

84th Texas Legislature

May 25 Weekly Report

Week of May 18 Highlights

CSHB 1 (the budget) as adopted by both chambers with differences went through weeks of deliberations in conference committee. The committee has completed its work and its report is now in the process of final assembly and printing. The House version of CSHB 1 contained \$1.5B in new transportation funding; the senate version contained \$1.2B. The conference committee eliminated this new funding. The only significant new transportation funding, excluding Prop 1 funding, in the HB 1 conference committee report is \$1.3B resulting from not appropriating motor vehicle fuels tax and vehicle registration fee revenues to non-transportation uses (i.e., eliminating diversions). The HB 1 Conference Committee included fully funding the AirCheckTexas program, or LIRAP. This amount of funding is roughly equal to what is being collected, versus the past two sessions when the program was funded at only 12.5 percent. The HB 1 Conference Committee declined to include senate rider 48 that would have killed high-speed rail in Texas. The other significant new transportation funding measure is CSSJR 5; it remains in conference committee, which so far has failed to achieve a consensus. May 31 is the last day for adoption of conference committee reports. The session ends June 1.

Legislative Deadlines

Saturday, May 23, 2015 (131st day)

Last day for house committees to report senate bills and joint resolutions

Sunday, May 24, 2015 (132nd day)

Deadline for house to distribute last House Daily Calendar with senate bills and joint resolutions

Monday, May 25, 2015 (133rd day)

Deadline for house to distribute last House Local and Consent Calendar with senate bills

Tuesday, May 26, 2015 (134th day)

Last day for house to consider senate bills and joint resolutions, other than local and consent, on second reading on House Daily or Supplemental Calendar

Wednesday, May 27, 2015 (135th day)

Last day for house to consider local and consent senate bills on second and third reading and all senate bills or joint resolutions on third reading on House Supplemental Calendar. Last day for senate to consider all bills and joint resolutions on second or third reading

Thursday, May 28, 2015 (136th day)

Midnight deadline for house to distribute senate amendments

Friday, May 29, 2015 (137th day)

Last day for house to act on senate amendments.

Midnight deadline for senate to print and distribute senate copies of conference committee reports on tax, general appropriations, and reapportionment bills.

Last day for senate committees to report all bills and joint resolutions

Saturday, May 30, 2015 (138th day)

Midnight deadline for house to distribute house copies of all conference committee reports

Midnight deadline for senate to print and distribute senate copies of all conference committee reports on bills other than those on tax, general appropriations, and reapportionment and all house amendments to senate bills and joint resolutions that did not go to a conference committee

Sunday, May 31, 2015 (139th day)

Last day for house to adopt conference committee reports or discharge house conferees and concur in Senate Amendments

Last day for senate to adopt conference committee reports or concur in house amendments

Monday, June 1, 2015 (140th day)

Last day of 84th Regular Session; corrections only in house and senate

Regular Session Ends

Transportation Funding / Revenue Bills

HB 122 (Pickett) prohibits new debt issuance from the Texas Mobility Fund and directs that TMF revenues be used to retire debt. Heard March 5 in Transportation, committee substitute adopted and voted out favorably March 19, passed the House April 9 with two amendments, one of which prohibits use of the TMF for toll roads. Heard April 29 in Senate Transportation, reported favorably April 11, passed the Senate May 19, signed in the House & Senate and sent to the Governor May 22.

CSSJR 5 (Nichols, Nelson) proposes a constitutional amendment for November 3, 2015 that dedicates annual motor vehicle sales tax revenue above \$2.5 billion to the state highway fund beginning September 1, 2017; limits the use of the funds to construct, maintain, or acquire rights-of-way for public roadways other than toll roads or to repay principal and interest on Prop 12 debt. The February 25 committee substitute allocates the first \$2.5B to GRF001, the second \$2.5B to SHF006 and splits 50-50 all additional VST revenue between GRF001 and SHF006; it changes the constitutional amendment election to November 2016. Passed [28-to-2] the senate with one floor amendment March 4; the amendment sub-allocates the GRF 50%--20% to the ASF. Referred to House Transportation April 15, SJR 5 substitute adopted in April 21 formal meeting and voted favorably (The substitute is identical to CSHJR 13.). CSSJR 5 passed the House April 30. Senate refused to concur May 4. Senate Conferees: Appointed (05/04/2015) Nichols (Chair) | Eltife | Hall | Nelson | Whitmire. House Conferees: Appointed (05/05/2015) Pickett (Chair) | Davis, Yvonne | Harless | Otto | Simmons.

