

State Representative Gary VanDeaver



HD 1



87th Legislature
Bowie | Franklin | Lamar | Red River

87th Legislature Report - House District 1 Bowie, Franklin, Lamar & Red River counties

May 2021

Around the District. Paris-Lamar County Health District. Earlier this month, the Texas Department of State Health Services (DSHS) announced that the Paris-Lamar County Health District was awarded a \$50,000 COVID-19 vaccination capacity grant that can be used to help fund administrative expenses beginning on December 1, 2020, and for the following:

- Increase COVID-19 vaccination capacity across the jurisdiction, including among high-risk and underserved populations;
- Ensure high-quality and safe administration of COVID-19 vaccines; and
- Ensure equitable distribution and administration of COVID-19 vaccines.

Congratulations and thank you to the health district and all of its employees for their hard work during the pandemic helping residents stay safe.

Property appraisals causing concerns. My office has recently received a number of inquiries from constituents upset and concerned about the increase in their appraised property values for 2021. Some people reported that their increases are more than 500

percent over the previous year. I asked my staff to investigate this situation and would like to summarize their findings below.

Neither the state of Texas nor any of its agencies appraise property or set the tax rates in your local governments such as cities, counties and school districts. Information on the state comptroller's office website (<https://comptroller.texas.gov/taxes/property-tax/pvs/index.php>) states that it is required by statutes to conduct the state's Property Value Study (PVS) to help ensure equitable distribution of state funding for public education. Government Code Section 403.302 requires the comptroller's office to conduct a study to determine the total taxable value of all property in each school district at least once every two years. The Comptroller's Property Tax Assistance Division (PTAD) conducts the property value study (PVS) to estimate a school district's taxable property value. The results of the PVS can affect a school district's state funding. The commissioner of education uses the PVS results to ensure equitable distribution of education funds so school districts have roughly the same number of dollars to spend per student, regardless of the school district's property wealth.

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If a local appraisal district's values are not in line with the PVS, state funding for local school districts can eventually be affected. State funding formulas for school districts send more funding to school districts with less property wealth. If local appraisals artificially keep values below current market values, the school districts in these counties appear poorer than they really are and draw down more state funding than they are entitled to receive thus creating a situation where the school districts' future funding can be reduced.

When local appraisals do not keep up with changes in market values and school districts lose state funding as a result, at some point the county appraisal district has to re-appraise values to adjust them to be closer to market value. Unfortunately, this appears to be what happened in some areas of our district that generated the calls to my office.

Please note that property owners can appeal their proposed appraisals and have a right to a hearing before the county's appraisal review board (ARB). Also note that there are deadlines to file your appeal, so please reach out to your local county appraisal district to ensure you file your appeal in a timely manner.

Residential and business properties are governed by different sections of tax law so they are treated differently. Owners of residential properties can claim a homestead tax exemption that limits their tax increase to 10 percent above the previous reappraisal. Business owners do not have such an exemption.

Setting the appraised value of property is just a preliminary step in the annual cycle of setting

and paying property taxes. Governing boards of your local governments will use the final appraised values to set their tax rates for your 2021 property taxes that must be paid by January 31, 2022.



Rep. VanDeaver on the House floor with Reps. Bell and Burns. Photo: House Photography

Last session, the legislature enacted the *Property Tax Reform and Transparency Act of 2019* that made significant changes in the Property Tax Code and how local governments assess and set their tax rates. Cities and counties must now hold a mandatory election if these local governments set a rate above 3.5 percent over the amount needed to generate the same revenue as the year before. Local school districts must hold a mandatory voter-approval election if they set a tax rate at 2.5 percent higher than needed to generate the same revenue as the year before. People can

either approve or reject a voter-approved tax rate above these percentage amounts.

Please note that these percentage increase caps authorized in 2019, do not mean that your taxes cannot increase more than these percentage amounts. The tax rates are based upon the rate needed to generate the same revenue as the year before plus either the 3.5 percent (cities and counties) or 2.5 percent (school districts).

