders or the governing board of the Edwards Aquifer Authority. The goal of the Edwards Aquifer Act, which was passed by the 73rd Legislature, was to treat all permit holders equally. This bill goes in the opposite direction by elevating the rights of one user above all others. Vetoing this bill maintains the careful balance of water rights within the Edwards Aquifer Authority and ensures that the resources of the aquifer remain protected."

Response

Neither **Rep. Tracy O. King**, the bill's author, nor **Sen. Donna Campbell**, the Senate sponsor, had a comment on the veto.

Notes

The HRO analysis of HB 1806 appeared in Part Two of the April 25 *Daily Floor Report*.

Allowing extension of certain tax increment reinvestment zone

HB 2111 by Pacheco (Flores)

Digest

HB 2111 would have allowed a school district to exempt property in a tax increment reinvestment zone from being considered taxable property until a statutory termination date under Tax Code sec. 311.017 if the city adopted an ordinance extending the zone's original termination date. The bill would have applied only to a reinvestment zone created by the City of San Antonio.

Governor's reason for veto

"Texas stopped allowing school districts to voluntarily erode their tax bases many years ago because of the impact on the school finance system. House Bill 2111 would undo this effort by allowing Southside I.S.D. in San Antonio to contribute its maintenance and operation tax revenue to a tax increment reinvestment zone for an indefinite period of time. The bill also would force taxpayers in Southside I.S.D. to pay higher taxes, undermining the significant reforms accomplished this session."

Response

Neither **Rep. Leo Pacheco**, the bill's author, nor **Sen. Peter Flores**, the Senate sponsor, had a comment on the veto.

Notes

The HRO analysis of HB 2111 appeared in Part Two of the April 24 *Daily Floor Report*.

Requiring title notations for flood vehicles

HB 2112 by E. Thompson (Zaffirini)

Digest

HB 2112 would have added a definition of a "flood vehicle" to Transportation Code ch. 501, subch. E, which governs titles for nonrepairable and salvage motor vehicles. The bill would have required an insurance company that paid a claim on a nonrepairable or salvage motor vehicle and did not acquire ownership of the vehicle to submit a determination that the motor vehicle was a salvage or nonrepairable vehicle to the Texas Department of Motor Vehicles. The department would then have had to issue the relevant title for the vehicle with a notation that the department considered appropriate for a flood vehicle. An entity that took possession of a flood vehicle issued ownership documents without the required notation would have been required to notify the department.

Governor's reason for veto

"After Hurricane Harvey, I formed the Governor's Commission to Rebuild Texas, which identified ways to improve how our government responds to natural disasters. One of the Commission's recommendations was to develop a process for the Department of Motor Vehicles to coordinate with the Federal Emergency Management Agency to ensure that it has the information necessary to identify flooded vehicles. I have now signed into law House Bill 2310, which implements that recommendation.

"House Bill 2112 also seeks to address the challenge of identifying flooded vehicles, but in doing so, it would eliminate the current methodology for identification and repeal the provision of law added by House Bill 2310. The new process established in House Bill 2310 should have a chance to work."

Response

Rep. Ed Thompson, the bill's author, said: "HB 2112, which is relating to salvage motor vehicles, including flood vehicles, and nonrepairable motor vehicles, passed nearly the same time as HB 2310, which I co-authored. HB 2310 amends Transportation Code sec. 501.09112 that our HB 2112 repeals. It was not our office's intention to conflict in that manner. Because HB 2310 had already been signed into law, I requested that the governor veto HB 2112 as to not hinder the intent of HB 2310."

Sen. Judith Zaffirini, the Senate sponsor, said: "Unfortunately, the Legislature's efforts to address flood vehicle identification in the wake of Hurricane Harvey yielded two conflicting bills, namely, HB 2112 and HB 2310. We will monitor the implementation of HB 2310 and determine if we have to revisit the non-conflicting provisions of HB 2112, which offered a more comprehensive solution to the problem.

Notes

HB 2112 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Allowing volunteer firefighters and EMS personnel to miss work in disaster

HB 2348 by T. King (Perry)

Digest

HB 2348 would have prohibited an employer from suspending or terminating an employee who was late to or absent from work because the employee was responding to a declared disaster as a volunteer firefighter or emergency medical services volunteer. The bill would have applied to employers with 20 or more employees and in circumstances where the president, the governor, or the presiding officer of a political subdivision's governing body had declared a disaster.

A volunteer could not have been absent from work for more than 14 days in a calendar year unless approved by the employer. An employee would have been required to make a reasonable effort to notify the employer of an absence or delayed arrival to work. If the employee was unable to notify the employer due to extreme circumstances of the declared disaster, the employee would have been required to submit a written verification of participation in the declared disaster.

The bill would have allowed an employer to reduce the wages otherwise owed to the employee for an authorized absence. In lieu of reducing wages, the employer could have required an employee to use existing leave time, except as otherwise provided by a collective bargaining agreement. An employee whose rights under this bill were violated by employer could have brought a civil action to seek reinstatement and compensation for lost wages and fringe benefits.

Governor's reason for veto

"First responders play a vital role in disaster recovery, so I appreciate the good intentions of the author. But this does not mean we need to create a new civil cause of action so that employees who volunteer in disasters can sue their employers. House Bill 2348 would open the door to such lawsuits against both public and private employers. Employers have every incentive to accommodate their brave employees who serve as first responders, but they deserve the flexibility to develop their own leave policies for their employees, instead of having the State dictate the terms."

Response

Neither **Rep. Ryan Guillen**, the bill's author, nor Sen. **Juan "Chuy" Hinojosa**, the Senate sponsor, had a comment on the veto.

Notes

The HRO analysis of HB 2348 appeared in Part Three of the April 23 *Daily Floor Report*.

Establishing indigency in Driver Responsibility Program at any time

HB 2475 by Guillen (Zaffirini)

Digest

HB 2475 would have allowed a person to provide information to the court to establish that the person was indigent at any time during a period the person was enrolled in an installment plan for the payment of surcharges associated with the Driver Responsibility Program.

Governor's reason for veto

"Because I have signed House Bill 2048 into law, which repeals the Driver Responsibility Program, the changes made in House Bill 2475 are no longer necessary."

Response

Rep. Ryan Guillen, the bill's author, could not be reached for comment on the veto.

Sen. Judith Zaffirini, the Senate sponsor, said: "I agree that HB 2475, which amended the Driver Responsibility Program, and other similar bills are no longer needed because the Legislature passed HB 2048, which repeals the program."

Notes

HB 2475 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Expanding placement options for veterans treatment court programs

HB 2481 by Metcalf (Creighton)

Digest

HB 2481 would have allowed veterans treatment court programs to transfer the supervision of a defendant's case to a program in a county adjacent to the county in which the defendant worked or resided. If a defendant was charged with an offense in a county that did not operate a veterans court program, the court in which the criminal case was pending could have placed the defendant in a program in a county adjacent to where the defendant worked or resided.

The bill also would have allowed the commissioners court of a county to establish a juvenile family drug court program for individuals suspected of having a substance abuse problem by the Department of Family and Protective Services or a court and who resided in the home of a child subject to a case in the juvenile justice system. Under the bill, a juvenile family drug court program would have included integrated substance abuse treatment services in the processing of these cases and the use of a comprehensive case management approach, among other elements. Such programs also would have included the early identification and placement of eligible individuals who volunteered to participate.

