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# HOUSE RESEARCH ORGANIZATION

## daily floor report

Tuesday, March 26, 2019  
86th Legislature, Number 34  
The House convenes at 10 a.m.

Seven 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.: Human Services in E2.030; Insurance in E2.014; Licensing and Administrative Procedures in E2.028; Land and Resource Management in E2.012; Pensions, Investments and Financial Services in E2.026; and Public Education in E2.036. 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: Natural Resources in E2.010; Urban Affairs in JHR 110; Business and Industry in E2.016; and Environmental Regulation in E1.026. The following House committees were scheduled to hold public hearings at 2 p.m. or on adjournment/recess or bill referral if permission granted: Culture, Recreation and Tourism in E1.014; and Transportation in JHR 120.



Dwayne Bohac  
Chairman  
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## **HOUSE RESEARCH ORGANIZATION**

### **Daily Floor Report**

**Tuesday, March 26, 2019**

**86th Legislature, Number 34**

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HB 547 by Canales	Allowing digital images of hunting, fishing licenses as proof of licensure	3
HB 638 by Capriglione	Requiring school districts to issue certain posthumous diplomas	5
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**SUBJECT:** Changing the name of the Southwest Collegiate Institute for the Deaf

**COMMITTEE:** Higher Education — favorable, without amendment

**VOTE:** 10 ayes — C. Turner, Stucky, Button, Frullo, Howard, Pacheco, Schaefer, Smithee, Walle, Wilson

0 nays

1 absent — E. Johnson

**WITNESSES:** For — Cheryl Sparks, Howard College; Dale Kesterson and Jeff Anderson, Southwest Collegiate Institute for the Deaf (SWCID); Luis Landa; Oluwatobi Lisoyi

Against — None

**BACKGROUND:** Education Code ch. 131 establishes the Southwest Collegiate Institute for the Deaf as a state-supported school within the Howard Junior College District to provide postsecondary educational instruction for hearing-impaired students.

Natural Resources Code ch. 31 includes the Southwest Collegiate Institute for the Deaf in its definition of an institution of higher education.

**DIGEST:** HB 1101 would change the name of the Southwest Collegiate Institute for the Deaf to the Southwest College for the Deaf. Any reference in law to the Southwest Collegiate Institute for the Deaf would be taken to mean the Southwest College for the Deaf, and any appropriations for the Southwest Collegiate Institute for the Deaf would be available to the Southwest College for the Deaf.

This bill would take effect September 1, 2019.

**SUPPORTERS SAY:** HB 1101 would change the name of the Southwest Collegiate Institute for the Deaf to better reflect the mission and purpose of the school. The American Sign Language sign for "institute" carries a stigmatizing

connotation for the deaf community by implying that deafness is medically treated at the school. The school is a community college, not a medical facility, and changing the name to Southwest College for the Deaf would help clarify the school's role, potentially leading to greater awareness and an increase in enrollment.

OPPONENTS  
SAY:

No concerns identified.

SUBJECT: Allowing digital images of hunting, fishing licenses as proof of licensure

COMMITTEE: Culture, Recreation and Tourism — favorable, without amendment

VOTE: 8 ayes — Cyrier, Martinez, Bucy, Gervin-Hawkins, Holland, Kacal,  
Morrison, Toth

0 nays

1 absent — Jarvis Johnson

WITNESSES: For — (*Registered, but did not testify*: Quint Balkcom, Game Warden  
Peace Officer's Association)

Against — None

On — Stormy King, Texas Parks and Wildlife Department; (*Registered,  
but did not testify*: Justin Halvorsen, Texas Parks and Wildlife  
Department)

BACKGROUND: Parks and Wildlife Code sec. 42.002 requires a resident to have a license  
to hunt animals in the state, with certain exceptions, and sec. 46.001  
requires a person to have a license to fish in public waters in the state. Sec.  
50.001 allows the Texas Parks and Wildlife Department to issue a  
combination hunting and fishing license.

Sec. 42.006 allows the Parks and Wildlife Commission by rule to  
prescribe compliance requirements for the above licenses.

DIGEST: HB 547 would require the Parks and Wildlife Commission, in adopting  
rules for license compliance requirements, to allow a person to present an  
image displayed on a wireless communication device as proof of licensure  
for a hunting, fishing, or a combination hunting and fishing license. The  
displayed image could be either an image from the Parks and Wildlife  
Department website or a photograph of the license.

The display of an image that included one of these licenses would not

constitute effective consent for a law enforcement officer or any other person to access the contents of the wireless communication device except to view the license information.

A telecommunications provider could not be held liable to the license holder for the failure of a wireless communication device to display license information.

A court would not be prevented from requiring a person to provide a paper copy of the person's hunting, fishing, or combination license during court proceedings.

