2019 Legislative Update
86th Session

Agenda

- Framing the 2019 Session
- Session by the numbers
- The Legislature
- Legislative Process
- Bill Review
- Questions

The 2019 Legislative Session

- Often referred to as the Kumbaya Session

- Let’s review 2017 Session
  - House: 95-55  Senate: 20-11
  - No money
  - Contentious issue

- 2018 Elections
  - House: 83-64  Senate: 19-12

- $9.5 Billion Surplus
Session by the Numbers

- 140 Days of Session ending May 27
- 10,877 pieces of legislation filed
- 7,324 bills filed
- 1,427 bills passed
- 10 Constitutional amendments
- 114 bills effective without the governors signature
- 58 vetoed

Texas Legislature 101

- Leadership
- House and Senate
- If you don't know them, chances are they don't know you
- If there is a problem that needs to be addressed, its important you engage

Legislative Pop Quiz

- When is the earliest a bill can be filed?
- How many days are there in a Legislative Session?
Legislative Process

• Bills must pass through both chambers
• If governor doesn’t veto the bill it becomes law
• Most major pieces of legislation take multiple sessions to pass

Issues of the 86th Session

• School Finance
• Property Tax
• Harvey Funding
• School Safety
• Abortion
• Religious beliefs
• Marijuana

New Criminal Laws

• Over 50 new crimes added by the 86th Legislature
• Human Trafficking/prostitution/sexual harassment focus
• Selling cigarettes, mail theft, cultivating oysters
• Very little when it comes to impaired driving
Marijuana Bill Overview

- Record number of marijuana-related bills introduced
- HB 1325 – Legalize Industrial Hemp – PASSED!
- HB 3703 – Expand the Compassionate Use Program (Limited) – PASSED
- HB 63 – Penalty Reduction for Possession - ?

Opioid Bill Review

- House Select Committee on Opioids and Substance Abuse held hearings during the interim.
- The numbers are staggering.
- Legislative Action Taken

Texas Driver Responsibility Program

- Passed in 2003 by Rep. Turner
- The theory behind the bill
- Surcharges were assessed annually for three years and ranged from $250 to $2,000.
- Don’t pay within 105 days and the state suspends your license.
DRP Background

- Since the program’s inception, approximately $3.9 billion has been assessed, but only $1.5 billion has been collected.
- Half of trauma centers funding comes from DRP surcharges.
- In November 2016, the DPS reported that more than 3M drivers had accrued surcharges.
- About 1.5M drivers have been suspended for not paying surcharges.

Attempts to Repeal DRP

- Efforts to repeal the statute
- Most unpaid surcharge cases are for offenses not related to public safety
- If there is no DRP, who will pay for Trauma Centers?

DRP heading into 2019 Lege Session

- Stakeholder groups had momentum in 2019
- In December 2018 Texas was sued
- The vendor wasn’t doing themselves any favors
HB 2048 by Zerwas

- Repealed Transportation Code - Chapter 708 (The Texas Driver Responsibility Program)
- The repeal applies to any suspension for surcharges pending on Sept 1, 2019, if they were imposed before that date.
- Requires DPS to reinstate any drivers license that was suspended for non payment.

Trauma Center Funding

- 30% of State Traffic Fines (increased from $30 to $50)
- 20% of additional fines for DWI convictions (replaces surcharges)
  - $3,000 for first-time conviction in 36 months
  - $4,500 for second conviction within 36 months;
  - $6,000 for subsequent conviction or if BAC > 0.15
- 60% of the yearly fees paid by insurers (increased from $2 to $4 per policy)

Impact of HB 2048

Anticipate a reduction in:
- the spiral of fines, fees and surcharges
- the number of license suspensions
- the number of drivers license applications
HB 162 by White

• Drivers License Suspension Term Changed to 90 Days.

• Previously suspension was for an additional period of the lesser of the term of the original suspension or one year.

HB 3582 by Murr

• Applies to defendant on or after Sept 1, 2019
• Makes Sec 49.045 a third-degree felony for certain repeat offenders
• Allows deferred adjudication for an offense under Penal Code Sec 49.04 & 49.06 unless
  – Defendant held a CDL;
  – Defendant had BAC level of 0.15 or greater; or
  – Defendant had prior DWI related conviction

HB 3582 by Murr

• BAC is at the time of the offense where current statute state at the time of analysis is performed.

• First time since 1983 some initial DWI offenses will qualify for deferred adjudication

• Side Note: Both HB 3582 and HB 2758 amend a list of offenses that do NOT qualify for deferred adjudication.
HB 3582 by Murr

- The deferred adjudication for a DWI offense will be considered a conviction for purposes of enhancements.
- A requirement of deferred adjudication is the installation of an ignition interlock device
  - Judge may impose a payment schedule
  - Judge may waive the installation cost & reduce fee
  - Judge can waive the ignition interlock requirement

HB 3582 by Murr

- Persons placed on deferred adjudication under Penal Code Sec 49.04 or 49.06 may petition for an order of nondisclosure if:
  - The person waits 2 years;
  - Satisfies existing conditions for receiving an order of nondisclosure;
  - Has no prior convictions; and
  - Was not placed on deferred adjudication for DWI collision involving another person

Questions?

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