Governor's reason for veto

"House Bill 2481, as passed by the House, represented an improvement in access to specialty treatment courts for our Texas veterans. Unfortunately, a last-minute amendment was added in the Senate and would create a juvenile family drug court program that is entirely different and unrelated. This new program would authorize a court to exercise jurisdiction over an individual who has never been charged with any crime, but who resides in the home of a child subject to a case under Title 3 of the Family Code and who is suspected by the Department of Family and Protective Services of having a substance abuse problem. The lack of due-process protections is unacceptable. Next session, I look forward to increasing the ability of our Texas veterans to access treatment without this concerning program attached."

Response

Rep. Will Metcalf, the bill's author, said: "House Bill 2481, as it passed the House, would have made much needed improvements to Veterans Treatment Court programs. When the bill went over to the Senate it was amended to add language from SB 997 and HB 2688, a Juvenile Family Court bill. While I acknowledge that the Senate amendment, creating a similar treatment court for family members who live with a juvenile who is the subject of a juvenile justice case, is not germane under the House rules, the enrolled version page 2, lines 22 and 23, clearly state that an essential characteristic of such a program is early identification of those who are eligible *and* volunteer to participate. The program is clearly voluntary in nature, and therefore would not constitute a violation of due process. I believe that had this legislation, in its stand-alone form, been vetted by both chambers, it could have been made crystal clear that this program is voluntary on the part of the participant. I look forward to making sure that Veteran Treatment Court improvements and access to treatment for family members of at risk juveniles are passed next session."

Sen. Brandon Creighton, the Senate sponsor, had no comment on the veto.

Notes

The HRO analysis of HB 2481 appeared in Part Two of the April 29 *Daily Floor Report*.

Making it a crime for disaster contractors to require certain payments

HB 2856 by Morrison (Kolkhorst)

Digest

HB 2856 would have made it a crime for a disaster remediation contractor to require a person to make a full or partial payment under a contract before the contractor began work or for a disaster remediation contractor to require that the amount of any partial payment under the contract exceed an amount reasonably proportionate to the work performed, including any materials delivered. An offense would have been either a class B misdemeanor or a third-degree felony, depending on whether it was or was not committed with the intent to defraud the person contracting for services.

Governor's reason for veto

"House Bill 2856 attempts to address the very real problem of disaster-remediation contractors who take advantage of disaster victims. But it does so with a stiff criminal penalty in an area where civil remedies already exist, which could discourage well-intentioned, quality tradespeople from seeking work in Texas following a disaster. This could inadvertently harm victims and impede recovery. We must take a more measured approach to this issue — as was done in House Bill 2320, which I have signed into law this session. I look forward to working with the author next session."

Response

Rep. Geanie Morrison, the bill's author, said: "HB 2856 was the result of too many instances of property owners being taken advantage of in the aftermath of Hurricane Harvey by impostors intentionally targeting those in need with the intent to defraud them. However, this is an issue that arises during every major disaster across the nation. A simple Google search will start with a warning on the FEMA website of the prevalence of these scams that have been seen from Hurricane Katrina, wildfires in California, tornadoes in Oklahoma, and flooding in our own state. The governor's Veto Proclamation stated he preferred a more measured approach as was seen in HB 2320, which requires a report from the Texas Department of Emergency Management on approaches to increase prosecutions of this alleged fraud. This issue was important enough to be mentioned in the governor's *Eye of the Storm* report where it noted, 'Smaller communities often didn't have the resources to investigate and prosecute alleged instances of fraud.' In one statement the governor acknowledges there needs to be an approach to get more prosecutions, but also acknowledges our smaller communities don't have the resources to do so.

"This issue would have been addressed by passing HB 2856 with the potential of a third-degree felony (only if the intent to defraud was proven in court). It is common practice in law to use higher penalties to deter criminals where resources may not be available and this would have been a major protection for smaller communities like District 30. In fact, the governor signed another bill of mine, HB 2321, that increases penalties for illegal oyster harvesting, a follow-up to HB 51 the previous session, with no mention of similar concerns even though they include felony penalties. I respectfully disagree with the governor's opinion that this penalty might deter quality tradespeople when this bill was well-vetted through both the House and Senate with multiple trade associations and no registered opposition. Having represented a district that was directly hit by Hurricane Harvey, I hope we do not experience any disasters in Texas prior to the next legislative session. This veto has unfortunately left property owners in our smaller communities vulnerable again for scammers who do not fear small time civil penalties and know we do not have the resources to prosecute them. I am happy to work with the governor's office moving forward to protect these vulnerable communities during their greatest time of need and pass much-needed legislation to fix this issue next session."

Sen. Lois Kolkhorst, the Senate sponsor, had no comment on the veto.

Notes

HB 2856 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Governing uses of contact information in emergency warning systems

HB 3022 by Miller (Kolkhorst)

Digest

HB 3022 would have required the Department of Public Safety to include space on each application for an original or renewal driver's license that allowed an applicant to indicate whether the person consented to participate in the emergency warning system operated by the city or county where the person resided and to the disclosure of the person's contact information to the political subdivision. The bill would have prohibited a city or county from using or disclosing contact information for any purpose other than an emergency warning system. A person who participated in a warning system would have been allowed to request removal from the system, and the political subdivision would have had to remove the person's contact information from the system on receipt of such a request.

Governor's reason for veto

"House Bill 3022 would require the Texas Department of Public Safety to capture the contact information of driver's license applicants who consent to being part of local emergency warning systems, and to work with local governments on creating those local warning systems. I appreciate the author's good intentions, and I have signed important legislation this session that will help Texans prepare for disasters. But to ensure that the local emergency warning systems use data that is accurate, updated, and used appropriately, local governments — not the State — should be in charge of gathering and managing this type of data."

Response

Rep. Rick Miller, the bill's author, said: "HB 3022 passed unanimously through the House and the Senate during the 86th legislative session. This bill was brought to me by one of my county commissioners in response to what happened to our district during Hurricane Harvey. HB 3022 would have required the Texas Department of Public Safety to capture the contact information of driver's license applicants who consented to being part of local emergency warning systems, and to work with local governments on creating the databases for their local warning systems. In his veto statement, Gov. Abbott says, 'to ensure that the local emergency warning systems use data that is accurate, updated, and used appropriately, local governments — not the State — should be in charge of gathering and managing this type of data.' However, the reason why I filed this legislation is because local governments are having issues getting Texas citizens to register for their local warning systems. HB 3022 would have streamlined the process of registering and maintaining databases for locally run emergency systems, thus making it easier to reach constituents during dangerous natural disasters. I would have been more than happy to work with the governor's office on this important piece of legislation for not only my district, but the countless others who have been impacted by natural disasters. No one from the governor's office ever raised any objection to the bill until the veto, which is unfortunate for the many constituents who may have been positively impacted by this legislation."

Sen. Lois Kolkhorst, the Senate sponsor, had no comment on the veto.

Notes

The HRO analysis of HB 3022 appeared in Part One of the April 10 *Daily Floor Report*.

Creating clemency review panel for offenses committed by trafficking victims

HB 3078 by S. Thompson (Zaffirini)

Digest

HB 3078 would have required the Board of Pardons and Paroles (BPP) to appoint a panel of experts to review clemency applications from individuals convicted of an offense committed while under duress or coercion as a result of being a victim of human trafficking or certain offenses that involve family or dating violence. On receipt of an application for clemency described by the bill, BPP would have had to submit it to the panel for review. The panel would have had to review the application and, within six months of receiving it, advise BPP on making a recommendation to the governor about whether to grant clemency to the applicant.