HD 1 resident interning in Capitol office. This month, our office added its newest member, Legislative Intern Miller Hornsby. Miller is a Texarkana, Texas, native who graduated as salutatorian from Pleasant Grove High School and was a part of the 2019 State Champion Hawk Football Team. Miller is also a lifelong member of Hardy Memorial United Methodist Church. Miller is currently a student at the University of Texas at Austin where he studies Finance, is an active member of the Kappa Alpha Order Society, and has joined our office to pursue his budding interest in the legislature and the policy-making process. Welcome, Miller!

Around the Capitol. End of session in sight. May 31, is the official end (sine die - without another day) of the current regular session of the Texas Legislature. Last month's newsletter noted that mid-May deadlines in the House of Representatives dramatically reduce a bill's chances of becoming law. Members in both Chambers have been working long days, nights and weekends to do everything possible to see their bills cross the finish line to make it to the governor's desk.

Emotions always run high every session at this time with many long nights, but fewer days to

achieve goals that we so happily entered into session with in January. There is always finger pointing between the two Chambers with leaders and members grumbling that the other Chamber just isn't working hard enough by comparing which committee hearing lasted longer or heard the most witnesses; worked the latest into the wee hours of the morning; passed (or killed) the most number of bills or worked the most number of weekends.

Working a legislative session is a long haul and requires teamwork and a lot of stamina; and even with all of that, not every member is able to pass their legislation or accomplish their goals.



Rep. VanDeaver in the House Chamber along with Reps. Dutton and Middleton. Photo: House Photography

At press time, I've passed four bills that I either authored in the House or sponsored a Senate bill when it came to

the House. Four of "my bills" have

passed both Chambers and been sent to the governor who has 10 days (not counting Sundays) to sign, veto or let become law without his signature. These bills include:

HB 315 - VanDeaver/Hughes - allows honorably retired or medically discharged

peace officers to purchase a uniform for their burial.

HB 773 - VanDeaver/Powell - aligns state indicators with federal indicators, giving credit to campuses and districts that offer certain programs, achievement under the public school accountability system.

SB 479 - Hughes/VanDeaver - a local bill for TexAmericas Center. SB 479 is a companion to HB 1414 that I filed in the House.

SB 1615 - Bettencourt/VanDeaver - adult charter high school program for student 18 through 50 years of age who do not have a high school diploma to help them earn that diploma. This bill allows for future expansion of the initial pilot program. SB 1615 is the companion to HB 1942 that I filed in the House.

I have several other bills that have passed the House and are awaiting action in the Texas Senate including:

HB 363 - VanDeaver/Perry - requires technology vendors of electronic instructional materials to protect student data privacy.

HB 1496 VanDeaver/Lucio - clarifies when school districts that are members of purchasing coops must report their management fees.

HB 3126 - VanDeaver/Springer - adds advanced practice registered nurses to list of health care professionals who can conduct a medical examination in certain commitment proceedings.

HB 3402 - VanDeaver/Hughes - local bill for Franklin County Water District to give them additional road authority to maintain and

construct roads in the district on land it owns using non-tax revenue. HB 3402 passed the House on April 16, on a 144-0 vote, but unfortunately, this bill was killed in the Senate on May 25, when the Lieutenant Governor would not recognize the senate sponsor to lay out the bill before the body on second reading.

I am also sponsoring the following Senate Bills that are moving through the House:

SB 289 - Seliger/VanDeaver - allowing students an excused absence if they miss class to obtain a driver's license or learner's permit.

SB 1191 - Seliger/VanDeaver - clarifying when peace officers who work school-related events must also go through school resource officer training.

SB 1590 - Bettencourt/VanDeaver - clarifying that educational preparation programs can continue observations in a virtual environment that the State Board for Educator Certification (SBECE) authorized early in the pandemic. This bill is the Senate companion bill to HB 3989, which I filed in the House.

