HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
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HOUSE RESEARCH ORGANIZATION

daily floor report

Wednesday, March 20, 2019
86th Legislature, Number 31
The House convenes at 10 a.m.

Eight bills are on the daily calendar for second reading consideration today. The table of contents appears on the following page.

The following House committees were scheduled to hold public hearings at 8 a.m.: Higher Education in E1.014; Homeland Security and Public Safety in E2.016; and Ways and Means in JHR 140. The following House committees were scheduled to hold public hearings at 10:30 a.m. or on adjournment/recess or bill referral if permission granted: Juvenile Justice and Family Issues in E2.012; Public Health in E2.026; State Affairs in E2.014; and Environmental Regulation in E1.026. The House Transportation Committee was scheduled to hold a public hearing at 2 p.m. or on adjournment/recess or bill referral if permission granted in E2.030.

Dwayne Bohac
Chairman
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HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Wednesday, March 20, 2019

86th Legislature, Number 31

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SUBJECT: Designating the Officer David Sherrard Memorial Highway

COMMITTEE: Transportation — favorable, without amendment

VOTE: 10 ayes — Canales, Landgraf, Bernal, Y. Davis, Hefner, Leman, Martinez, Raney, Thierry, E. Thompson

0 nays

3 absent — Goldman, Krause, Ortega

WITNESSES: For — Paul Voelker, City of Richardson Texas; Jimmy Spivey, Richardson Police Department; (*Registered, but did not testify*: Terrence Rhodes, Dallas Police Department; Jessica Anderson, Houston Police Department; Gary Tittle, Richardson Police Department and Texas Police Chiefs Association; Christopher Lutton, San Antonio Police Department; Clint Stevens, Texas Municipal Police Association; Nicole Sherrad)

Against — None

On — Michael Lee, TxDOT

BACKGROUND: Transportation Code, sec. 225 allows part of the highway system to be designated by the name of a deceased person who was significant in the state's history or in the lives of Texans. The Department of Transportation may not design or erect markers unless the cost is covered by donations.

DIGEST: HB 540 would designate a portion of U.S. Highway 75 that crosses Richardson as the Officer David Sherrard Memorial Highway.

The bill would take effect September 1, 2019.

SUPPORTERS SAY: HB 540 would allow the city of Richardson to memorialize Officer David Sherrard, who gave his life in the line of duty while answering a domestic disturbance call. He served 13 years with the Richardson Police Department, more than 10 of which were with the SWAT team.

OPPONENTS SAY: No concerns identified.

SUBJECT: Requiring disclosure of information on public entertainment events

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 13 ayes — Phelan, Hernandez, Deshotel, Guerra, Harless, Holland, Hunter, P. King, Parker, Raymond, E. Rodriguez, Smithee, Springer

0 nays

WITNESSES: For — Carlos Sanchez, Texas Monthly, Texas Freedom of Information Foundation; Shelby Sterling, Texas Public Policy Foundation (*Registered, but did not testify*: Dick Lavine, Center for Public Policy Priorities; Scott Swigert, City of Mont Belvieu; Amanda Gnaedinger, Common Cause Texas; Kelley Shannon, Freedom of Information Foundation of Texas; Cheryl Johnson, Galveston County Tax Office; Adrian Shelley, Public Citizen; Summer Wise, Republican Party of Texas; Cyrus Reed, Sierra Club-Lone Star Chapter; Anna Romero, Texas Association of Broadcasters; Cary Cheshire, Texans for Fiscal Responsibility; Donnis Baggett, Texas Press Association; Bay Scoggin, Texas Public Interest Research Group; Ricardo Lopez-Guerra, The Boeing Company; Julie Wheeler, Travis County Commissioners Court; Sam Bryant; Mark Dorazio; Sheryl Swift)

Against — None

On — (*Registered, but did not testify*: Justin Gordon, Office of the Attorney General)

BACKGROUND: The Public Information Act (Government Code ch. 552) requires governmental bodies to disclose information to the public upon request, unless that information is excepted from disclosure.

Government Code sec. 552.104 creates an exception from disclosure for information that, if released, would give advantage to a competitor or bidder.