Governor's reason for veto

"I have signed into law this session a number of important bills that will help Texas continue to lead on the issue of human trafficking. This is a priority for me, and I applaud the author's contribution to this effort. But adding a thick layer of bureaucracy to the Board of Pardons and Paroles, as House Bill 3078 would have done, is not the way to help victims of human trafficking."

Response

Rep. Senfronia Thompson, the bill's author, said, "I look forward to working with the governor's office to address the issue that we sought to fix with HB 3078. This bill would have added a clemency review panel of experts in human trafficking under the Board of Pardons and Parole to review evidence of trafficking for victims who have been convicted of crimes while being trafficked but that evidence was not available or considered at the time of trial.

"Clemency would allow these victims to recover from the abuse they have suffered at the hands of traffickers and to re-enter society without the stigma of a criminal record so that they may obtain employment and housing that will give them the independence to free themselves from their past. I have continuously fought to end the scourges of human trafficking, and I will continue to fight for these survivors to give them a second chance of life."

Sen. Judith Zaffirini, the Senate sponsor, said: "HB 3078 would address directly the plight of persons seeking clemency because they committed a crime due to coercion related to human trafficking. These victims sometimes are overlooked under the current system, not only because the Board of Pardons and Paroles (BPP) lacks the expertise to identify coercion cases that merit clemency but also because some victims lack information about this option. Rather than creating an additional layer of bureaucracy, the bill would have created an alternative panel of trafficking experts that could develop an application for clemency and more expeditiously and effectively advise BPP and the governor."

Notes

HB 3078 was digested in Part Three of the April 30 *Daily Floor Report*.

Revising mental state for offense of operating drones near certain facilities

HB 3082 by Murphy (Birdwell)

Digest

HB 3082 would have changed the mental state from "intentionally or knowingly" to "with criminal negligence" for conduct constituting the offense of operating an unmanned aircraft over or near certain facilities under Government Code sec. 423.0045, including a correctional facility, a detention facility, or a critical infrastructure facility. A peace officer investigating an offense under the bill would have had to notify the Department of Public Safety.

Governor's reason for veto

"Current law already imposes criminal penalties for the conduct addressed in House Bill 3082. This proposed legislation would expose too many Texans to criminal liability for unintentional conduct. Negligently flying a drone over a railroad switching yard should not result in jail time."

Response

Rep. Jim Murphy, the bill's author, said: "This bill would have provided law enforcement necessary tools to investigate unauthorized operation of unmanned aircrafts in a more expeditious manner. Additionally, it would streamline reporting of suspicious activity by making DPS part of the conversation with local law enforcement. This legislation, which passed with bipartisan support, was filed to stop people whose actions pose real and immediate danger to facilities and the communities around them. Drone strikes on our Texas refineries and chemical plants, whether accidental or intentional, should be prevented. I believe that HB 3082 was misconstrued as an enhancement instead of a solution to a gap in the preservation of public safety. I look forward to continuing the conversation on protecting critical infrastructure across the state of Texas."

Sen. Brian Birdwell, the Senate sponsor, could not be reached for comment on the veto.

Notes

The HRO analysis of HB 3082 appeared in Part Two of the April 30 *Daily Floor Report*.

Allowing TJJD to reduce residential program sentences for certain children

HB 3195 by Wu (Whitmire)

Digest

HB 3195 would have allowed the Texas Juvenile Justice Department (TJJD) to reduce the amount of time that certain children committed to the department by a court could have been required to spend in highly structured residential programs. The bill also would have removed the ability of a juvenile board or local juvenile probation department to require a child to participate in such a program.

HB 3195 would have repealed a requirement that a child in a TJJD educational program could not be released on parole unless the child participated in the positive behavior support system and reading instruction.

The bill would have established procedures for program and campus administrators to follow when a date had been determined for the release of a student from an alternative education program. As part of the procedures, campus administrators would have had to develop a personalized transition plan for each student.

Governor's reason for veto

"Parts of House Bill 3195 are unnecessary because they duplicate provisions of House Bill 2184, which I have already signed into law. But among its other changes, House Bill 3195 would remove an important requirement: that juvenile offenders participate in certain educational programs before being eligible for parole. This requirement is intended to improve the literacy skills and behavior of juvenile offenders so that recidivism rates decrease. It should not be eliminated."

Response

Neither **Rep. Gene Wu**, the bill's author, nor **Sen. John Whitmire**, the Senate sponsor, had a comment on the veto.

Notes

HB 3195 was digested in Part Three of the April 24 *Daily Floor Report*.

Modifying the posting requirements of convention and election notices

HB 3252 by Allen (Zaffirini)

Digest

HB 3252 would have required presiding judges to post notices of precinct, county, senatorial, and state conventions at each outside door of a polling place before the opening of the polls during the early voting period and on Election Day. Such notices would have been required to remain posted continuously throughout the early voting period and on Election Day. The bill also would have required notices of elections to be posted on the county clerk's website if the county clerk maintained a website. If the clerk did not maintain a website, the notice would have had to be posted on the bulletin board used for posting the notices of meetings of the commissioners court.

Governor's reason for veto

"House Bill 3252 would change how the public is notified about a primary election, but in a way that could cause confusion and is now unnecessary. House Bill 3252 would require that notice of a primary election be posted on the county clerk's website, but in Texas, some county clerks are not responsible for administering elections. And House Bill 2640, which I have signed into law, now requires the same notice of a primary election to be posted on the county's official website. Disapproving House Bill 3252 will help ensure that voters know where to find information about how to cast their ballot."

Response

Rep. Alma Allen, the bill's author, said: "HB 3252 would have simply required notification of a primary election to be posted on a county clerk's website. While similar language was passed and signed in HB 2640 to have postings on county websites, we believe it's beneficial to voters to have that information easily accessible on the county clerk's website as well. Not all county clerks administer elections; however, the information should also be easily accessible for voters where they would most likely search for it, on a county clerk's website."

Sen. Judith Zaffirini, the Senate sponsor, said: "HB 2640, which requires notice of a primary election to be posted on the county's official website, was signed by the governor. This means HB 3252, which would have required that information to be posted on the county clerk's website, is not necessary. Although some county clerks do not administer elections, many Texans look on their website for varied information, including about elections. Posting the notices on both websites may not be necessary, but could be very helpful."

Notes

The HRO analysis of HB 3252 appeared in Part Three of the April 16 *Daily Floor Report*.

Creating a criminal offense for online harassment

HB 3490 by Cole (Huffman)

Digest

HB 3490 would have expanded the offense of harassment to include publishing repeated electronic communications on a website, including a social media platform, in a manner reasonably likely to harass, abuse, or torment another person.

Offenses would have been class B misdemeanors, except that offenses would have been class A misdemeanors if committed against a child under 18 years old with the intent that the child commit suicide or engage in conduct that caused serious bodily harm to the child. Offenses committed by an individual who previously had violated a temporary restraining order or injunction related to cyberbullying of a child also would have been class A misdemeanors.

Governor's reason for veto

"Cyberbullying is unacceptable and must be stopped. In 2017, I signed Senate Bill 179 into law because cyberbullying is a very real problem. House Bill 3490 shares the same good intentions.

"Unfortunately, the language used in the bill is overbroad and would sweep in conduct that legislators did not intend to criminalize, such as repeated criticisms of elected officials on Internet websites. I look forward to working next session to forcefully counter cyberbullying in ways that can be upheld constitutionally."