State appropriation bill for 2023-23. The new state budget takes effect September 1, 2021, for the 2022-23 fiscal years that totals just over \$248 billion. As you know, over the last year, the federal government has adopted several pandemic-related relief programs for the state with some of the funds already delivered to the states and some funding yet to be sent from Washington, D.C. later this year. The governor has said that he will call the legislature into a special session for it to make the necessary appropriations of these funds across the budget. The general consensus is that these

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budgetary decisions will be made when the legislature is also back at the Capitol to fulfill its redistricting responsibilities later this year after receiving new population data so that legislative districts can be redrawn to accommodate the state's growth and relocation of populations since 2010.

The appropriations bill is the only piece of legislation that a legislature is constitutionally required to pass, and the budget must be balanced since the Texas constitution prohibits the enactment of a deficit budget. Once the bill is officially adopted, it will not only be sent to the governor's office, but it will also be sent to the state comptroller's office for review and certification. This certification process ensures that all expenditures have the funding and methods of finance necessary to support those programs. If the budget cannot be certified as balanced by the comptroller's office, the governor can line-item veto items in the budget to ensure that the bill balances expenditures with revenues. Here is a link to the final version of the state's budget for the next biennium:

https://www.lbb.state.tx.us/Documents/Appropriations_Bills/87/Conference_Bills/87R-SB1.pdf

I have served on the House Committee on Appropriations (HAC) since my first session in 2015, and though it is an intense process, I am generally pleased with the end product knowing that each item in the budget has been thoroughly reviewed and considered over many

months by agencies, legislative staff and both House and Senate budget committees.

I am pleased to report that Texas A&M - Texarkana will receive a total of \$8.32 million over the next biennium to fund the next phase of its Better East Texas (BET) Initiative. This program seeks to strengthen educational programs, healthcare initiatives and workforce opportunities not only in Texarkana but throughout East Texas. These additional funds will help A&M-Texarkana expand and deepen this program's footprint to make our area a better and more rewarding place to live, work and raise a family. I look forward to seeing how these additional dollars make a difference in our lives and region.

Priority legislation. In addition to legislation I filed this session, other bills deemed "priority legislation" by the governor and other leaders have also been filed and worked on this session. Several bills were filed in response to Winter Storm Uri that crippled the state in February to help the state cope future disasters. **Senate Bill 2** reforms the oversight by the Public Utility Commission of Texas of the Electric Reliability Council of Texas (ERCOT) by requiring that its members reside in the state of Texas and restructures the ERCOT duties. **Senate Bill 3** also responds to Winter Storm Uri to address power plant weatherization and lack of coordination between key agencies during a crisis. **House Bill 5** tackles the state's lack of broadband coverage to ensure that this critical utility service reaches more Texans' homes and businesses so they can work from home and go to school as many have had to do in response to the pandemic. Lack of broadband services, particularly in rural Texas, was at a crisis level prior to the pandemic and has only gotten

more challenging. These bills are close to the finish line, but are still being worked on at this time. All bills and conference committee reports must have final action by both the House and Senate no later than Sunday, May 30.

Comptroller revises revenue estimate. On May 3, state Comptroller Glenn Hegar increased his 2022-23 biennial revenue estimate (BRE) from the amount he announced the day before the legislature convened in Austin on January 12.



Comptroller Hegar's press release states that his revised projections show a revenue increase of \$1.67 billion over the amount previously announced, which will

result in an ending general revenue positive balance for the 2020-21 biennium of \$725 million for general-purpose spending by the 87th legislature. Hegar went on to say that his office expects to transfer \$1.26 billion to both the State Highway and Economic Stabilization funds next year and another \$1.67 billion in 2023.

