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HOUSE RESEARCH ORGANIZATION

daily floor report

Friday, May 19, 2017
85th Legislature, Number 75
The House convenes at 10 a.m.
Part Two

Twenty-three bills are on the daily calendar for second-reading consideration today. Bills on the General State calendar analyzed or digested in Part Two of today's *Daily Floor Report* are listed on the following page.

The House also will consider a Local, Consent, and Resolutions Calendar.



Dwayne Bohac
Chairman
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HOUSE RESEARCH ORGANIZATION

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Friday, May 19, 2017

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Part 2

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- SUBJECT:** Requiring DFPS to establish the office of data analytics
- COMMITTEE:** Human Services — favorable, without amendment
- VOTE:** 7 ayes — Raymond, Frank, Klick, Miller, Rose, Swanson, Wu
0 nays
2 absent — Keough, Minjarez
- SENATE VOTE:** On final passage, March 22 — 29-0
- WITNESSES:** No public hearing
- BACKGROUND:** Human Resources Code, ch. 40 outlines certain responsibilities of the Department of Family and Protective Services.
- DIGEST:** SB 497 would require the Department of Family and Protective Services (DFPS) to create an office of data analytics as soon as possible after the bill's effective date. The office would report to the DFPS deputy commissioner and could perform the following functions, as determined by DFPS:
- monitor management trends;
 - analyze employee exit surveys and interviews;
 - evaluate the effectiveness of employee retention efforts, including merit pay;
 - create and manage a system for handling employee complaints submitted by the employee outside of an employee's direct chain of command, including anonymous complaints;
 - monitor and provide reports to DFPS management personnel on trends in employee complaints, compliance with annual DFPS performance evaluation requirements, and DFPS use of positive performance levels for employees;
 - track employee tenure and internal employee transfers within the Child Protective Services division and DFPS;
 - use data analytics to predict workforce shortages and identify areas

of DFPS with high rates of employee turnover and develop a process to inform appropriate staff on the office's findings;

- create and monitor reports on key metrics of agency performance;
- analyze available data, including data on employee training, for historical and predictive department trends; and
- conduct any other data analysis DFPS deemed appropriate for improving performance, meeting its business needs, or fulfilling its powers and duties.

The DFPS commissioner and the Health and Human Services Commission executive commissioner would transfer appropriate staff to conduct duties in the data analytics office.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

SB 497 would help the Department of Family and Protective Services (DFPS) identify underlying causes of high workforce turnover rates, particularly within its Child Protective Services division, by establishing the office of data analytics. In order to retain a high quality workforce, DFPS leadership needs access to accurate and transparent data on management trends, employee training, complaints, exit interviews, and agency performance. Developing a system for handling employee complaints would enable the office to research potential workforce issues without an employee fearing intervention or retaliation. The provision of historical and statistical evidence on employee and management trends would inform DFPS of any necessary actions to reduce employee turnover rates and strengthen a positive workforce culture.

**OPPONENTS
SAY:**

No apparent opposition.

- SUBJECT:** Reimbursing certain Medicaid providers for school telehealth services
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 11 ayes — Price, Sheffield, Arévalo, Burkett, Coleman, Collier, Cortez, Guerra, Klick, Oliverson, Zedler
- 0 nays
- SENATE VOTE:** On final passage, May 1 — 29-2 (Hall, Uresti)
- WITNESSES:** For — Adrian Mamikonian; (*Registered, but did not testify:* Cynthia Humphrey, Association of Substance Abuse Programs; Christine Yanas, Methodist Healthcare Ministries of South Texas; Amanda Martin, Texas Association of Business; Grover Campbell, Texas Association of School Boards; Nora Belcher, Texas e-Health Alliance; Dan Finch, Texas Medical Association; Denise Rose, Texas Occupational Therapy Association)
- Against — None
- On — (*Registered, but did not testify:* Tamela Griffin, Health and Human Services Commission)
- BACKGROUND:** Government Code, sec. 531.02162 directs the Health and Human Services Commission (HHSC) executive commissioner by rule to establish policies that permit reimbursement under Medicaid and the Children's Health Insurance Program for telemedicine and telehealth services to children with special health care needs.
- Sec. 531.0217 requires HHSC to ensure that Medicaid reimbursement is provided to a physician for a telemedicine medical service provided by the physician, even if the physician is not the patient's primary care physician or provider, if:
- the physician is an authorized health care provider under Medicaid;
 - the patient is a child who receives the service in a primary or

secondary school-based setting;

- the parent or legal guardian of the patient provides consent before the service is provided; and
- a health professional is present with the patient during the treatment.

DIGEST:

SB 922 would require the Health and Human Services Commission to ensure that Medicaid reimbursement was provided to a school district or open-enrollment charter school for telehealth services provided through the school district or charter school by a health professional as defined by the bill, even if the health professional was not the patient's primary care provider, if:

- the school district or charter school was an authorized health care provider under Medicaid; and
- the parent or legal guardian of the patient provided consent before the service was provided.