TxDOT Reform Bills

CSHB 13 (Pickett) amends the transportation code to disallow TxDOT debt issuance for two years [August 2015 – August 2017]; to develop and implement a performance-based planning and programming process dedicated to providing the executive and legislative branches of government with indicators that quantify and qualify progress toward attaining all department goals and objectives established by the legislature and the commission; to develop and implement performance metrics and performance measures as part of (a) the review of strategic planning in the statewide transportation plan, metropolitan transportation plans, rural transportation plans, and unified transportation

program, (b) the evaluation of decision-making on projects selected for funding in the unified transportation program and statewide transportation improvement program, and (c) the evaluation of project delivery for projects in the department's letting schedule. The department and commission shall use the performance metrics to assess how well the transportation system is operating; provide the department, legislature, stakeholders, and public with information to support decisions; assess the effectiveness and efficiency of transportation projects and service delivery; and demonstrate transparency and specific performance metrics and measures for sustainable objectives, including congestion reduction, safety enhancements, expansion of economic opportunity, preservation of the value of existing transportation assets, cost efficiency of the department's operations, project procurement, delivery, and final cost, and enhancements in public participation in the infrastructure planning process. Heard March 26 in Transportation, substitute adopted in April 21 formal meeting and voted favorably, 3 floor amendments adopted April 30, passed the House May 1, heard May 13 in Senate Transportation, committee substitute considered, substitute pulled down in May 14 formal meeting, a new committee substitute considered, two amendments adopted and rolled into a new committee substitute, which was adopted and reported favorably, placed on intent calendar May 21, 22, 24 & 25.

CSHB 20 (Simmons) amends the transportation code, adding a subchapter establishing a state infrastructure advisory committee and stakeholder advisory committees and adding sections on (a) prioritization of projects by local transportation entities and department districts, (b) prioritization of projects by the department and approved by the commission, (c) developing and implementing a performance-based planning and programming process to provide the executive and legislative branches with indicators that quantify and qualify progress toward attaining all department goals and objectives established by the legislature and the commission. HB 2685 (Simmons) is a duplicate. Heard March 24 in Transportation-S/C on Long-term Infrastructure Planning, recalled from subcommittee, substitute adopted in April 21 formal meeting of Transportation and voted favorably, 3 floor amendments adopted April 30, 1 floor amendment adopted May 1, passed the House May 1, heard May 13 in Senate Transportation, committee substitute considered, substitute pulled down in May 14 formal meeting, a new committee substitute considered, two amendments adopted and rolled into a new committee substitute, which was adopted and reported favorably, placed on intent calendar May 21, 22, 24 & 25.

Toll Limitation / Cessation Bills

CSHB 565 (Burkett) amends the transportation code to prohibit a private toll road corporation from using eminent domain and to prohibit a private entity from constructing a privately owned turnpike or toll project that connects to a road, bridge or highway in the state highway system unless permitted by the Texas Transportation Commission following a public hearing in the region. Heard March 19 in Transportation, left pending, substitute considered in formal meeting April 10 and reported favorably, committee substitute passed the House May 4, referred to Senate Transportation May 7, heard May 20, reported favorably, passed the Senate May 25 with one floor amendment allowing the private entity to work with a public entity to acquire property using eminent domain.

CSHB 790 (Burkett) directs the Texas A&M Transportation Institute to conduct a study assessing the implementation and effectiveness of toll road and state highway sound mitigation measures and to issue a report of its findings and recommendations not later than November 1, 2016. Heard April 29 in Transportation-S/C on Long-term Infrastructure Planning, considered in May 7 formal meeting of the full committee, substitute adopted and reported favorably, recommended for local and consent calendar, passed the House May 15, heard May 20 in Senate Transportation, reported favorably, recommended for local & uncontested calendar.

SB 444 (Hall) amends the transportation code to prohibit private toll road corporations from exercising the power of eminent domain. Heard March 11 in Transportation, reported favorably March 18, passed the senate on April 13, referred to House Transportation May 5, heard May 18, reported favorably, recommended for local & consent calendar.