Response

Rep. Sheryl Cole, the bill's author, said: "I respectfully disagree with the governor's veto of HB 3490. The purpose of the bill was to close the loopholes in our harassment and cyberbullying statutes. When there is a gap in the law that doesn't protect victims that are driven to self-harm or attempted suicide, it is clear that we must take action to fix the law for vulnerable Texans, and especially for women and children.

"While passing HB 3490 through the House, we amended the language to be more narrowly written than other parts of the harassment penal code. Where other portions of the code consider annoying, alarming, or embarrassing communication, we narrowed HB 3490 to only consider the more serious kinds of harassing, abusive, or tormenting communication. We believed that by focusing only on serious criminal actions we were addressing the free speech concerns, which are both ambiguous and possibly a larger, fundamental issue when we consider how Texas' harassment penal code is written.

"I do plan on working over the interim on a new bill to fix any perceived issues, and I have received assurances from the governor's staff that we will get there so that Texas can finally correct this injustice and take action for victims of harassment."

Sen. Joan Huffman, the Senate sponsor, had no comment on the veto.

Notes

HB 3490 was digested in Part Three of the May 8 *Daily Floor Report*.

Creating the Commission on Texas Workforce of the Future

HB 3511 by VanDeaver (Alvarado)

Digest

HB 3511 would have established the Commission on Texas Workforce of the Future to engage businesses, state agencies, and local workforce system partners in state and local efforts to build the state's workforce talent pipeline. The commission's board would have had 17 members who were state officials or were appointed by state officials. The commission would have been required to make recommendations on issues related to workforce development and the future of the state's workforce and to deliver a report with these recommendations to the governor and Legislature by December 31, 2020.

Governor's reason for veto

"House Bill 3511 is redundant of the Tri-Agency Workforce Initiative, which is comprised of the Texas Workforce Commission, the Texas Education Agency, and the Texas Higher Education Coordinating Board. Since 2016, those three agencies have worked to assess local economic activity, examine workforce challenges and opportunities, and consider innovative approaches to meeting the State's workforce goals. Together, they are implementing reforms that will improve the quality of education and the workforce in Texas. We need to give those changes a chance to succeed before we start adding bureaucracy and duplicating effort through creation of an expansive new commission."

Response

Rep. Gary VanDeaver, the bill's author, said: "I respectfully disagree with the governor in his decision to veto HB 3511. With the accelerating pace of change in the economy of Texas, it is essential for the state to align its changing workforce and education institutions by engaging business leaders in identifying industry specific skills that are required to access quality jobs and build a globally competitive workforce pipeline. HB 3511 delivered two key components that have been void from Gov. Abbott's Tri-Agency Workforce Initiative — industry leaders and state legislators. We cannot begin to address the current and future skills gap across the state if we do not first identify what skills are needed.

"When looking at the Tri-Agency efforts of the Texas Workforce Commission, Texas Education Agency, and the Texas Higher Education Coordinating Board, although well intentioned, the agencies failed to bring industry leaders to the table. If business leaders in the state's five major industries had participated in the conversation, this commission could have identified changes to benefit the development of the talent pipeline and help address industry needs more immediately. The commission could have included top industry leaders who would help identify what skills are needed and the limitations that the current workforce pipeline has in filling that gap. By failing to do so, the Tri-Agency efforts have been seemingly ineffective.

"HB 3511 would have established a commission to improve upon the Tri-Agency efforts in workforce development. The commission established in HB 3511 would also have included legislators, another important component the Tri-Agency lacked. Legislators would have been charged with helping identify current regulations that prohibit our state agencies, public education and higher education institutions from being flexible when it comes to the changing dynamics of the 21st century workforce.

"The governor's most recent charge to the Tri-Agency commission was post-Hurricane Harvey and directed it to develop an education and workforce training plan in response to the hurricane's impact on the workforce. In 2017, the governor issued charges for the agency to 'implement strategies to quickly put Texans back to work' and 'work with local workforce development boards, secondary and postsecondary institutions and other stakeholders to develop and implement strategies to upskill the Texas workforce and rebuild our local communities.' The ambiguity of these charges make it difficult to

determine the effectiveness of the commission, especially considering neither new regulatory or statutory changes came from the charges.

"The Tri-Agency Workforce Initiative established the Texas Industry Cluster Innovative Academies. A one-time grant of $7.2 million was made available for the Industry Cluster Innovative Academies to develop program models that can be replicated or scaled across other campuses or different regions of the state; however, the Innovative Academies are only in 18 schools across the state. Although the Tri-Agency established the Industry Cluster Innovative Academy in 2017, a grant has not been awarded since that year.

"Besides the establishment of the Industry Cluster Innovative Academies, the Tri-Agency Workforce Initiative has not determined current regulations that hinder state agencies, public and higher education institutions from adapting to the changing workforce needs of the Texas economy, nor has the Tri-Agency proposed new statutory or regulatory changes to enhance workforce development, coordination or alignment between industry, public education, and higher education.

"It was the intent of the HB 3511-established commission to identify statutory changes for the 87th Legislature to act upon that would benefit the development of the education and workforce talent pipeline to help address industry needs more immediately. I hope with the governor's veto of HB 3511, he is sincere in his efforts to re-engage the work of the Tri-Agency Workforce Initiative with the intent of having our state's industry and legislative leaders at the table. If this is the case, I pledge to do all that I can to help with this effort. The future of Texas' economy is depending on it."

Sen. Carol Alvarado, the Senate sponsor, could not be reached for comment on the veto.

Notes

The HRO analysis of HB 3511 appeared in Part Four of the May 7 *Daily Floor Report*.

Revising inspection, investigation powers of TJJD independent ombudsman

HB 3648 by Guillen (Whitmire)

Digest

HB 3648 would have established that the powers and duties of the Office of the Independent Ombudsman of the Texas Juvenile Justice Department (TJJD) included inspecting certain types of facilities, including those operated by TJJD, post-adjudication secure facilities, nonsecure facilities for juvenile offenders, and other residential facilities for children adjudicated as having engaged in certain conduct. The bill also would have established that the independent ombudsman's powers and duties included investigating complaints alleging violations of the rights of children placed in these facilities.

Governor's reason for veto

"I appreciate the author of House Bill 3648 for seeking to clarify the authority of the independent ombudsman who serves a vital role in assisting children committed to the Texas Juvenile Justice Department. That important goal has already been accomplished in the exact same way through Senate Bill 1702, which I have signed into law, and the additional part of House Bill 3648 is unnecessary."

Response

Rep. Ryan Guillen, the bill's author, could not be reached for comment on the veto.

Sen. John Whitmire, the Senate sponsor, had no comment on the veto.

Notes

HB 3648 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report.*

Allowing Dallas County to create supplemental civil service commissions

HB 3910 by Sherman (West)

Digest

HB 3910 would have allowed the commissioners court of Dallas County to establish one or more supplemental commissions to assist the civil service commission in administering the civil service system.

Governor's reason for veto

"The Legislature has not shown the need for House Bill 3910, which would have created additional bureaucracy and increased the number of unelected officials with final decision-making power over county civil service matters. If workload is the problem, the answer is streamlined operations, not state laws creating unaccountable creatures like 'supplemental' commissions. There is no apparent justification for singling out one county and giving it this ill-advised carve-out."