A "health professional" would mean an individual who was:

- licensed, registered, certified, or otherwise authorized by the state of Texas to practice as a social worker, occupational therapist, or speech-language pathologist;
- a licensed professional counselor; or
- a licensed specialist in school psychology.

If, before implementing a provision of SB 922, a state agency determined that a waiver or authorization from a federal agency was necessary to implement the provision, the agency would request the waiver or authorization and could delay implementation of the bill until it was granted.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

SB 922 would make it easier for schools, especially those in remote areas, to provide students with required therapy and counseling services, and would result in savings to public funds. Many rural schools currently have

to spend significant tax dollars to bring specialists to their school from elsewhere in the state. Allowing telehealth for these services under SB 922 would reduce this expense.

The bill would not increase the types of services provided or the services covered by Medicaid but would allow school districts to use telehealth as the delivery model to provide them. The bill also would protect parents' rights by requiring consent from a parent or guardian before a service was provided.

The bill would not require school districts to use telehealth but instead would allow it to be used in certain circumstances if needed.

**OPPONENTS
SAY:**

While the telehealth delivery model may be appropriate for some services, telehealth should not be allowed to be substituted for all of them if the in-person model is more effective.

NOTES:

The companion bill, HB 2123 by Gonzales, was referred to the House Public Health Committee on March 20.

SUBJECT: Extending the maximum length of a franchise granted by a port

COMMITTEE: Transportation — committee substitute recommended

VOTE: 10 ayes — Morrison, Martinez, Burkett, Y. Davis, Goldman, Israel, Phillips, Pickett, E. Thompson, Wray

0 nays

3 absent — Minjarez, Simmons, S. Thompson

SENATE VOTE: On final passage, April 20 — 31-0

WITNESSES: None

BACKGROUND: Water Code, secs. 61.164 and 63.178 prohibit ports from granting franchises for longer than 30 years. These sections also require approval of the navigation and canal commissioners and published notice of the franchise before it is granted.

DIGEST: CSSB 1129 would provide that a port authority could grant a franchise for up to 50 years. The bill also would specify how the effective date of the franchise would be tied to the timing of commissioners meetings and dates of notice publication.

The bill would take effect September 1, 2017.

SUPPORTERS SAY: CSSB 1129 would relieve a ministerial burden from the Port of Corpus Christi Authority, which currently is required to grant franchises to certain landowners with property on the channel. Because there are many landowners, this creates an administrative burden on the port authority even though the franchises last for 30 years. This bill would lighten that burden by allowing the length of the franchises to be extended to 50 years, meaning that there would be fewer renewals. The bill also would clarify certain provisions about notices prior to a franchise becoming effective.

OPPONENTS SAY: No apparent opposition.

NOTES: CSSB 1129 differs from the Senate-passed version in that the committee substitute would extend the bill's provisions to port authorities operating under Water Code, ch. 63.

The companion bill, HB 2593 by Herrero, was reported favorably by the House Transportation Committee on May 2.

SUBJECT: Creating procedures and programs for certain homeless and foster youth

COMMITTEE: Human Services — favorable, without amendment

VOTE: 8 ayes — Raymond, Frank, Keough, Miller, Minjarez, Rose, Swanson, Wu
0 nays
1 absent — Klick

SENATE VOTE: On final passage, May 4 — 31-0, on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 1640:*
For — Sarah Crockett, Texas CASA; Tymothy Belseth; (*Registered, but did not testify:* Jason Arnold, Burmont, Inc.; Will Francis, National Association of Social Workers - Texas Chapter; Katherine Barillas, One Voice Texas; Kate Murphy, Texans Care for Children; Ted Melina Raab, Texas American Federation of Teachers; Joshua Houston, Texas Impact; Ellen Arnold, Texas PTA; Lee Nichols, TexProtects; James Thurston, United Ways of Texas)

Against — None

On — Courtney Arbour, Texas Workforce Commission; (*Registered, but did not testify:* Elizabeth "Liz" Kromrei, Department of Family and Protective Services)

BACKGROUND: Education Code, sec. 25.007(b) requires the Texas Education Agency to assist students who are homeless or in substitute care transition from one school to another by establishing certain procedures for student records, course credit, special education referrals, and coordination between the agency and the Department of Family and Protective Services (DFPS) for the education of students under conservatorship.

Sec. 54.366 exempts certain children who have been under the conservatorship of DFPS from paying tuition and fees for higher

education, including dual-credit courses or other courses where high school students earn joint high school and college credit.

Family Code, ch. 264 outlines the requirements for child welfare services in suits affecting the parent-child relationship.

DIGEST:

SB 1220 would require the Texas Education Agency (TEA) to assist students who were homeless or in substitute care transition from one school to another by developing procedures to ensure that a new school relied on the previous school's course placement decisions in order to place students in comparable courses or educational programs at the new school, if those courses or programs were available. It also would require school districts, campuses, and open-enrollment charter schools to provide comparable services to a student during the special education referral process or until the new school developed an individualized education program for the student.