Certain Loans Forgiven by Federal Government Not Considered Income for Franchise Tax Report. Comptroller Hegar also announced this month that Texas businesses that had COVID-related relief loans forgiven by the federal government do not have to report those loan proceeds as income on their 2021 franchise tax reports after a bill related to the treatment of those loan dollars was passed by the legislature and signed by the governor. **House Bill 1195** applies to franchise tax reports originally due on or after Jan. 1, 2021. Forgiven loan proceeds

from certain federal relief programs are not included in total revenue. Furthermore, expenses paid using those loan proceeds may be claimed as a cost of goods sold or as compensation, if eligible under current law, in the franchise tax calculation.

Franchise taxpayers who need an extension beyond June 15 may [file an extension request](#).

Motorcycle safety. The Texas Department of Transportation (TxDOT) is ramping up efforts to increase motorcycle safety in the state. Despite less traffic on the road in 2020 and a two percent reduction in motorcycle crashes, safety officials are alarmed by a 17 percent increase in Texas motorcycle fatalities in 2020 compared to 2019. On average, a motorcyclist is killed in a crash on Texas roads every day—last year 482 died. Motorcyclists account for 12 percent of all traffic fatalities statewide.



In 2020, of the 7,481 motorcycle crashes in Texas, 1,856 motorcyclists were seriously injured and 482 were killed. The

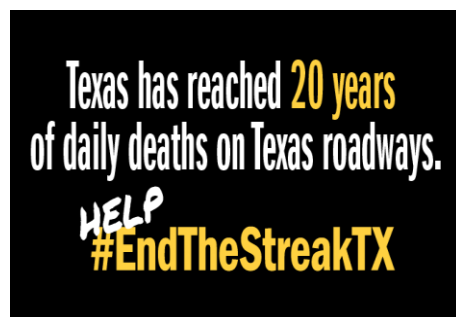
Texas Transportation Institute (TTI) reports that fatal crashes between motorcyclists and drivers often occur when drivers misjudge the motorcycle's distance and speed and make left turns in front of an oncoming motorcyclist. Last year, almost one-third of Texas motorcycle fatalities occurred in an intersection or were intersection-related. TTI also points to driver inattention as a contributing factor to motorcycle crashes. TxDOT has these safety tips for drivers to protect motorcyclists and prevent crashes:

Take extra care when making a left turn. It's safest to let the motorcycle pass to avoid turning in front of the rider.

Pay special attention at intersections. Nearly one in three motorcycle fatalities happens at a roadway intersection.

Give driving your full attention. Even a momentary distraction, such as answering a phone call or changing the radio station, can have deadly consequences.

Look twice when changing lanes. Check mirrors, check blind spots, and always use turn signals.



Give cyclists room when passing them.

Move over to the passing

lane and don't crowd the motorcyclist's full lane.

Stay back. If you're behind a motorcycle, always maintain a safe following distance. When a motorcyclist downshifts instead of applying the brake to slow down, it can catch drivers off guard since there are no brake lights to signal reduced speed.

Slow down. Obey posted speed limits and drive to conditions.

The "Share the Road: Look Twice for Motorcycles" campaign is a key component of #EndTheStreakTX, a broader social media and word-of-mouth effort that encourages drivers to make safer choices while behind the wheel, like wearing a seat belt, driving the speed limit, never texting and driving and never driving under the influence of alcohol or other

drugs. November 7, 2000, was the last deathless day on Texas roadways.

#EndTheStreakTX asks all Texans to commit to driving safely to help end the streak of daily deaths on Texas roadways.

Texas Legislature 101. In the last newsletter we talked about how a bill moves from a committee through the House to passage. This month we'll share everything that happens after a House Bill leaves the safety of its home chamber.