Response

Rep. Carl Sherman, the bill's author, said: "It was disappointing to see the governor veto HB 3910 after we worked with stakeholders on the language of the bill. This bill would have permitted the Dallas County Commissioners Court to service its more than 6,000 employees more efficiently by granting it the authority to create supplemental civil service commissions to address specific employee issues. HB 3910 was a good policy that I believe should be visited by the Legislature in the future."

Sen. Royce West, the Senate sponsor, said: "This veto came as a surprise. My office has worked with stakeholders over two legislative sessions to provide relief to the Dallas County Civil Service Commission. Bills are routinely bracketed to individual counties, especially when they involve new ideas, as this bill did."

Notes

The HRO analysis of HB 3910 appeared in the May 2 *Daily Floor Report*.

Creating the Harris County Improvement District No. 28

HB 4703 by Coleman (Whitmire)

Digest

HB 4703 would have created the Harris County Improvement District No. 28 and defined the district's purpose, boundaries, governing body, and powers and duties. The district would have been able to impose and collect assessments and issue bonds. The district could have imposed a property tax if it were approved by a majority of voters in an election.

Governor's reason for veto

"House Bill 4703 would create Harris County Improvement District No. 28 within the City of Houston. This municipal management district would be authorized to impose not only new assessments, but also to impose more ad valorem taxes on properties in its territory to fund certain infrastructure and services. These properties, however, are wholly within the service area of the city and its water utility. That means this district would be using its new ad valorem taxation to fund infrastructure and services that the city is already imposing its own taxes to provide. The City of Houston has a history of using special purpose districts to subject citizens to double taxation, and this district would be another example. The creation of such a district should not be used as a tool to circumvent property tax reforms, including the meaningful reform passed this session in Senate Bill 2."

Response

Rep. Garnet Coleman, the bill's author, said: "It is disappointing that the governor vetoed this piece of legislation. This bipartisan-supported piece of legislation would have helped develop vacant land in House District 147 into a mixed-use development with a hotel, condos, and retail and office space."

Sen. John Whitmire, the Senate sponsor, had no comment on the veto.

Notes

HB 4703 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Allowing counties to require electronic submission of bids or proposals

SB 124 by West (Sherman)

Digest

SB 124 would have allowed the commissioners court of a county by order to require electronic submission of competitive bids or proposals.

Governor's reason for veto

"Senate Bill 124 would have allowed commissioners courts to create a patchwork of bidding requirements, with some counties accepting hard-copy bids and others insisting on electronic bids. This would lay a trap for the unwary bidder. If the Legislature prefers electronic bidding, it should pursue consistency across the State."

Response

Sen. Royce West, the bill's author, said: "This bill was filed early, and it passed virtually without comment. At no time did the governor, or anyone else, express concern about this simple bill."

Rep. Carl Sherman, the House sponsor, said: "This bill was specific to Dallas County and would have permitted the county to require electronic bid proposals. This bill would have increased the effectiveness and efficiency in which Dallas County operates by streamlining its bid proposal process. It was specific to Dallas County and is a practice that is utilized by other counties. We had no idea the governor had objections to the bill and still do not understand his objection. It is unfortunate that the governor vetoed this narrowly tailored and common-sense solution that received support in the House and the Senate. I will continue to work and pursue legislation that benefits the citizens of my district."

Notes

SB 124 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Creating the Northeast Houston Redevelopment District

SB 390 by Miles (Dutton)

Digest

SB 390 would have created the Northeast Houston Redevelopment District and designated its purpose, boundaries, governing body, and powers and duties.

Upon the filing of a petition requesting a service or improvement signed by the owners of at least 50 percent of the property in the district, the district would have been able to impose and collect an assessment to finance a service or improvement project. The district also would have been able to issue bonds. The bill would have prohibited the district from imposing a property tax.

Governor's reason for veto

"Senate Bill 390 would create, within Houston city limits, a municipal management district that would be governed by a self-perpetuating board appointed by the city and would impose assessments on property to fund services that the city already has a responsibility to provide to area residents. This goes too far. Creating districts like these within city limits undermines core principles of protecting taxpayers and promoting transparency, which led to historic achievements this session in Senate Bill 2. It is tantamount to double taxation on the district's property owners, forcing them to pay an ad valorem tax to the city and another assessment to the district. The creation of a municipal management district, or any special purpose district, should not be used to circumvent property tax reforms."

Response

Sen. Borris Miles, the bill's author, said: "SB 390 would have created the Northeast Houston Redevelopment District. This veto eliminates a tool for revitalizing a part of Senate District 13 that has been in desperate need of economic development for years and was also hit hard by Hurricane Harvey. In fact, Gov. Abbott designated parts of nine federal Opportunity Zones within the boundaries of this vetoed district.

"When the governor's office contacted my office with concerns about the bill, my office worked with the governor's office to eliminate their concerns. The governor's office even provided procedural assistance to get the bill passed. That is why it is so surprising that the governor now states this bill 'goes too far' and 'is tantamount to double taxation on the district's property owners,' since we changed the bill to address the concerns communicated to my office.

"The governor's veto statement says SB 390 'goes too far.' What goes too far is vetoing an inner city management district while allowing other municipal management district and special district bills to become law. This is an inconsistent veto. If the governor believes 'the creation of a municipal management district, or any special purpose district, should not be used to circumvent property-tax reforms,' then the governor should have vetoed all these bills, not just some. Allowing other special districts and municipal management districts to become effective is 'tantamount to [the] double taxation on [these] district's property owners' that the governor was afraid of in SB 390."

Rep. Harold Dutton, the House sponsor, said: "I regret that the governor has vetoed such an important piece of legislation for residents of Northeast Houston. This legislation had the power to dramatically transform Northeast Houston and enhance it as a great place to work, live and raise a family. What makes this veto even more questionable is that Sen. Miles and I worked with the governor to incorporate his thoughts into the bill. Not once during our discussions was the basis for the governor's veto ever raised by the governor. The bill could have been fixed if we had known of this objection. When folks don't negotiate in good faith, it says more about them than any veto says about the bill."

Notes

SB 390 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Increasing transparency for the State Commission on Judicial Conduct

SB 467 by Zaffirini (Leach)

Digest

SB 467 would have required the State Commission on Judicial Conduct to establish a schedule outlining times for commission action on a complaint. The bill would have required the commission to establish guidelines for imposing a sanction to ensure each sanction was proportional to the judicial misconduct. It also would have expanded the type of complaint data that the commission must include in its annual report.

Governor's reason for veto

"Senate Bill 467 is not needed because it would require the State Commission on Judicial Conduct to take actions that it can already do without a statutory change."

Response

Sen. Judith Zaffirini, the bill's author, said: "From time to time the Legislature has passed bills directing agencies or other entities or persons to take specific action they could have taken 'without a statutory change' — but had not. Such is the case with SB 467. For years the State Commission on Judicial Conduct (SCJC) has failed to implement the transparency measures required by SB 467 voluntarily, despite their being recommended by the Texas Judicial Council in 2018 and my similar legislation, SB 1763, in 2017. In spite of time and opportunity to adopt policies to increase not only the public's, but also the judiciary's, trust in its work and determinations, the commission has not. Vetoing the bill stymies legislative intent that SCJC strengthen its pursuit of its mission 'to protect the public, promote public confidence in the integrity, independence, competence, and impartiality of the judiciary, and encourage judges to maintain high standards of conduct both on and off the bench.' Because the commission can make these and more improvements without statutory directives, I urge it to do so."

Rep. Jeff Leach, the House sponsor, had no comment on the veto.