The Commissioner of Education could establish rules to implement these provisions and to facilitate a student's transition between schools. These provisions would apply beginning with the 2017-18 school year.

Career development and education program. The bill would require the Department of Family and Protective Services (DFPS) to collaborate with local workforce development boards, foster care transition centers, community and technical colleges, schools, and any other appropriate workforce industry resources to create a program for current and former foster youth that would:

- assist youth with obtaining a high school diploma or GED and industry certifications necessary for high-demand occupations;
- provide career guidance; and
- inform youth about the state's higher education tuition and fee waiver program.

By September 1, 2018, DFPS, in collaboration with TEA, would produce a report on the program containing recommendations for its further development. The department would submit the report to the governor, lieutenant governor, speaker of the House, and the applicable standing

House and Senate Committees. The reporting requirements would expire September 1, 2019.

Reenactment and effective date. SB 1220 would reenact Education Code, sec. 25.007(b) to harmonize language in different versions of the subsection that were amended through the enactment of three bills by the 84th Legislature in 2015.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

SB 1220 would minimize interruptions in the academic progress of a homeless or substitute care student by requiring a new school to rely on a previous school's course placement decisions. This would prevent students from starting the same courses over every time they switched schools. A student would be placed in a comparable course only if those courses were available at the new school.

The career and development program would provide tangible skills to current and former foster youth. Equipping foster youth with necessary life skills would reduce a child's risk of homelessness and effectively prepare him or her to live independently in the community.

According to the Legislative Budget Board's fiscal note, no significant fiscal implication to the state or units of local government is anticipated. It is assumed the duties and responsibilities associated with implementing the bill's provisions could be accomplished using existing resources.

**OPPONENTS
SAY:**

SB 1220 would remove a new school's flexibility on the course placement of a student who was homeless or in substitute care. Instead of requiring the new school to rely on a previous school's course placement decisions for a student, the bill should allow the new school to make its own course placement decisions.

NOTES:

The companion bill, HB 1640 by Vo, was approved by the House on May 9.

SUBJECT: Increasing fee for oversize or overweight cargo in Hidalgo County

COMMITTEE: Transportation — committee substitute recommended

VOTE: 10 ayes — Morrison, Martinez, Burkett, Y. Davis, Goldman, Israel, Phillips, Pickett, E. Thompson, Wray

0 nays

3 absent — Minjarez, Simmons, S. Thompson

SENATE VOTE: On final passage, April 26 — 27-4 (Buckingham, Burton, Hancock, V. Taylor)

WITNESSES: *On House companion bill, HB 2276:*
For — (*Registered, but did not testify:* Gary Bushell, Alliance for I-69 Texas; Evelyn C. Castillo, Hidalgo County Regional Mobility Authority; Elizabeth Lippincott, Texas Border Coalition)

Against — None

On — (*Registered, but did not testify:* Chris Nordloh, Texas Department of Public Safety)

BACKGROUND: Transportation Code, ch. 623, subch. S allows a regional mobility authority to issue permits for the movement of an oversize or overweight vehicle carrying cargo in Hidalgo County on certain highways and roads. Under sec. 623.364, the maximum amount assessed for the permit may not exceed \$80 per trip. Fees collected must be used for the construction and maintenance of these roads and for the administrative costs incurred by the authority. Administrative costs may not exceed 15 percent of the fees collected.

DIGEST: CSSB 2227 would increase the cap on the permit fee for the movement of an oversize or overweight vehicle carrying cargo on certain roads in Hidalgo County to \$200 per trip.

The bill would require up to 5 percent of the fees collected to be used to leverage funding from other sources to construct a specified bridge, improve certain roads, and support the construction of roads proposed by the City of Donna that would connect a proposed commercial import lot to an existing road and highway.

The bill also would adjust the cap on the amount of the fees collected for permits issued for overweight and oversized vehicles carrying cargo in Hidalgo County that could be used for the applicable regional mobility authority's administrative costs to account for the new fee use added by the bill.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

CSSB 2227 would raise the cap on the fee for a permit issued for the movement of an oversize or overweight vehicle carrying cargo in Hidalgo County, which is currently too low when compared to the effort required by regional authorities to issue those permits and maintain the permit registration system. Additional funding is necessary to maintain the system adequately.

**OPPONENTS
SAY:**

CSSB 2227 would raise a permitting fee cap that was already raised in 2013 through HB 474 by Muñoz. The increase from \$80 to \$200 is unnecessary and could place a burden on those who must purchase the permits to move cargo in Hidalgo County.

NOTES:

CSSB 2227 differs from the Senate-passed version in that it would impose requirements on the percentage of funds used for administrative costs, and require that a certain percentage of funds be leveraged toward the construction of certain road projects.

In its fiscal note, the Legislative Budget Board estimates the fee increase authorized by the bill would have a positive impact of \$2.5 million to the State Highway Fund each fiscal year.

A companion bill, HB 2276 by Martinez, was placed on the general state calendar on May 9.