DIGEST: HB 81 would designate as subject to the Public Information Act

information related to a governmental body's receipt or expenditure of funds in connection with a publicly funded entertainment event that was open to the public. Contracts related to such events would be prohibited from including any provision preventing the disclosure of this information, and any such provision would be void.

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, 2019, and would apply only to requests for information received and contracts entered into or renewed on or after that date.

SUPPORTERS SAY:

HB 81 would improve the transparency and accountability of local governments by removing a loophole in the Public Information Act. Current law has been interpreted to except from disclosure information related to a publicly funded entertainment event based on the argument that the information's release would give an advantage to competitors for certain contracts. Without this information, the public has only a limited ability to monitor how cities and counties are spending taxpayer money. By clarifying that such information is not excepted and is required to be disclosed to the public if requested, HB 81 would eliminate this loophole in the Public Information Act.

OPPONENTS SAY:

No concerns identified.

SUBJECT: Ensuring a school board has created district- and campus-level committees

COMMITTEE: Public Education — favorable, without amendment

VOTE: 12 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

1 absent — Dutton

WITNESSES: For — (*Registered, but did not testify*: Steven Aleman, Disability Rights Texas; Andrea Chevalier, Association of Texas Professional Educators; Lisa Dawn-Fisher, Texas State Teachers Association; Ted Raab, Texas American Federation of Teachers (Texas AFT); Kyle Ward, Texas PTA; Paige Williams, Texas Classroom Teachers Association; Lisa Flores; Gary Carlin)

Against — None

On — (*Registered, but did not testify*: Barry Haenisch, Texas Association of Community Schools; Von Byer, Texas Education Agency; Christopher Maska, Texas Education Agency)

BACKGROUND: Education code sec. 11.251(b) requires the board of trustees of each school district to establish a district- and campus-level planning and decision-making process that involves the professional staff of the district, parents, and community members in establishing and reviewing the district's and campuses' educational plans, goals, performance objectives, and major instructional programs.

DIGEST: HB 422 would require the board of trustees of each school district to annually certify to the Texas Education Agency that the board had established the district- and campus-level committees required by Education Code sec. 11.251(b), beginning with the 2019-2020 school year.

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, 2019.

SUPPORTERS SAY:

HB 422 would ensure that all school districts were complying with the important responsibility of creating site-based decision-making committees, which play an important role in establishing and reviewing educational plans, goals, performance objectives, and major classroom instructional programs. Because current law does not mandate regular checks into whether school boards are creating these committees, a lack of properly constituted committees is not uncommon. This bill would help the Texas Education Agency ensure that school boards were complying with the law.

OPPONENTS SAY:

No concerns identified.

SUBJECT: Removing a salary cap for certain Texas school superintendents

COMMITTEE: Public Education — favorable, without amendment

VOTE: 12 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

1 absent — Dutton

WITNESSES: For — (*Registered, but did not testify*: Will Francis, National Association of Social Workers-Texas Chapter; Aaron Gregg, Texas Association of the Deaf; Lisa Flores)

Against — None

On — Claire Bugen and Angie Wolf, Texas School for the Deaf; William Daugherty, Texas School for the Blind and Visually Impaired

BACKGROUND: Under Education Code secs. 30.023(d) and 30.053(d), the salaries of the superintendents of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf are capped at 120 percent of the highest-paid instructional administrator at their respective schools.

DIGEST: HB 637 would remove the Education Code's salary cap for the superintendents of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf.

The 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, 2019. It would apply to an employment contract entered into or renewed on or after the effective date.

SUPPORTERS SAY: HB 637 would make a technical change to address inconsistent parts of the law surrounding the salary cap of the superintendents of Texas School for the Deaf and Texas School for the Blind and Visually Impaired. Under

current law, the salaries for these two positions are subject to caps in two different places: the Education Code and Article 9 of the general appropriations act. Removing the salary cap found in the Education Code would allow lawmakers in future sessions to change the superintendent salary range, subject to Article 9.

Allowing salary increases for these two superintendents would give the schools the flexibility to offer a salary competitive with current market average salaries. Superintendents at these schools are heads of state agencies that do vital statewide work and employ hundreds of people. Removing this salary cap would bring their salaries into parity with other state agency heads and allow these agencies to attract more talented applicants.

OPPONENTS SAY:

No concerns identified.