Notes

The HRO analysis of SB 467 appeared in the May 13 *Daily Floor Report*.

Creating a civil penalty for knowingly installing unsafe tires

SB 511 by Rodríguez (Clardy)

Digest

SB 511 would have prohibited the owner, operator, or employee of a business that installed tires from knowingly installing unsafe tires on a motor vehicle. A violator would have been liable for a civil penalty of up to $500. The bill would not have applied to the reinstallation of a tire that had been removed from the vehicle.

Governor's reason for veto

"Senate Bill 511 would authorize a new civil penalty for installing used tires on vehicles. While ensuring drivers' safety is a legitimate governmental objective, there is no real and substantial relationship between that goal and the way this law would function in practice. I vetoed similar legislation last session and must do so again because more regulation is not the answer to every problem. Texas needs fewer laws that impose regulatory burdens on small businesses and consumers."

Response

Sen. José Rodríguez, the bill's author, said: "SB 511 was a common sense bill that would have saved lives by mitigating one of the biggest causes of serious car crashes — unsafe tires. It gave 'teeth' to current regulations, which are often ignored and hard to enforce without a penalty.

"Unsafe tires are a serious issue. From 2013 to 2017, Texas Department of Transportation crash data statistics show there were nearly 19,000 crashes in Texas — including 385 fatal crashes and 926 serious injury crashes — where 'Defective or Slick Tires' were a 'Contributing Factor.' SB 511 would have improved road safety by helping to make sure that only tires that can meet the Department of Public Safety's inspection standards are put on vehicles. Anyone who installed an unsafe tire would have been subject to a civil penalty of up to $500.

"Last session, the governor vetoed nearly identical legislation that had the same monetary penalty of up to $500 but also created a class C misdemeanor. At that time, his rationale was that he did not want to create a new criminal offense. Although we worked with his office in good faith and passed a bill that carried a civil penalty only, he vetoed SB 511. This time, the rationale was that this bill wouldn't help to solve the problem of unsafe tires on the road and somehow would be burdensome to businesses. Current law already requires businesses to only install tires that meet these requirements; therefore, for any business following the law, there would be no new requirement or burden. Furthermore, the governor's stated rationale ignores the fact that Title 7 of the Transportation Code already includes a variety of vehicle requirements like lights, brakes, mufflers, emissions, windows, airbags, etc. that are subject to criminal and/or civil penalties.

"SB 511 would have given law enforcement a tool to deter bad actors, thereby saving lives. It's unfortunate that the governor continues to refuse to do anything about this issue when report after report clearly show unsafe tires cost Texans' lives."

Rep. Travis Clardy, the House sponsor, had no comment on the veto.

Notes

The HRO analysis of SB 511 appeared in Part Three of the May 21 *Daily Floor Report*.

Creating a regional associate judge program for guardianship cases

SB 536 by Zaffirini (Murr)

Digest

SB 536 would have created a program for presiding judges of administrative judicial regions to appoint associate judges to assist county courts and statutory county courts with jurisdiction over guardianship proceedings, other than statutory probate courts, in those regions with guardianship proceedings or proceedings for protective services for elderly persons and persons with disabilities.

Governor's reason for veto

"Senate Bill 536 highlights that the answer to a perceived problem cannot always be to throw more state money and bureaucracy at it. The Legislature has not shown that it is necessary to create new associate judgeships to specialize in guardianship proceedings, and Senate Bill 536 was misguided in its attempt to create this expensive new system. The Legislature should find a better way to address this issue."

Response

Sen. Judith Zaffirini, the bill's author, said: "SB 536 certainly does not 'throw more state money and bureaucracy' at a 'perceived' problem. Strictly permissive, the bill addresses a critical problem by providing the structure for federal, state, or county funding to establish specialized guardianship courts as resources became available.

"This legislation was recommended by a judicial workgroup comprising concerned county court-at-law and constitutional county judges, whether active or retired; the Texas Guardianship Association; and the Texas Judicial Council. It reflected their cumulative experience, expertise, and insight into the situation at hand.

"More than 18,000 of approximately 51,000 active guardianships in Texas are in counties that cannot monitor cases closely and efficiently. SB 536 would have created a cost-efficient system wherein regional, specialized judges and staff would have serviced multiple counties, rather than requiring each county to hire a guardianship auditor, court visitor, and court investigator."

Rep. Andrew Murr, the House sponsor, had no comment on the veto.

Notes

The HRO analysis of SB 536 appeared in Part Two of the May 15 *Daily Floor Report*.

Requesting criminal record order of nondisclosure if conviction set aside

SB 550 by West (S. Thompson)

Digest

SB 550 would have added to the list of individuals eligible to ask a court for an order of nondisclosure to prevent their criminal records from being disclosed to the public. The bill would have authorized requests from those who had their convictions set aside, as allowed by current law, after a judge reduced or terminated their probation terms after they had served a portion of their terms and if they were not convicted of an offense that was ineligible for deferred adjudication. Those requesting orders of nondisclosure also would have had to meet other current requirements that prohibit requests from those convicted of certain offenses. Requests for orders of nondisclosure could have been made two years after the date the conviction was set aside if the offense was a misdemeanor and five years after the date the conviction was set aside if the offense was a felony.

Governor's reason for veto

"I vetoed similar legislation in 2015 and must do so again here. Convicted criminals should have a pathway to reintegrating into society after they complete their sentences, and the law rightfully allows them to clear their records in certain circumstances. For example, this session I have signed into law Senate Bill 20, which expands the ability of human trafficking victims to seek orders of nondisclosure. Senate Bill 550, however, would allow individuals who were convicted of violent felonies to hide their dangerous conduct from society and from potential employers. I look forward to working with the next Legislature on a more tailored approach."

Response

Sen. Royce West, the bill's author, said "Actually, because the governor had previously vetoed a similar bill, our office did work with his office to ensure that SB 550 was acceptable. I believe that the bill strikes a balance, as it exempts several criminal offenses from eligibility for the order of nondisclosure, applies only when the verdict related to the offense has been set aside by a judge, and permits prosecutors to object to the granting of the order. Nevertheless, I am pleased that the governor is willing to continue working on this issue."

Rep. Senfronia Thompson, the House sponsor, said, "I am always disappointed to hear a bill I sponsored was vetoed. SB 550 would have made persons eligible to have their records sealed if their convictions were dismissed through a set-aside after completing probation. These persons would have been given a second chance at rebuilding their lives without the fear of a criminal record holding them back. The bill excluded alcohol, sexual assault, family violence and murder offenses from being sealed and also required a waiting period before a person could petition the court for an order of nondisclosure. I will continue to work with Sen. West and the governor to address any concerns in giving these individuals the ability to gain employment and housing without the stigma of their past mistakes."

Notes

SB 550 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Allowing county public guardian offices to be created; other guardianship changes

SB 667 by Zaffirini (S. Thompson)

Digest

SB 667 would have allowed a county's commissioners court to provide certain guardianship services to incapacitated persons by creating a public guardian office or by entering into an agreement with a person operating a nonprofit or private professional guardianship program. Qualified public guardians would have been appointed to determine a proposed ward or estate's guardianship eligibility and would have received compensation as set by the commissioners court.

SB 667 also would have made various changes to the law of guardianships, including revising the definition of matters related to a guardianship proceeding and rules relating to attorneys ad litem, notice, court costs, management trusts, nonresident creditors, and qualifying guardians.