SUBJECT: Allowing for junior colleges to offer baccalaureate degree programs

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 8 ayes — Lozano, Raney, Alonzo, Alvarado, Button, Clardy, Howard, Turner

0 nays

1 absent — Morrison

SENATE VOTE: On final passage, May 3 — 26-5 (Buckingham, Burton, Huffines, Kolkhorst, Schwertner)

WITNESSES: *On House companion bill, HB 4092:*
For — Dana Harris, Austin Chamber of Commerce; Neil Matkin, Collin College; Richard Rhodes, Community College Coalition; Leah May, Seton Healthcare Family; Stephanie Berman; Karen Hamlett; Travis Ransom; (*Registered, but did not testify:* Bradley, Kendra Dubec, Fucciani, Bo Gillespie, Michelle Gillespie, Cedricka Jackson, Molly Beth Malcolm, Jeanna Reed, Amber Schulze, and Lorie Tibbits, Austin Community College; Kelly Wells, ACC Nursing; Katey Crackel, Bayshore Medical Center; Jared Johnson, City of Denison; Wendy Uptain, The Commit Partnership; Joe May, Dallas County Community College; Howard Hext, East Harris County Association; Raymond Lewis, Galveston College; Jeremy McMillen, Grayson College; Amos McDonald, Lone Star College; Jack Gullahorn, McGraw Hill Education; John Hubbard and Ian Randolph, Pharr-San Juan-Alamo ISD; Jay Barksdale, Plano Chamber of Commerce; Brenda Hellyer, San Jacinto College; and 20 individuals)

Against — None

On — (*Registered, but did not testify:* Blaine Teague and Brooks, Austin Community College; Wanda Garza, South Texas College; Rex Peebles, Texas Higher Education Coordinating Board)

DIGEST:

SB 2118 would allow the Texas Higher Education Coordinating Board to authorize baccalaureate degree programs at one or more public junior colleges that offered certain degree programs and had demonstrated a workforce need. Eligible junior colleges would offer a program in nursing, applied technology, or applied science, including an applied science program with an emphasis on early childhood education. The coordinating board would continue to be required to authorize baccalaureate degree programs in the fields of applied science and applied technology at junior colleges that previously participated in a pilot program.

Junior colleges would be limited to offering three baccalaureate degree programs at any time, except that those that had previously participated in a pilot program still could offer up to five. The board would be required to use the same standards and criteria for approving baccalaureate degree programs at general academic teaching institutions and medical and dental units to determine whether a junior college would be allowed to offer a baccalaureate degree program and what degree programs could be offered.

The coordinating board also would be required to consider the workforce need, whether the associate degree program offered by the junior college in the same field had been successful, and the college's ability to support the program with student enrollment, in addition to other factors currently in statute.

A junior college could offer a baccalaureate degree program only if its junior college district had a taxable property valuation amount of not less than \$6 billion in the preceding year and received a positive assessment of the overall financial health of the district. Before it could be authorized to offer a baccalaureate program, the junior college also would be required to submit a report to the coordinating board that included:

- a long-term financial plan for accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools;
- a long-term plan for faculty recruitment that indicated the ability to pay the increased salaries of doctoral faculty, identified recruitment strategies for new faculty, and ensured the program would not draw faculty from a neighboring institution offering a similar program;

- details on the manner of program and course delivery; and
- details on existing articulation agreements and dual enrollment agreements.

The information on existing articulation agreements would need to indicate that at least three articulation agreements had been established with general academic teaching institutions or medical and dental units or the reasons why no articulation agreements had been established. It also would indicate that, with the agreement of the applicable general academic teaching institution or medical and dental unit, established articulation agreements were at capacity.

The coordinating board could not authorize a junior college to offer a baccalaureate degree if articulation agreements with general academic teaching institutions or medical and dental units were sufficient to meet the needs in the degree field.

To determine the authorization of a junior college to offer a degree program in nursing, the coordinating board would have to:

- require a public junior college to provide evidence to the coordinating board and the Texas Board of Nursing that the junior college had secured adequate long-term clinical space;
- obtain a letter from each clinical site provided indicating that the clinical site had not refused a similar request from a general academic teaching institution or medical and dental unit; and
- establish that the corresponding associate degree program offered by the public junior college had been successful as indicated by job placement rates and licensing exam scores.

A baccalaureate degree program in the field of nursing would be a bachelor of science degree program and meet the standards and criteria the Texas Board of Nursing used to approve pre-licensure degree programs at general academic teaching institutions and medical and dental units, regardless of whether the program was a pre-licensure or post-licensure program. The program would have to be accredited by a national nursing accrediting body recognized by the U.S. Department of Education.

A public junior college offering a baccalaureate degree program in nursing also would be required to demonstrate to the coordinating board that it would maintain or exceed the enrollment available to nursing students enrolled in an associate degree program at the junior college in the 2016-17 academic year and continue to maintain or exceed that level of enrollment in the corresponding associate degree program until the 2021-22 academic year. This requirement would expire on January 1, 2023.