Onto the Senate - Everything Repeats. Once a House bill is voted out of the House Chamber it is sent to the Senate, where the entire process begins again. A House member's office will work with Senate staff members and offices to find a Senator to sponsor or carry a House bill through the process in the Senate. The bill is read and then referred to a committee, and an office requests a hearing. If given a hearing, it is a second opportunity for public testimony and discussion, this time among Senators. They can then vote it out of committee immediately or at a later time, and then it is up to the lieutenant governor to call it up for a vote on the Senate floor. The Senate's voting system is adopted with the Senate rules each session, and their system is different from the House.



This session, the Senate passed rules that require 18 votes to bring legislation to the floor, lowering it from the previous session's threshold of 19 votes. If the bill is called up and

receives a majority vote, it passes the Senate. If the bill was unchanged throughout the entire Senate process (i.e., it is exactly the same bill that passed out of the House) then it goes to the governor. If anything at all was changed in the bill by the Senate, it is returned to the House for further action.

Insider: Unlike the House, where a Calendars Committee decides which bills may be placed on a specific day's calendar in a specific order, the Senate can place hundreds of bills on their "Intent Calendar" and a member, once recognized by the Lt. Governor, can call any of those bills up for a vote. The House cannot do this, as we must go in order of the bills on the Calendar. We received a number of calls this session with constituents wishing me to "bring forward" a bill on the House Calendar for a vote on the floor, and we had to explain that no House member can do that. That is only how it is done in the Senate.

Concurrence and Conference Committees.

When the House receives a changed bill back from the Senate, the House can either accept the changes or concur - meaning the bill is voted on again - sending it to the governor, or they can reject the changes and request the

appointment of a conference committee.

The conference committee is generally made up of the bill's author and its Senate sponsor,

as well as four other members each from the House and Senate. This committee then works on the bill to compromise so that both



chambers agree on before voting to approve a Conference Committee Report. This compromise must be accepted or rejected without further amendment. If the Conference Committee Report is adopted by both chambers, the bill goes then the bill goes to the governor, if not, it dies.

Insider: Towards the end of session, time becomes very precious. Just because a bill passes one chamber and is up for a vote in the other, or has passed both but requires a conference committee, does not mean it will get passed in time. That is why legislative staffers try to work very hard at the beginning of the process (in the first committee hearing) to work with opposition and inform the legislature and public about the bill, so as to avoid the conflicts that result in delays at the end. Once May rolls around during session, there is always some tension between the chambers regarding the bill passage rate and the success of either the Speaker or Lt. Governor's "priority" legislation in the receiving chamber. Staffers call this a game of "chamber chicken," where both sides start holding the other chamber's bills hostage in order to prompt reactions on the other side. Since House members cannot control what goes on in the Senate, nor vis versa, it is incredibly frustrating to see great bills unanimously agreed to across the public, parties, and committees, die an inch from the finish line for nothing other than politics.

Governor. Once a bill has passed both chambers, it is sent to the governor. The governor has 10 days (not counting Sundays) to sign it, veto it, or not sign it and let it become law without the governor's signature. If the legislature is still in session when the bill is

vetoed, it goes back to the original Chamber and a two-thirds majority is required to override the veto in both chambers. The governor has 20 days to act on a bill if it was sent to the governor within 10 days of the legislature's final adjournment. This year's bill signing deadline is June 20.

Insider: Sometimes the governor vetoes bills not because they are bad bills but because he or she thinks the bill is unnecessary or has been advised by agency leaders that they are already accomplishing what the bill would change. A veto, however, sometimes happens without any warning from the governor's office that it is coming and it comes as a shock at the end of a very long and hard journey to get the legislation passed by both chambers.

Next Time. Is there anything you would like to learn about the Texas Legislature or the state legislative process? Let us know, and we may provide an explanation and insider tips in our next enewsletter.

representative. Please contact either the District office (903-628-0361) or Capitol office (512-463-0692) if there is anything you think we can do to help you.



Rep. VanDeaver at his desk on the House floor. Photo: House Reproduction.

Social Media.

Please follow me on both my Facebook and Twitter accounts!

My office is here to help.

I thank each of you for

letting me serve you as your state

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