HB 2612 (Pickett) requires TxDOT by September 1, 2016 to submit a report to the House Transportation Committee setting forth a plan to eliminate all toll roads except for tolls on roads constructed, operated, or maintained only with proceeds from the issuance of bonds by a toll project entity other than the department. Heard March 26 in Transportation, reported favorably April 2, passed to engrossment with one floor amendment May 1, passed the House May 4, referred to Senate Transportation May 6, heard May 13, reported favorably, recommended for local and uncontested calendar, passed the Senate May 22, sent to the Governor May 25.

Red Light Camera Bills

Eleven bills filed; none passed.

LIRAP & TERP Bills

CSHB 14 (Morrison) amends the health and safety code to make numerous changes to the TERP including the addition of eligible counties, extending the life of the program by four years and adding numerous program streamlining provisions. Heard April 7 & 14 in Environmental Regulation, voted favorably April 14, read second time May 6, one floor amendment adopted on second reading May 7, passed the House May 8, heard May 19 in Senate Natural Resources & Economic Development, substitute adopted, reported favorably, passed the Senate May 25 with one floor amendment incorporating the content of CSSB 12.

Appropriations / Tax Limitation / Reduction Bills

CSSB 1 & CSSJR 1 (Nelson, et al.) amends the tax code applicable to school property taxes to change the homestead exemption to 25 percent of the statewide median home value. Heard in Finance March 2, 4 & 17, reported out favorably March 17, passed the senate March 25 with one amendment, referred to House Ways & Means May 5, heard May 12, substitute considered and adopted in May 21 formal meeting. CSSB 1 passed to engrossment with seven floor amendments May 24; CSSJR 1 adopted May 24 with two floor amendments. CSSB 1 passed the House May 25. Amendments change the school

tax homestead exemption amount to \$25,000 and prohibit enactment of a tax on real property transfers.

CSHB 32 (Dennis Bonnen) amends the tax code to reduce the rate of the franchise tax by 25 percent, from 0.5 percent to 0.375 percent for taxable entities in the retail or wholesale trade and from 1.0 to 0.75 percent for other taxable entities; expands eligibility for the EZ computation by doubling the cap to \$20 million in total revenue, and lowers the EZ rate from 0.575% to 0.331%, effective January 1, 2016. H.B. 32 provides approximately \$2.56 billion in tax relief for businesses. Heard April 14 in Ways & Means, substitute considered, substitute voted favorably in April 16 formal meeting, placed on April 28 major state calendar, passed the House April 28 with five floor amendments, referred to Senate Finance May 6, heard May 20, a committee substitute was adopted, reported favorably, passed the Senate May 24.

CSSB 9 (Hancock) amends the government code, subject to passage of a constitutional amendment [SJR 2] to limit the rate of growth of appropriations to the sum of the rate of growth in the state's population and the rate of inflation or deflation in the state, to require certification by the comptroller, and to include dedicated revenues in the calculation but exclude revenue appropriated to pay for rebate of state taxes. Heard March 17, 25 & 31 in Finance, reported favorably as substituted April 7, passed the Senate April 9 with two amendments, referred to House Appropriations May 5, substituted considered and adopted in May 22 formal meeting, reported favorably, placed on May 26 major state calendar.

SJR 2 (Hancock) proposes a constitutional amendment concerning the limitation on the rate of growth of appropriations. Heard March 17, 25 & 31 in Finance, reported favorably as substituted April 7, placed on April 8 intent calendar, not again placed on the intent calendar April 14.

Other Bills of Interest

CSHB 40 (Darby | Keffer | King, Phil | Thompson, Senfronia | Oliveira) declares that oil and gas operations are the exclusive jurisdiction of the state; amends the natural resources code to preempt municipal regulation of oil and gas operation. Heard March 23 & 30 in Energy Resources, committee substitute adopted March 30, reported favorably, passed the House April 17, referred to Senate Natural Resources & Economic Development April 23, heard and reported favorably April 30, passed the Senate May 4, signed by the Governor May 18.

CSHB 735 (Israel) amends the transportation code to direct the DMV to collect information on alternatively fueled vehicles registered in Texas and to submit a report to the legislature annually that contains specified information on alternatively fueled vehicles. Committee substitute heard March 26 in Transportation, committee substitute adopted and reported favorably April 2, committee report sent to local & consent calendar April 10, passed the House May 5 with one floor amendment, heard May 18 in Senate Transportation, reported favorably, recommended for local & uncontested calendar, passed the Senate May 23, signed in the House May 25.