A baccalaureate degree program at a junior college could be funded solely by a proportionate share of state appropriations, local funds, and private sources. The bill would not require the Legislature to appropriate state funds to support a baccalaureate degree program at a junior college. The coordinating board would have to weigh contact hours attributable to students enrolled in a junior-level or senior-level course offered by a program to determine a college's proportionate share of state appropriations in the same manner as a lower division course in a corresponding field.

A public junior college would be prohibited from charging students more for tuition and fees than it charged to a similarly situated student enrolled in an associate degree program in a corresponding field.

The bill would require each public junior college offering a baccalaureate degree program to conduct a review and deliver a report to the coordinating board every biennium on the quality, operation, and effectiveness of the baccalaureate degree programs offered.

The coordinating board would adopt rules as necessary for the administration of the bill's provisions.

The bill would take immediate effect if finally passed by a two-thirds vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

SB 2118 would help address the workforce needs of the state by allowing the Texas Higher Education Coordinating Board to approve degree programs in applied science, applied technology, and nursing at public

junior colleges, which could offer affordable programs that would be subject to high academic standards. While certain community colleges already have been granted approval to offer baccalaureate degrees, the bill would expand this opportunity to other qualified schools in Texas.

The bill would help address the growing need for early childhood educators in the state's school districts by creating more baccalaureate degree programs in early childhood education. Receiving quality education in early grades is critical for a student's long-term success. For example, a young student's reading proficiency is a strong indicator of success in high school. Allowing for more teachers to be specially prepared in early childhood education could improve the quality of education provided to younger students and could subsequently improve student results across the state.

SB 2118 also could help address the state's nursing shortage by allowing the coordinating board to approve community college baccalaureate degrees in nursing. In addition, nurses who completed a four-year degree might go on to pursue careers in teaching, which could help alleviate nursing faculty shortages.

The bill would ensure that baccalaureate degrees offered by community colleges did not overlap with the offerings of four-year institutions. The coordinating board would be required to consider whether a baccalaureate degree program at a public junior college would duplicate the degree programs offered by other institutions of higher education when determining whether to authorize a program. The bill also would include specific provisions to guard against faculty members being drawn away from a neighboring institution. The coordinating board would have to use the same criteria it uses to approve baccalaureate degree programs at general academic teaching institutions, so the quality of education would not be compromised.

**OPPONENTS
SAY:**

SB 2118 could compromise the quality of education being provided to students and might duplicate programs already being offered by four-year institutions. The bill would not alleviate the nursing shortage because there currently is a shortage of nursing faculty. Creating more nursing programs at junior colleges could create competition for nursing faculty

among institutions in the state.

NOTES: A companion bill, HB 4092 by S. Davis, was reported favorably by the House Committee on Higher Education on May 1.

- SUBJECT:** Regulating vehicle identification numbers and title requirements
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 10 ayes — Morrison, Martinez, Burkett, Y. Davis, Goldman, Israel, Phillips, Pickett, E. Thompson, Wray
- 0 nays
- 3 absent — Minjarez, Simmons, S. Thompson
- SENATE VOTE:** On final passage, April 27 — 27-4 (Campbell, Huffines, Perry, V. Taylor)
- WITNESSES:** *On House companion bill, HB 2462:*
For — (*Registered, but did not testify:* Steve Bresnen, Insurance Auto Auctions; Mark Borskey, Texas Recreational Vehicle Association)
- Against — None
- On — (*Registered, but did not testify:* Jeremiah Kuntz, Texas Department of Motor Vehicles)
- BACKGROUND:** Transportation Code, ch. 501 is the Certificate of Title Act. It governs requirements for vehicle titles, vehicle identification numbers, transfers of title, nonrepairable and salvage motor vehicles, security interests, and penalties and enforcement. Sec. 501.155 makes it a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if a person knowingly provides false or incorrect information or without legal authority signs the name of another person on any document, including a title, required by the Texas Department of Motor Vehicles or necessary to transfer ownership of a motor vehicle.
- Some observers have called for the state to adjust its processes for vehicle titling to bring it into conformity with federal law and prevent title fraud.
- DIGEST:** SB 2076 would reorganize and amend vehicle identification number (VIN) inspection requirements, VIN inspection processes, and title

requirements. The bill also would bring language regarding odometer disclosures in line with federal regulation terminology.

Title. The bill would establish that a lawfully obtained certified copy of a title would supersede and invalidate any previously issued title, effective January 1, 2019. A motor vehicle that was last titled out of state would be allowed to satisfy the inspection requirement by obtaining an identification number inspection in accordance with Texas Department of Motor Vehicles (TxDMV) rule.

Assignment and reassignment of a VIN. The bill would require TxDMV to assign an identification number to a vehicle when the VIN had been removed, altered, or never assigned upon inspection and application for a VIN. The application would have to include valid evidence of ownership in the name of, or properly assigned to, the applicant as required by TxDMV.