SUBJECT: Expanding the uses of the instructional materials and technology fund

COMMITTEE: Public Education — favorable, without amendment

VOTE: 12 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

1 absent — Dutton

WITNESSES: For — Wayne Schaper, Instructional Material Coordinators' Association of Texas (IMCAT); Jennifer Bergland, Texas Computer Education Association; (*Registered, but did not testify*: Deborah Caldwell, North East Independent School District; Ted Raab, Texas American Federation of Teachers (Texas AFT); Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Dominic Giarratani, Texas Association of School Boards; Michael Barba, Texas Catholic Conference of Bishops; Jerod Patterson, Texas Rural Education Association; Buck Gilcrease, Texas School Alliance; Lisa Dawn-Fisher, Texas State Teachers Association; Tracy Fisher)

Against — (*Registered, but did not testify*: Adam Cahn, Cahnman's Musings)

On — (*Registered, but did not testify*: Monica Martinez, Texas Education Agency)

BACKGROUND: Education Code sec. 31.021 establishes a fund for school districts and open-enrollment charter schools to use for certain costs associated with instructional materials and technology.

Sec. 31.0211 entitles school districts and open-enrollment charter schools to an enrollment-based allotment from the state instructional materials and technology fund. This allotment may be used to buy certain instructional materials and technology.

DIGEST:

HB 396 would allow school districts and open-enrollment charter schools to use the instructional materials and technology fund for out-of-state shipping costs associated with the purchase of instructional materials.

The bill also would allow schools to use funds allotted from the instructional materials and technology fund to purchase inventory software or systems for storing and accessing instructional materials.

This bill would take effect September 1, 2019.

SUPPORTERS SAY:

HB 396 would allow school districts and open-enrollment charter schools greater flexibility in purchasing technology and instructional materials. Expanding the allowable uses of the instructional materials and technology fund to include out-of-state shipping costs would better allow schools to make cost-effective, student-centered purchases and to acquire materials in accordance with student need.

The bill also would address a rule change adopted by the Texas Education Agency after the 85th regular legislative session that prohibited schools from using the instructional materials and technology allotment to pay for inventory software. Inventory software helps ensure schools' materials are efficiently tracked and managed, and its purchase should be covered by the allotment, as it was before the rule change.

OPPONENTS SAY:

Expanding the acceptable uses of the technology and instructional materials allotment under HB 396 would be an inappropriate use of public funds. School districts and open-enrollment charter schools should not be granted increased purchasing authority or be allowed to enter into a technology contract.

OTHER OPPONENTS SAY:

HB 396 would not go far enough in expanding the acceptable use of the technology and instructional materials allotment. School districts should be allowed to use the allotment to cover the cost of software for managing instructional materials and for software that analyzes the materials' use and effectiveness. Allowing this use of the funds would help school districts better manage their materials and make more informed decisions about future purchases, which would help improve student outcomes.

SUBJECT: Restricting publication of home addresses of counselors, social workers

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 13 ayes — Phelan, Hernandez, Deshotel, Guerra, Harless, Holland, Hunter, P. King, Parker, Raymond, E. Rodriguez, Smithee, Springer

0 nays

WITNESSES: For — Will Francis, National Association of Social Workers - Texas Chapter; (*Registered, but did not testify*: John McCord, NFIB; Courtney Hoffman, Texas Association for Behavior Analyst Public Policy Group; Shannon Noble, Texas Counseling Association; Kevin Stewart, Texas Psychological Association)

Against — (*Registered, but did not testify*: Walter West II, VHSE RPT)

On — (*Registered, but did not testify*: Timothy Speer, Health and Human Services Commission; Eric Beverly, Texas Department of Licensing and Regulation)

BACKGROUND: Occupations Code chs. 503, 504, and 505 provide for the licensing of professional counselors, chemical dependency counselors, and social workers and authorize or direct the licensing body for each of these occupations to prepare a roster or registry containing the name or the name and address of each license holder. Ch. 403 provides for the licensing of dyslexia practitioners and therapists.

DIGEST: HB 125 would prohibit state licensing bodies from publishing on their websites the home address of a licensed professional counselor, social worker, dyslexia practitioner, dyslexia therapist, or chemical dependency counselor, unless they had the licensee's permission to do so.