SB 1237 (Van Taylor) amends the transportation code to require that a metropolitan planning organization broadcast over the Internet live video and audio of each open meeting held by the policy board make available through the organization's Internet website archived video and audio for each meeting for which live video and audio was provided. Heard April 7 in Business & Commerce, reported favorably April 8, passed the Senate April 14. Referred to House Government Transparency & Operation May 1, considered in May 7 formal meeting and reported favorably, committee report sent to Local & Consent Calendar May 8.

HB 1394 (Burns) amends the transportation code (Chapter 366 – NTTA) to add to the authority a county with a board seat when the county has a turnpike whose toll collections equal at least four percent of the authority's revenue and a population of at least four percent of the aggregate population of the authority, and to establish an advisory committee including the county in which the authority contracts to construct a turnpike in the county. Heard April 16 in Transportation, reported favorably from April 22 formal meeting, passed the House May 5, referred to Senate Transportation May 6, heard May 20, reported favorably, recommended for local & uncontested calendar, placed on May 26 local & uncontested calendar.

HB 2549 (Yvonne Davis) amends transportation code chapter 366 per NTTA request to (a) establish a regional toll enforcement approach to include tolling services agreements, (b) adjust ZipCash payment periods to allow for true monthly billing (25-day billing cycles), (c) Justice of the Peace amendment requested by the JPs regarding toll collection, (d) create paperless, electronic-only billing notification option for ZipCash customers, and (e) align the annual report due date with availability of audited financials. Heard in Transportation April 9, voted favorably at April 13 formal meeting, passed the House May 11, referred to Senate Transportation May 13, heard May 20, reported favorably, recommended for local & uncontested calendar, placed on May 26 local & uncontested calendar.

CSHJR 111 (Darby) proposes a constitutional amendment [Nov 3, 2015 vote] to prohibit after September 1, 2023 any consideration or use of fund balances of dedicated revenues for purposes of budget certification and prohibits appropriation of statutorily dedicated revenues for purposes other than those for which they were dedicated unless the Legislature first changes the statute that dedicated the revenue. Heard April 15 in Appropriations - S/C on Budget Transparency & Reform, recalled from sub-committee and substitute considered in April 20 formal meeting, substitute voted favorably, adopted in the House April 27 with one floor amendment, referred to Senate Finance May 6, heard May 22, left pending.

CSHB 3167 (Simmons) amends section 391.006(c) of the local government code to require that the governing body of a planning commission of a region that is consistent with the geographic boundaries of a state planning region shall offer an ex officio, nonvoting membership on the governing body to each member of the legislature who represents a district located wholly or partly in the region of the commission. Heard April

16 in County Affairs, substitute considered, substitute considered and adopted in April 27 formal meeting, reported favorably as substituted, passed the House May 12, referred to Senate Intergovernmental Relations May 14, set for May 25 hearing.

CSSB 57 (Nelson) amends the transportation code (Chapter 366 – NTTA) to protect account information of TollTag and pay-by-mail users from public disclosure but not preclude any law enforcement or judicial requests for information. Heard March 18 & 25, committee substitute adopted and reported favorably March 30, placed on the local & uncontested calendar, passed the Senate April 9, referred to House Transportation April 23, heard May 18, committee substitute adopted and reported favorably, one floor amendment adopted on second reading, passed the House May 23.

CSSB 93 (Ellis) repeals the driver responsibility program. Heard April 29 in Transportation, left pending, substitute considered in May 14 formal meeting, substitute adopted and reported favorably, placed on intent calendar May 20. The substitute does not repeal the driver responsibility program; it repeals the section that allows for driver license revocation for failure to pay a driver responsibility surcharge. Passed the Senate May 21, referred to House Transportation May 22, heard in May 23 formal meeting and reported favorably, committee report sent to Calendars May 24.

CSSB 678 (Nelson) amends chapter 460 of the transportation code; limits DCTA liability to \$125 million for claims arising from an incident involving the provision of public passenger rail services under an agreement; makes other minor changes to the DCTA statute. Heard March 18 and April 8 in Transportation, reported favorably as substituted April 9, recommended for local & uncontested calendar, passed the Senate April 30, referred to House Transportation May 4, considered in May 8 formal meeting and reported favorably, passed the House May 13, signed by the Governor May 23, effective immediately.