TxDMV would reassign an original manufacturer's VIN only if the person who conducted the identification number inspection determined that the permanent VIN affixed by the manufacturer had been removed, altered, or obliterated. The bill would designate TxDMV as the only entity allowed to issue an identification number, and a number assigned by another entity could not be recognized by TxDMV.

Inspection requirements. The bill would repeal certain requirements for assigning a VIN to a travel trailer, a trailer or semitrailer, a frame, or certain types of equipment. Instead, it would require a motor vehicle, trailer, or semitrailer to have an identification number inspection if:

- TxDMV did not have a record for the vehicle and the owner was filing a bond with TxDMV;
- the motor vehicle, trailer, or semitrailer was last titled or registered outside the United States and imported to the United States unless the owner was active duty military; or
- the owner or person claiming ownership required an identification number.

The bill would specify who would be able to perform an inspection to

include persons who fulfill certain training and authorization requirements, as listed in the bill.

A municipality, county, or TxDMV could provide the identification number inspection. Depending on who performed the inspection, the \$40 inspection fee imposed would be required to be deposited in the general fund of the county or municipality or deposited to the TxDMV fund. If the inspection was required by TxDMV, the department could not impose a fee.

Odometers. The bill would change statutory language and certain regulations to conform with federal law regarding odometer disclosure statements and would require TxDMV to provide a secure power of attorney form and a secure reassignment form for licensed motor vehicle dealers.

Salvage vehicles. The bill would expand the definition of nonrepairable motor vehicle to include vehicles reported to TxDMV by salvage vehicle dealers, vehicles for which an owner had surrendered evidence of ownership in order to scrap, dismantle or destroy the vehicle, or vehicles sold for export. The owner of a salvage or nonrepairable vehicle would be prohibited from transferring ownership unless TxDMV had issued a nonrepairable or salvage title or a nonrepairable or salvage record of title for the vehicle, or a comparable ownership document had been issued by another state in the name of the owner.

The bill would require TxDMV, upon receipt of a proper application from the owner, to issue a title with appropriate notations to describe the motor vehicle's condition when the vehicle was brought into the state with out-of-state ownership documents or was in the National Motor Vehicle Title Information System. The bill would add notations that could be used to describe the vehicle.

Penalties. The bill would create a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if a person knowingly provided false information or signed someone else's name without authority on:

- an application for a title or a certified copy of an original title for a nonrepairable or salvage vehicle;
- an assignment of title for a nonrepairable or salvage vehicle;
- a discharge of a lien on a title for a nonrepairable or salvage vehicle; or
- any other document required to transfer ownership of a nonrepairable or salvage vehicle.

Other changes. The bill would allow TxDMV to issue a title to a person other than the first lienholder if the owner provided proof of satisfaction of the lien, effective January 1, 2019.

The bill would change provisions addressing situations in which the owner of a motor vehicle was unable to apply for a title in the county assessor-collector's office of the owner's residence because the office was closed or may have been closed for a protracted period of time. Under the bill, the owner could apply for a title at the county assessor-collector's office of any county willing to accept the application, instead of a county that bordered the county in which the owner resided.

The owner of a farm trailer or semitrailer of 34,000 pounds or less that was used to transport farm products would be allowed but not required to apply for title for the vehicle. If a vehicle was issued a title, any subsequent sale of the vehicle would also be required to have a title.

The bill would define a house trailer as a vehicle that was less than 45 feet, instead of the current 40 feet, and a travel trailer as a vehicle that was less than 8 1/2 feet in width or 45 feet in length.

The bill would take effect September 1, 2017.

NOTES:

A companion bill, HB 2462 by Pickett, was reported favorably by the House Committee on Transportation and placed on the General State Calendar for May 10.

- SUBJECT:** DPS calculating overtime for officers based on eight-hour day
- COMMITTEE:** Appropriations — favorable, without amendment
- VOTE:** 19 ayes — Zerwas, Longoria, Capriglione, S. Davis, Dean, Giddings, Gonzales, González, Koop, Miller, Muñoz, Perez, Phelan, Roberts, J. Rodriguez, Sheffield, Simmons, VanDeaver, Wu
- 2 nays — Howard, Rose
- 6 absent — Ashby, G. Bonnen, Cospers, Dukes, Raney, Walle
- SENATE VOTE:** On final passage, May 1 — 30-1 (Hall)
- WITNESSES:** *On House companion bill, HB 483:*
For — Richard Jankovsky III, DPSOA; (*Registered, but did not testify:* Deborah Ingersoll, Texas State Troopers Association)
- Against — None
- On — David Baker, Texas Department of Public Safety
- BACKGROUND:** Government Code, sec. 411.016 governs supplemental pay at the Department of Public Safety (DPS). The section applies to commissioned officers who are not employed in positions that the agency director has declared to be administrative, executive, or professional. If, during a calendar week, a commissioned officer's hours worked plus the number of hours of leave taken equal more than 40, the excess hours are overtime.
- Government Code, sec. 659.015 governs overtime compensation for certain state employees who are subject to the federal Fair Labor Standards Act. Under sec. 659.015(c) employees who are required to work hours in excess of 40 hours in a workweek are entitled to compensation either by:
- the agency allowing or requiring the employee to take

compensatory time off at the rate of 1-1/2 hours off for each hour of overtime; or

- at the discretion of the employing agency, in cases in which granting compensatory time off is impractical, the employee receiving pay for the overtime at the rate equal to 1-1/2 times the employee's regular rate of pay.