Governor's reason for veto

"Senate Bill 667 would make a number of improvements to the law governing probate and guardianship matters, but they unfortunately cannot take effect this session because of a section of the bill that would create new public guardianship offices controlled by counties. It has not been shown that it is necessary to add permanent county offices dedicated to this function. Private attorneys are capable of handling these cases without the expense of this new bureaucracy."

Response

Sen. Judith Zaffirini, the bill's author, said, "Without a public guardian of last resort, the state of Texas is exposing our most vulnerable population to considerable risk. In many cases, there are no family members or friends who are qualified and available to spend decades as guardians for persons who cannot care for themselves or their property. Due to the severity of the person's disability and inability to pay, or the potential guardian's own lack of resources, potential guardians may be unwilling or unable to serve.

"The Texas Health and Human Services Commission and current guardianship programs lack the capacity and resources to handle these cases throughout the state. Relying on attorneys, including those who are not necessarily trained or qualified to take care of persons with disabilities, to provide this service, either pro bono or at their customary hourly rate, is not an adequate solution. In fact, that unacceptable option would create a dire situation in which the judge could become desperate enough to appoint someone despite his or her shortcomings — and to the detriment of the person in need of assistance. In 1992 I served on the Senate Interim Committee on Health and Human Services that adopted the Guardianship Laws and Practices in Texas report and recommended a public guardian system in our state. Count me among those who will continue to try to make recommendation a reality in 2021 — almost 30 years later."

Rep. Senfronia Thompson, the House sponsor, said, "Judges at times have made decisions in establishing a guardianship when there is no family member or friend qualified to serve as a guardian. Finding a qualified person who is willing to serve has left a gap in protecting Texans who are unable to care for themselves or their property. SB 667 would have allowed counties to establish local Offices of Public Guardians or contract with nonprofit guardianship programs to fill the need in taking care of our most vulnerable population. Although I am disappointed that this bill was vetoed, I look forward in assisting Sen. Zaffirini in our efforts to look after those who cannot look after themselves."

Notes

The HRO analysis of SB 667 appeared in Part Three of the May 20 *Daily Floor Report*.

Amending petition requirements related to municipal annexation

SB 746 by Campbell (Cortez)

Digest

SB 746 would have reduced from 10 percent to 7 percent the number of registered voters in a Tier 1 county that were required to sign a petition to request an election to determine whether the county should be considered Tier 2 for municipal annexation purposes.

The bill also would have extended from one year to five years the temporary prohibition on annexation of an area by a Tier 2 municipality if the municipality did not obtain enough signatures on a petition required to annex the area or a majority of voters did not approve a proposed annexation at an election.

Governor's reason for veto

"I have signed House Bill 347, which reforms municipal annexation procedures to provide property owners in all counties, regardless of population size, protection against forced annexation. Provisions in Senate Bill 746 are based on the tiered county system that was overhauled by House Bill 347. Disapproving Senate Bill 746 will allow the protections in House Bill 347 to work statewide without creating confusion."

Response

Sen. Donna Campbell, the bill's author, said: "I requested a veto of SB 746 in order to protect annexation reforms enacted by HB 347. Because the incorrect sequence of passage could lead one bill to override the other, I felt the broad gains of HB 347 were more important than the smaller reforms included in SB 746. Ultimately this was about allowing the stronger of the two bills to stand as law. I believe the governor acted in the best interest of Texans by vetoing SB 746 and signing HB 347."

Rep. Phillip Cortez, the House sponsor, said: "Sen. Campbell requested a veto of SB 746 in order to protect annexation reforms enacted by HB 347. Because the incorrect sequence of passage could lead one bill to override the other, Sen. Campbell felt the broad gains of HB 347 were more important than the smaller reforms included in SB 746. Ultimately this was about allowing the stronger of the two bills to stand as law."

Notes

SB 746 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

Revising record retention requirements for certain criminal proceedings

SB 815 by Rodríguez (Moody)

Digest

SB 815 would have revised requirements for the retention of records of communications between a magistrate and an arrested person about the charges against the person, the person's rights, and certain other information. It would have eliminated the current requirement that records be kept until either the date the pretrial hearing ends or the 91st day after the record was made for misdemeanor charges and the 120th day after the record was made for felonies. Records would have to have been retained according to a retention schedule prepared by the director and librarian of the Texas State Library and Archives Commission.

Governor's reason for veto

"The law requires that arrested individuals be brought before a magistrate to be informed about the charges against them and to receive important warnings about their rights. Records must be made of these communications, and while a statute currently fixes the periods for which courts must retain the records, Senate Bill 815 would instead have delegated to an agency the discretion to set — and change — the retention periods. Administrative flexibility is not a virtue in this instance. The Legislature should be the one to provide clear direction on this issue."

Response

Sen. Jose Rodríguez, the bill's author, said "SB 815 was a clean-up bill intended to resolve a potential conflict in statute, which was created by legislation passed in 2017, that risks magistration records being destroyed prematurely. The governor's stated rationale for the veto is perplexing to say the least. Under current law, the Texas State Library and Archives Commission already administratively sets the records retention schedules for criminal case papers for county clerks, district clerks, and justice and municipal courts; despite what the governor may have thought, these schedules are not set in statute. We look forward to working with the governor's office next session to make sure we have a clear, practical retention policy that ensures increasingly important magistration records are maintained appropriately."

Rep. Joe Moody, the House sponsor, said, "The Texas State Library and Archives Commission already administratively sets records retention schedules for other court records — SB 815 was just a conforming change to fill a policy gap — so the stated reason for the veto is confusing. That's why we look forward to working with the governor's office next session to make sure we have a clear, practical retention policy that ensures increasingly important magistration records are kept appropriately."

Notes

SB 815 was digested in Part Three of the May 20 *Daily Floor Report*.

Converting sales and use tax, requiring certain annual tax report

SB 1319 by Birdwell (Murphy)

Digest

SB 1319 would have required a county that imposed a hotel occupancy tax to annually report certain information related to that tax to the comptroller. The report would have had to include the rate of the tax, the amount of revenue collected from the tax during the previous fiscal year, and certain other information.

The bill also would have allowed Laredo and Webb County to convert all or a portion of a sales and use tax originally adopted to finance a sports and community venue project to a sales and use tax to promote and develop new and expanded business enterprises if the conversion was approved by voters.

Governor's reason for veto

"The author of Senate Bill 1319 had the right idea in imposing additional reporting requirements for hotel occupancy taxes. Taxpayers deserve that kind of transparency. But the bill was amended by others to add pet projects that would allow a single county and a single city to have an existing tax, previously enacted for a particular purpose, 'converted' by election into a different tax for a different purpose. This tax 'conversion' process would have misled voters, masking the reality that such an election is for a new tax by failing to inform them that they could simply allow the existing tax to expire. I applaud the author for his original concept and look forward to approving it next session, without the counterproductive amendments."

Response

Sen. Brian Birdwell, the bill's author, could not be reached for comment on the veto.

Rep. Jim Murphy, the House sponsor, had no comment on the veto.

Notes

SB 1319 was digested in Part Two of the May 20 *Daily Floor Report*.

Providing local governments sovereign immunity in disaster relief

SB 1575 by Alvarado (Krause)

Digest

SB 1575 would have established that a municipality performed a governmental function if it entered into or took action under a contract for a purpose related to disaster recovery after the governor declared a state of disaster. A city would have had governmental immunity to suit and from liability for a cause of action arising from such a governmental function. Local governmental entities that entered into certain contracts that were not for nonresidential engineering, architecture, or construction service and that spent state or federal funds on goods and services that did not benefit the entity would not have waived immunity from liability.