The bill would apply to rosters, registries, and databases of licensees of these occupations published on the websites of the Texas Department of Licensing and Regulation, Texas State Board of Examiners of Professional Counselors, Texas Department of State Health Services, and

Texas State Board of Social Worker Examiners.

Licensees who made a request in a manner prescribed by the relevant department or board would be able to opt in to have a home address included in a roster, registry, or database.

HB 125 would not except a home address from disclosure under public information laws.

The bill would take effect September 1, 2019.

SUPPORTERS SAY:

HB 125 would help protect social workers, professional counselors, chemical dependency counselors, and dyslexia practitioners and therapists from risks stemming from the nature of their jobs and the sensitive populations with whom they work.

These professionals may be at greater risk of threats such as stalking if their private information is published online without their permission. For example, the bill would protect social workers with Child Protective Services, for whom having an address listed online could put them at risk if the social worker were involved in a case in which a client felt aggrieved by a court decision.

Although some Texas licensing bodies already have removed private address information from their online roster of licensees, HB 125 would make this change permanent and ensure that other agencies did likewise.

The bill would balance privacy and transparency by preserving the right of the public to make an open records request for a licensee's home address information.

OPPONENTS SAY:

No concerns identified.

SUBJECT: Requiring certain political subdivisions to post specific information online

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 13 ayes — Phelan, Hernandez, Deshotel, Guerra, Harless, Holland, Hunter, P. King, Parker, Raymond, E. Rodriguez, Smithee, Springer

0 nays

WITNESSES: For — (*Registered, but did not testify*: James Lennon, Kingwood TEA Party; Terry Harper, RPT; Cary Cheshire, Texans for Fiscal Responsibility; Donnis Baggett, Texas Press Association)

Against — None

On — Mark Ramsey, Republican Party of Texas, SREC SD7

BACKGROUND: Government Code ch. 551 requires governmental bodies to give written notices of upcoming meetings and to keep minutes or make a recording of each open meeting.

DIGEST: CSHB 305 would require certain political subdivisions to post online information regarding elections and meetings.

The bill would apply to political subdivisions that have the authority to impose a tax and that maintained a publicly accessible website on or after January 1, 2019.

The bill would require such a subdivision to post on a publicly available website:

- its contact information;
- each elected officer;
- each candidate for elected office;
- the date and location of the next election for officers;
- the requirements and deadlines for filing for candidacy of each elected office, continuously posted for at least one year before the election day for that office;

- each notice of a meeting; and
- each record of a meeting.

This bill would take effect on September 1, 2019, and would apply only to meetings held on or after that date.

SUPPORTERS SAY:

CSHB 305 would create greater transparency regarding meetings and elections for political subdivisions that have the authority to tax by requiring them to post information online.

Special districts with taxing power need to be held to the same democratic standards as the rest of government, and citizens subject to the decisions of these bodies should have the ability to keep informed of their activities, to participate in their decision-making process, and to run for their offices.

Because the bill would apply only to districts that already had a public website, it would not impose an inappropriate burden on them.

OPPONENTS SAY:

No concerns identified.

SUBJECT: Requiring speed limit signs at the end of work zones

COMMITTEE: Transportation — favorable, without amendment

VOTE: 10 ayes — Canales, Landgraf, Y. Davis, Goldman, Hefner, Leman, Martinez, Ortega, Raney, E. Thompson

0 nays

3 absent — Bernal, Krause, Thierry

WITNESSES: For — None

Against — (*Registered, but did not testify*: Shanna Igo, Texas Municipal League)

On — Gina Gallegos, TxDOT

DIGEST: HB 339 would require an entity that lowers the speed limit on a section of the state highway system for a construction or maintenance work zone to place a sign at the end of the work zone indicating the speed limit after the zone ends.

This bill would take effect September 1, 2019.

SUPPORTERS SAY: HB 339 would improve road safety by requiring speed limit signs at the end of work zones, helping prevent drivers from maintaining dangerously low speeds. This would codify in law existing Texas Department of Transportation policy.

The bill would have no significant fiscal impact. The costs of temporary signage could be included in contracts issued for road work.

OPPONENTS SAY: HB 399 could place a cost burden on cities and other entities by requiring additional signage for work done on state highways.