The provisions of Government Code, sec. 659.015 were enacted to comply with federal law and are used by DPS to calculate overtime pay instead of the DPS-specific provisions in Government Code, sec. 411.016.

DIGEST:

SB 297 would revise the way compensatory time is calculated and paid for certain Department of Public Safety (DPS) commissioned officers. Any hours worked in excess of eight hours in a 24-hour period would be considered overtime. In addition, hours worked in excess of 40 hours per week would be considered overtime.

DPS would be authorized to compensate an officer for overtime by:

- allowing or requiring the officer to take compensatory leave at the rate of 1-1/2 hours of leave for each hour of overtime earned; or
- paying the officers for the overtime hours earned at the rate of 1-1/2 times the officer's regular hourly pay.

The section would apply to commissioned officers who were not employed in positions that the agency director has declared to be administrative, executive, or professional.

The bill would take effect September 1, 2017, and would prevail if there were a conflict with Government Code 659.015 provisions covering overtime compensation for state employees subject to the Federal Fair Labor Standards Act.

**SUPPORTERS
SAY:**

SB 297 would give DPS more flexibility in how it pays certain officers for their overtime, which would allow the agency to better compensate these valuable public servants. DPS officers are unique among state employees because their standard workweek is assumed to be 50 hours.

The bill would allow DPS to calculate overtime for commissioned officers at the rank of major and below based on an eight-hour day, rather than a 40-hour week. Currently, an officer must work 40 hours before being paid for any overtime. This means that an officer who worked three, 10-hour days and then took two days of sick or personal leave would not receive any overtime pay. The bill would allow officers to take sick or other leave without losing overtime pay that they have earned.

The bill would institute a fair policy to compensate officers that would be similar to policies used at some other law enforcement agencies. Ensuring that, if funds were available, officers could be paid for their overtime on a daily basis would help DPS retain and recruit employees.

The bill would not cost the state additional money. Currently, the state budget funds a 50-hour workweek for DPS-commissioned law enforcement officers. DPS would continue to use these funds to pay officers for their overtime, and the bill would change only the calculation of when those funds were paid. If, after the enactment of the bill, the overtime funds were depleted, the agency would continue to use its current policy under which officers accumulate compensatory time.

The bill would be permissive and would allow DPS to craft a policy that best fits its need, allowing either payment for overtime or allowing officers to take compensatory leave. The bill would remove from the statute obsolete DPS-specific language about calculating overtime pay based on a percentage of officer's salaries and about supplemental pay. This language is not used because it was superseded by language in Government Code, sec. 659.015 that covers overtime compensation for state employees subject to federal law. The fiscal note for the bill estimates that the bill would have a positive but undetermined fiscal impact for the state.

**OPPONENTS
SAY:**

SB 297 could upset the balance among state law enforcement officers by creating a non-standard way of calculating overtime at one agency. The Legislature has been trying to bring parity among these officers, and the bill could disrupt that effort.

OTHER

SB 297 could lead to other state agencies making similar requests and

OPPONENTS
SAY: could leave out other important, hardworking employees who might also deserve to be paid overtime based on an eight-hour day. It may be better to study such a change before making it for one agency.

NOTES: According to the Legislative Budget Board, providing the Department of Public Safety with the option of compensating law enforcement officers for overtime worked with compensatory leave, rather than payment, could spare payroll costs and thus have a positive, if undetermined, fiscal impact.

SUBJECT: Changing restrictions on conveyances or procurements by a port authority

COMMITTEE: Transportation — favorable, without amendment

VOTE: 11 ayes — Morrison, Martinez, Burkett, Y. Davis, Goldman, Israel,
Minjarez, Phillips, Simmons, E. Thompson, Wray

0 nays

2 absent — Pickett, S. Thompson

SENATE VOTE: On final passage, May 1 — 31-0

WITNESSES: *On House companion bill, HB 1528:*

For — Erik Eriksson, Texas Ports Association; Johnny Halili and Lisa Halili, Prestige Oysters, Inc.; Michael Ivic, Misho Oyster Company;
(Registered, but did not testify: Brian Yarbrough and Hugo Berlanga, Port of Corpus Christi; Spencer Chambers, Port of Houston Authority; Miranda Goodsheller, Texas Association of Business; Ron Lewis, Port of Beaumont; Greg Macksood, Calhoun Port Authority; Mackenna Wehmeyer, Transportation Advocacy Group Houston; Kevin Younger)

Against — None

On — *(Registered, but did not testify: Andrew Hawkins and David Land, Texas General Land Office; Juan Vanos, Landry's Seafood)*

BACKGROUND: Water Code, chs. 60-63 govern Texas port authorities, which operate as “navigation districts” and as political subdivisions of the state.