CSSB 1511 (Hancock) amends the transportation code (Chapter 452 governing DART & The T)--makes population adjustments to reflect Metroplex growth. Heard April 29 in Transportation, reported favorably as substituted April 30, recommended for local and uncontested calendar, passed the Senate May 8, considered in May 14 House Transportation formal meeting and reported favorably, placed on May 20 General State Calendar, postponed to 1:00pm May 22, again postponed to 3:06pm May 26.

CSHB 3777 (Collier) is identical to SB 1511. Heard April 23 in Transportation, substitute considered and adopted in April 28 formal meeting, reported favorably April 28, passed to engrossment with two floor amendments May 12, passed the House May 13 as amended, referred to Senate Administration May 15, heard May 20, committee substitute adopted, reported favorably, recommended for local & uncontested calendar, placed on May 26 local & uncontested calendar.

Texas Senate – Tarrant County Delegation

District 9 Senator: Kelly Hancock, R-North Richland Hills 512-463-0109 CAP 1E.9

District 10 Senator: Konni Burton, R-Colleyville 512-463-0110 CAP GE.3
District 12 Senator: Jane Nelson, R-Flower Mound 512-463-0112 CAP 1E.5
District 22 Senator: Brian Birdwell, R-Granbury 512-463-0122 E1.706

Texas House – Tarrant County Delegation

District 90 Representative: Ramon Romero, D-Fort Worth 512-463-0740 E1.208
District 91 Representative: Stephanie Klick, R-Fort Worth 512-463-0599 E2.716
District 92 Representative: Jonathan Stickland, R-Bedford 512-463-0522 E1.402
District 93 Representative: Matt Krause, R-Fort Worth 512-463-0562 E2.212
District 94 Representative: Tony Tinderholt, R-Arlington 512-463-0624 E1.216
District 95 Representative: Nicole Collier, D-Fort Worth 512-463-0716 E2.508
District 96 Representative: Bill Zedler, R-Arlington 512-463-0374 CAP GS.2
District 97 Representative: Craig Goldman, R-Fort Worth 512-463-0608 E2.720
District 98 Representative: Giovanni Capriglione, R-Southlake 512-463-0690 E1.208
District 99 Representative: Charlie Geren, R-Fort Worth 512-463-0610 GW 17
District 101 Representative: Chris Turner, D-Grand Prairie 512-463-0574 E2.318

Senate Committee on Transportation

Sen. Robert Nichols, Chair
Sen. Don Huffines, Vice Chair
Sen. Rodney Ellis
Sen. Troy Fraser
Sen. Sylvia Garcia
Sen. Bob Hall
Sen. Kelly Hancock
Sen. Lois W. Kolkhorst
Sen. Van Taylor

Brian Birdwell

Natural Resources & Economic Development
Nominations, Chair
State Affairs
Veteran Affairs & Military Installations – S/C Border Security, Chair
Veteran Affairs & Military Installations

Konni Burton

Criminal Justice
Higher Education
Nominations
Veteran Affairs & Military Installations, Vice Chair

Kelly Hancock

Administration, Chair
Finance
Natural Resources & Economic Development

Jane Nelson
Finance, Chair
State Affairs

House Committee on Transportation

Joe Pickett, Chair
Armando Martinez, Vice Chair
Cindy Burkett
Yvonne Davis
Allen Fletcher
Patricia Harless
Celia Israel
Ruth Jones McClendon
José Menéndez
Andrew Murr
Chris Paddie
Larry Phillips
Ron Simmons

Giovanni Capriglione

Appropriations
Investments & Financial Services
Local & Consent Calendars

Nicole Collier

Business & Industry
General Investigating & Ethics, Vice Chair
Public Health

Charlie Geren

Calendars
House Administration, Chair
Licensing & Administrative Procedures
State Affairs

Craig Goldman

Elections, Vice Chair
Licensing & Administrative Procedures

Stephanie Klick

Human Services
Pensions

Matt Krause

Corrections
Land & Resource Management

Ramon Romero, Jr.
Business & Industry
County Affairs

Jonathan Stickland
County Affairs
Special Purpose Districts

Tony Tinderholt
Corrections
County Affairs

Chris Turner
General Investigating & Ethics
Higher Education
Ways & Means

Bill Zedler
Public Health
Special Purpose Districts