The bill would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

HB 547 would modernize requirements for hunting and fishing licenses by allowing a person to show a photo or digital receipt of a hunting, fishing, or combination hunting and fishing license on the person's phone as proof of licensure. Game wardens routinely allow hunters and fishers to show these images on their phones. This bill would codify what already is practiced in the field. Game wardens can verify identities and confirm through an existing database the appropriate hunting or fishing license.

**OPPONENTS  
SAY:**

No concerns identified.

SUBJECT: Requiring school districts to issue certain posthumous diplomas

COMMITTEE: Public Education — committee substitute recommended

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 — Lori Cerami; (*Registered, but did not testify*: Vincent Giardino, Tarrant County Criminal District Attorney's Office; Ted Raab, Texas American Federation of Teachers; Mark Terry, Texas Elementary Principals and Supervisors Association; Buck Gilcrease, Texas School Alliance; Lisa Dawn-Fisher, Texas State Teachers Association; Lisa Flores; Kristi Hassett)

Against — None

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

BACKGROUND: Education Code sec. 28.0254(a) requires school districts to issue posthumous high school diplomas to each student who died while enrolled in 12th grade in the district if a student's parent made a request. The diploma must be issued at the end of the school year provided that the student was academically on track at the time of death to receive a diploma.

DIGEST: CSHB 638 would remove the requirements that students be enrolled in 12th grade and on track to graduate at the time of their death in order for school districts to issue posthumous high school diplomas to parents upon request. The bill would add a requirement for the district to issue the posthumous diploma at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The diploma could not be issued before the graduation date of the class in

which the student was enrolled at the time of death.

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 beginning with students who would have graduated at the end of the 2019-2020 school year.

**SUPPORTERS  
SAY:**

CSHB 638 would allow parents to request posthumous high school diplomas for students of any age, rather than limiting the request to parents of high school seniors. Regardless of when a child's death occurs, all parents should have the opportunity to posthumously honor their child at the child's expected high school graduation.

**OPPONENTS  
SAY:**

No concerns identified.



SUBJECT: Authorizing escort flag vehicles to use flashing blue and amber lights

COMMITTEE: Transportation — favorable, without amendment

VOTE: 9 ayes — Canales, Landgraf, Y. Davis, Goldman, Hefner, Martinez,  
Ortega, Raney, E. Thompson

0 nays

4 absent — Bernal, Krause, Leman, Thierry

WITNESSES: For — Allen Fitts, Big Tex Escort Service; (*Registered, but did not testify:*  
John Esparza, Texas Trucking Association)

Against — None

BACKGROUND: Transportation Code sec. 547.305 prohibits a person from operating a  
motor vehicle with flashing or alternating red, white, or blue lights unless  
specifically authorized by the chapter or is a running lamp, headlamp,  
taillamp, backup lamp, or turn signal lamp that is used as authorized by  
law.

DIGEST: HB 61 would allow escort flag vehicles that precede or follow oversize or  
overweight vehicles to be equipped with alternating or flashing blue and  
amber lights.

This bill would take effect September 1, 2019.

SUPPORTERS SAY: HB 61 would promote the safe movement of oversize loads by making  
escort vehicles more noticeable. Studies show that drivers respond to  
flashing blue and amber lights with more caution than the orange flags  
escort vehicles currently use.

OPPONENTS SAY: No concerns identified.

SUBJECT: Allowing certain utilities to establish a low-income assistance program

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 — Lisa Rosendorf, El Paso Water; (*Registered, but did not testify*: Guadalupe Cuellar, City of El Paso; Claudia Russell, El Paso County; Adrian Shelley, Public Citizen; Cyrus Reed, Sierra Club Lone Star Chapter; Michael Barba, Texas Catholic Conference of Bishops)  
  
Against — (*Registered, but did not testify*: Cary Cheshire, Texans for Fiscal Responsibility)

DIGEST: HB 382 would allow the board of trustees of a municipally owned utility in a county with a population of at least 800,000 that is located on an international border (El Paso County) to establish a bill payment assistance program for customers who have exhausted all private and nonprofit sources of utility assistance. The program would have to apply to customers who received notice of service disconnection for nonpayment of bills or who were determined to be low-income customers by the utility.  
  
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.

SUPPORTERS SAY: HB 382 would authorize a municipally owned water utility in El Paso to create a bill payment assistance program for customers, similar to programs implemented by several other utilities around the state. The program is supported by local entities and would help veterans, disabled residents, low-income households, and other disadvantaged customers by providing financial counseling, agency referrals, and limited payment assistance. The program also would encourage customers to participate in

water conservation initiatives.

The utility would not increase rates or fees to pay for this program, but rather would partner with a nonprofit and accept donations to cover costs. The bill would allow the utility to provide bill assistance only to customers who exhausted both nonprofit and private sources of assistance. Any funding from the utility would be minimal because the program would apply to about 400 customers per year and would establish a cap on the amount of available bill assistance.