DIGEST: SB 1395 would change various provisions relating to all port authorities and extend certain authority to certain types of port authorities created under Water Code, chs. 62 and 63.

Conveyances. SB 1395 would change certain procedures relating to conveyance of real property owned by a port authority. Specifically, bidders for land to be sold or leased for more than 50 years no longer

would be required to submit a security for the full value of the bid. Instead, the bill would require security equal to 5 percent of the bid if the property was being purchased.

SB 1395 would specify that a port authority could enter into certain oil and gas leases and would explicitly exempt such a lease from Natural Resources Code, ch. 71, which governs leased land from a political subdivision for mineral development.

Under the bill, navigation districts created under Water Code, ch. 62 could enter into franchise agreements with a duration of up to 50 years. Navigation districts created under Water Code, ch. 63 also would be able to grant franchises for up to 50 years, extended from 30 years.

Districts created under ch. 62 explicitly would be allowed to grant easements on acquired land.

Procurements. The bill specifically would provide that the acquisition of land and facilities for certain purposes relating to the operation of the port was for a public purpose and a matter of public necessity.

The bill would specify certain dates for the publication of proposed purchases for the purpose of soliciting bids and certain procedures relating to competitive sealed proposals.

Other provisions. SB 1395 would specify that a treasurer of a port authority would not be required to sign certain checks.

The bill would allow a port authority to accept a gift or donation of services, equipment, goods, or other tangible or intangible property from any source for any relevant purpose.

Under the bill, a port authority could issue revenue bonds to purchase, construct, or repair desalinization facilities.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUPPORTERS
SAY:

SB 1395 would update statutes to reflect current practice, resolve inconsistencies caused by previous recodifications, remove certain onerous requirements, and establish certainty surrounding what the law says. This would allow port authorities to be in full compliance with their laws in day-to-day activities.

Conveyances. SB 1395 would eliminate an unfair requirement that a person wishing to bid on a sale of property by a port provide security for the full value of the bid. This requirement that the buyer front the full purchase price unnecessarily excludes some buyers who are financially able to purchase the property through financing, potentially reducing the sale price.

SB 1395 also would relieve a ministerial burden from the Port of Corpus Christi Authority, which is currently required to grant franchises to certain landowners with property on the channel. Because there are many landowners, this creates an administrative burden on the port authority even though the franchises last for 30 years. This bill would reduce that burden by allowing the length of the franchises to be extended to 50 years, meaning that there would be fewer renewals.

Procurements. By specifying that land held by a navigation district was for a public purpose and a matter of public necessity, the bill would clarify that the land owned by a port authority, which is a political subdivision of the state, was not subject to property taxation as provided under Tax Code, sec. 11.11.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

A companion bill, HB 1528 by Perez, was reported favorably by the House Transportation Committee on May 2 and sent to the Local and Consent Calendars Committee on May 8.

SUBJECT: Dissolving an Angelina County water control and improvement district

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 8 ayes — Larson, Phelan, Ashby, Burns, Frank, T. King, Lucio, Price
0 nays
3 absent — Kacal, Nevárez, Workman

SENATE VOTE: On final passage, May 3 — 31-0

WITNESSES: No public hearing

BACKGROUND: The Angelina County Commissioners Court created the Water Control and Improvement District No. 3 in 1999 to provide wastewater service to an unincorporated area in the county. The Angelina County Fresh Water Supply District No. 1, created in 1966, provides water and wastewater services in the county. Both water districts have taxing authority.

DIGEST: SB 2282 would require the directors of the Angelina County Water Control and Improvement District (WCID) No. 3 to wind up the affairs of the district beginning on the effective date of the bill. The territory of WCID No. 3, as it existed on April 1, 2017, also would be transferred to the Angelina County Fresh Water Supply District No. 1 on that date. Thirty days after the effective date, the district would be dissolved, the terms of the directors would expire, and all assets and liabilities would be transferred to the Angelina County Fresh Water Supply District No. 1.

Within 30 days of the effective date of the bill, the board of directors of Angelina County WCID No. 3 could select one member to serve as a nonvoting member of the board of Angelina County Fresh Water Supply District No. 1 until the next election of directors.

SB 2282 would specify that legal notice of the intention to introduce the bill had been published as provided by law and furnished to all required persons, agencies, officials, and entities.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

SB 2282 is necessary to dissolve the Angelina County Water Control and Improvement District No. 3, which has faced hardships for several years due to its geographic isolation, and transfer district territory to the Angelina County Fresh Water Supply District No. 1. The proposal to dissolve the district was a local initiative started because sewer services from District No. 3 were hard to access and had little connectivity. The bill would streamline local government and achieve economies of scale by consolidating these two districts, benefitting local taxpayers.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

A companion bill, HB 4332 by Ashby, was placed on the House Local, Consent, and Resolutions Calendar for May 19.