Governor's reason for veto

"Disaster-recovery tools are critically important in Texas, and this session I have signed into law important legislation that will help Texans rebuild from prior disasters and prepare for future ones. But Senate Bill 1575 goes too far in shielding municipalities from being sued for all sorts of contracts they may enter into for an unspecified period after a disaster declaration. I look forward to working with the Legislature on a more tailored approach to this issue next session."

Response

Sen. Carol Alvarado, the bill's author, could not be reached for comment on the veto.

Rep. Matt Krause, the House sponsor, had no comment on the veto.

Notes

The HRO analysis of SB 1575 appeared in Part Two of the May 16 *Daily Floor Report*.

Streamlining purchasing and contracting by governmental entities

SB 1793 by Zaffirini (Longoria)

Digest

SB 1793 would have exempted certain state agency attorneys from a Government Code requirement to sign a nepotism disclosure to participate in the development, award, or management of a contract in excess of $25,000. The bill also would have allowed an officer or employee of a governmental entity or a local workforce development board to participate in the comptroller's contract for travel services.

Governor's reason for veto

"Senate Bill 1793 would have given government lawyers a pass on filling out a nepotism disclosure form prescribed by the State Auditor's Office. For procurement contracts worth at least $1 million, this form compels agency employees to disclose relationships with, and direct or indirect pecuniary interests in, any party to the proposed contract with the state agency. Uncovering such ties to a potential vendor is important even if the procurement employee happens to be a member in good standing of the Texas Bar. Government lawyers should fill out the same nepotism disclosure form as everyone else at the agency."

Response

Sen. Judith Zaffirini, the bill's author, said: "SB 1793 was recommended by the Comptroller of Public Accounts (CPA) to improve the efficiency of statewide procurement programs and to eliminate the duplication of nepotism disclosures already required for attorneys pursuant to the Texas Disciplinary Rules of Professional Conduct. It would not obscure ties to potential vendors, but rather allow agencies to spend more time on the true risks in contracting, including negotiating liability terms, data access, and ownership, and ensuring proper specification drafting and proposal evaluations. These tasks are not only extremely detailed and time-intensive, but also are coupled with hundreds of smaller requirements such as the nepotism disclosure.

"The procurement process suffers from a heavy regulatory burden that does not facilitate obtaining best values and requires enormous amounts of agency time to 'check the boxes.' Contracting personnel must file multiple similar disclosures throughout the development and management of a contract, and these disclosure forms are signed numerous times by the same attorneys for hundreds of contracts at the same agency. Accordingly, we look forward to working with the CPA this interim to improve and strengthen our proposals to ensure transparency and efficiency in procurement."

Rep. Oscar Longoria, the House sponsor, could not be reached for comment on the veto.

Notes

HB 3852, the House companion to SB 1793, was digested in Part One of the April 30 *Daily Floor Report*.

Entering conditions of bond imposed in family violence cases into TCIC

SB 1804 by Kolkhorst (Nevárez)

Digest

SB 1804 would have required a magistrate to send a copy of an order imposing, modifying, or removing a condition of bond for a defendant charged with an offense involving family violence to the prosecutor, the police chief or county sheriff of the city or county in which the victim of the offense lived, and, if applicable, to a child care facility or school. The clerk of the court would have had to send a copy of the order to the victim. The law enforcement agency would have been required to enter certain information into the Texas Crime Information Center (TCIC), the statewide law enforcement information system maintained by DPS, within three business days after receiving the copy.

The bill would have required the criminal justice division of the Office of the Governor to administer a grant program to reimburse counties for all or part of the costs incurred as a result of monitoring in cases involving family violence defendants and victims who participated in a global positioning monitoring system.

SB 1804 also would have allowed the Midland County Hospital District to adopt, change, or abolish a sales and use tax under certain circumstances and at an election held in the district. The bill would have established the rate, change in rate, election procedure, and use of the tax.

The bill would have delayed from September 1, 2019, to September 1, 2021, the effective date for two sections of the Health and Safety Code related to the Texas Compact Waste Facility, which disposes of low-level radioactive waste. One of the sections that would have been delayed increases the surcharge for the disposal of nonparty compact waste at the compact waste disposal facility from 10 percent to 20 percent. The other section requires the compact waste disposal facility to transfer into the general revenue fund 5 percent of the gross receipts from compact waste received at the facility and any federal facility waste received at a federal waste disposal facility licensed under statute.

Governor's reason for veto

"Senate Bill 1804 was a laudable effort to address domestic violence, until someone slipped in an ill-considered giveaway to a radioactive waste disposal facility. Unfortunately, the bill author's good idea about domestic violence has been dragged down by a bad idea about radioactive waste."

Response

Neither **Sen. Lois Kolkhorst**, the bill's author, nor **Rep. Poncho Nevárez**, the House sponsor, had a comment on the veto.

Notes

The HRO analysis of SB 1804 appeared in Part Three of the May 20 *Daily Floor Report*.

Authorizing certain corporations for multifamily residential development

SB 1861 by Menéndez (Flynn)

Digest

SB 1861 would have amended the Public Facility Corporation Act to expressly authorize certain municipalities, counties, school districts, housing authorities, and special districts to create corporations to finance, own, and operate multifamily residential developments that met certain requirements for tax-exempt status.

Governor's reason for veto

"Public facility corporations are a way for government entities to get in the business of affordable housing and issue conduit debt. To the extent Senate Bill 1861 would encourage taxing entities, including school districts and community colleges, to engage in activities that are outside of their core missions, it would distract those entities from improving student outcomes. Schools and community colleges should focus on educating students, and House Bill 3 provides the necessary resources to accomplish that goal."

Response

Sen. José Menéndez, the bill's author, could not be reached for comment on the veto.

Rep. Dan Flynn, the House sponsor, had no comment on the veto.

Notes

SB 1861 was digested in Part Two of the May 20 *Daily Floor Report*.

Expanding powers of the Karis Municipal Management District

SB 2456 by Powell (Zedler)

Digest

SB 2456 would have expanded the powers and duties of the Karis Municipal Management District of Tarrant County to administer and provide funding for community improvement projects and services in the district. The bill also would have changed the territory of the district, allowed the district to impose a civil penalty for certain violations, and provided expanded authority to issue bonds.

Governor's reason for veto

"Municipal management districts typically serve as a financing mechanism for commercial, residential, or entertainment development, but sometimes they are misused to supplant services that a city should provide, resulting in double taxation for district residents. Senate Bill 2456 illustrates the problem. It would give the Karis Municipal Management District, located within the City of Crowley, new powers to perform a litany of services paid for by assessments on property within the district. The services range from police and fire protection to the construction and permitting of public concession facilities. These are services that residents should expect the city to provide, using taxes the city imposes. Yet Senate Bill 2456 would allow the district to impose additional assessments for these services. Property owners should not be forced to pay both residential property taxes to the city and residential assessments to the district. Giving this district such expansive authority would reduce transparency and circumvent the taxpayer protections in Senate Bill 2."

Response

Neither **Sen. Beverly Powell**, the bill's author, nor **Rep. William "Bill" Zedler**, the House sponsor, had a comment on the veto.

Notes

SB 2456 passed on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.

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John H. Reagan Building
Room 420
P.O. Box 2910
Austin, Texas 78768-2910
(512) 463-0752

www.hro.house.texas.gov

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