**OPPONENTS  
SAY:**

HB 382 would allow certain municipally owned utilities to use funds from their budgets to subsidize costs for low-income customers. This essentially would permit these utilities to require some ratepayers to pay higher rates to pay the bills of a separate class of ratepayers.

SUBJECT: Prohibiting sex offenders in prison from using the internet to find pen pals

COMMITTEE: Corrections — favorable, without amendment

VOTE: 6 ayes — White, Allen, Bailes, Dean, Sherman, Stephenson

0 nays

2 absent — Bowers, Neave

WITNESSES: For — William Busby; (*Registered, but did not testify*: Jason Vaughn)

Against — Lauren Oertel, Texas Inmate Families Association; Hans Maverick; (*Registered, but did not testify*: Hal Wuertz, Austin Justice Coalition)

On — Sharon Howell, Texas Department of Criminal Justice

DIGEST: HB 428 would require the Texas Department of Criminal Justice (TDCJ) to prohibit sex offenders in state custody from placing an advertisement on the internet to solicit a pen pal. The prohibition would apply regardless of whether another person submitted or paid for the ad.

The bill would take effect September 1, 2019, and TDCJ would have to adopt a policy that complied with the bill by December 1, 2019.

SUPPORTERS SAY: HB 428 would close a gap in current policies that could be used by sex offenders to find new potential victims. By requiring a TDCJ policy prohibiting sex offenders from placing ads for pen pals on the internet, the bill would help protect potential victims.

Currently, inmates can post ads on internet sites soliciting pen pals, and these relationships could be used by sex offenders to gain the trust of other people and commit new crimes. Under the policy required by the bill, TDCJ could watch for inmates placing such ads and would be able to take disciplinary action if an ad were placed. The policy would apply to all sex offenders because of the seriousness of these crimes and the

potential of pen pal relationships to further them.

HB 428 would not punish sex offenders or reduce their ability to communicate with the outside world while incarcerated. Inmates have several ways to keep in touch with family, friends, and others, including visits, telephone calls, and mail, that would not be affected by the bill. Prisons may limit inmate mail under certain conditions, and HB 428 is a logical extension of those policies.

HB 428 would not infringe on inmates' free speech rights because offenders would have other avenues of communication. Other states have similar restrictions that have been upheld by courts, and the prohibition on using the internet to solicit pen pals would be similar to the current prohibition on inmates creating or maintaining social media accounts while in prison.

**OPPONENTS  
SAY:**

HB 428 could hurt some inmates' efforts to rehabilitate and reintegrate into society by reducing their ability to keep in contact with the outside world. Many inmates have limited connections with family or friends, and pen pals can help them maintain contact with society. Communicating with pen pals gives many inmates hope and a sense of purpose, helping them cope with prison life and prepare to reintegrate into society. The state should be supporting these efforts, not making them more difficult.

While protecting individuals from crime is important, HB 428 would unfairly punish thousands of sex offenders in state custody because of the threat of a potential crime. This amounts to unfair, preemptive punishment of one group of inmates that is unreasonable given the benefits of pen pals. Those agreeing to be pen pals with inmates are capable of deciding whether to continue correspondence.

**OTHER  
OPPONENTS  
SAY:**

As a way to balance free speech rights and security concerns, it might be better to tailor a prohibition on soliciting pen pals through the internet so that it applied only to inmates who were the highest security concerns.

SUBJECT: Revising the board of the Gateway Groundwater Conservation District

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 6 ayes — Larson, Metcalf, Farrar, Harris, Price, Ramos

0 nays

5 absent — Dominguez, T. King, Lang, Nevárez, Oliverson

WITNESSES: For — Monique Norman, Gateway Groundwater Conservation District  
(*Registered, but did not testify*: Robert Turner, Texas Poultry Federation)

Against — None

On — (*Registered, but did not testify*: John Dupnik, Texas Water Development Board)

BACKGROUND: Under Water Code sec. 36.051(a), the number of seats on the board of directors of a groundwater conservation district must be at least five and no more than 11. The number of directors may be changed as determined by the board when territory is annexed by the district.

Special District Local Laws Code sec. 8839.052 requires that each county of the Gateway Groundwater Conservation District appoint an equal number of directors.

DIGEST: HB 925 would require the board of directors of the Gateway Groundwater Conservation District to consist of not more than two directors for each county in the district. The board could change the total number of directors if the district annexed territory.

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.

SUPPORTERS HB 925 would allow all counties in the Gateway Groundwater

SAY: Conservation District to be represented equally on its board of directors by capping its membership at not more than two directors per county. Before King County voted in November 2018 to be annexed into the district, the board was made up of two members from each of the district's five counties. This bill would allow for continued equal representation by allowing the district to expand to 12 members, up from its current cap of 11, now that there are six counties in the district.

OPPONENTS  
SAY: No concerns identified.