



Legislative Newsletter

A “capitol” idea for keeping up with the latest news from Austin.

July 3, 2015

84th Texas Legislature

Laura Blackburn, Advocacy Vice President



lwvtexas.org

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Scherel Carver, Editor



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From the Advocacy VP

The 84th Legislative Session was, as always, quite interesting—both negatively and positively. Bills we were supporting passed and some that we were opposing didn't pass. You will see them in detail below. You will not see a list of the 66 testimonies we presented nor the 112 times we registered in support of bills or the 22 times we registered in opposition. You have seen enough lists!

A summary of the legislation that was introduced includes 6,276 bills filed, and approximately 1,323 passed both Houses and were sent to the governor. Abbott signed 1,202 into law, let 162 become law without his signature, and vetoed 41.

LWV-TX only followed bills on which we had positions, though at times it seemed that we were following all of them! Here are some of our additional activities:

We had a phenomenal number of personal visits to legislators—398! Also we had many email letters sent to members of the House and Senate including a letter to:

- ✓ All representatives regarding local control over fracking
- ✓ All senators regarding tax cuts
- ✓ Members of the Natural Resources Committee regarding renewables
- ✓ Members of the Budget Conference Committee, which was hand-delivered



- ✓ Members of the State Affairs Committee regarding supporting renewables, also hand delivered
- ✓ Members of the Transportation Committee regarding allowing transportation projects under the Texas Emissions Reduction Plan
- ✓ Letter to the Elections Committee regarding school district bond issues, also hand delivered.

There were a total of seven Action Alerts compared to only one sent for the 83rd Legislature.

Please see below how successful we really were!!



CAPITOL CORPS: Chris Frandsen, Anne Clark, Barbara Frandsen, Carol Olewin, Marlene Lobberecht, Cinde Weatherby, Brenda Koegler, Sara Groff, Bill Hamilton, and Kim Sue Lia Perkes.

I cannot tell you how proud I am of all of our Issue Chairs and Capitol Corps members—they did more work this session than I have ever seen; in fact I am sure more than any in the history of LWV-TX. They are so dedicated, hard-working and bright! It was a pleasure for me to work with them. You will see their pictures at left.

In addition, this LNL could not exist without the expertise of our editor, Scherel Carver. Many, many thanks, Scherel!

I also want to thank you, the members, for the Action Alerts you responded to. Legislators



Carver

always respond best to those in their own districts. Many thanks!

There may be a Special Session regarding education, depending on when the Texas Supreme Court rules in the education lawsuit. We will be there if there is one! Meanwhile, take a break and enjoy life for a while—I intend to!

Laura Blackburn

LWV-Texas Advocacy Vice President

HOW SUCCESSFUL WERE WE?

By the Numbers:

- We followed 511 bills
- We were successful on 160 bills
- That's 31%!!

Compare that to the bills filed by legislators:

- Bills filed: 6,276
- Bills passed both Senate and House: 1,323
- That's 21%!!



We are clearly more successful than Texas legislators! YEA!!

LWV-Texas Legislative Advocacy for the 84th Texas Legislature

Listed below are those issues on which we have a position, along with the issue chair who is following them.

GOVERNMENT

Constitutional Revision - Support the revision of the State Constitution to make it a framework of basic law.

Education: Public School Funding, Testing, and Accountability

Janet Imhoff, McKinney Promote adequate state funding for public schools, and changes in the state's accountability rating system to make it more fair and less punitive.

Election Laws-Texas/Voting Rights *Cinde Weatherby, Austin* Support election laws that facilitate citizen participation and voter convenience as well as monitor all legislation relating to HAVA.

Ethics in Government – Dianne Handy, Austin.

Open Government – Linda Pavlik, Dallas Promote transparency and public participation in government.

Political Campaign Process- Support fair campaign finance laws to promote equitable competition among candidates, protect citizens' right to know, and combat corruption and undue influence.

Public Policy on Reproductive Choice/Women's Health *Julie Lowenberg, Dallas* Promote and protect women's access to health care, including all aspects of reproductive health.

Redistricting– Support measures to achieve an effective method for drawing boundaries for congressional and state legislative districts through legislative and constitutional revision

ADMINISTRATION OF JUSTICE

Capital Punishment – *Susybelle Gosslee, Dallas* Promote a moratorium on the death penalty while an official study is conducted. Support the option of life sentence without parole in capital cases.

Criminal Justice –Support a professional parole and probation staff and work to decrease their caseload. Provide a secure prison environment with maximum education opportunities.

Drug Laws and Policies - *Elaine TalarSKI, San Antonio* Support treatment programs for drug abuse and addiction as an alternative to incarceration.

Human Trafficking – *Meg Scott-Johnson, Kerrville* Support legislation to prevent the exploitation of humans, human trafficking; to prosecute traffickers; to protect victims and survivors of human trafficking.

Immigration – Support state services for undocumented immigrants, especially in the areas of education and healthcare. Monitor any attempt to curb civil rights of immigrants.

Juvenile Justice- *Mary Overton, Dallas* Support and fund substance abuse treatment, mental health needs, and education for youth at risk and for those incarcerated.

SOCIAL POLICY/HUMAN RESOURCES

Child Abuse and Neglect - *Joyce Robinson, Austin Area* Support the development and implementation of adequate legislation, policies, services, and programs to protect children from abuse and neglect.

Child Health – *Grace Chimene, Austin* Ensure that state budget cuts do not undermine children's access to health care. Improve enrollment and retention for CHIP and Children's Medicaid, and maintain effective delivery systems for both. Preserve Texas' public health safety net.

Early Childhood - *Marlene Lobberecht, Houston* Support early childhood education professional development. Expand access to high quality pre-kindergarten. Improve safe care for infants and toddlers.

Health Care System for the Elderly–*Lynda Ender, Dallas* Support increased funding to provide adequate programs to serve the elderly

Health Care for Those of Lesser Means – *Lynda Ender, Dallas* Provide basic health care services for those who are unable to pay. Basic services include emergency care, primary care, preventive care, care for catastrophic illness, nutrition, substance abuse treatment, and health education.

Homeowner Associations –

Support laws relating to mandatory homeowner associations which would protect against unreasonable foreclosure on homesteads, assure priority of payments, assure secret ballots and protect against fraudulent elections, and assure that homeowners have access to meetings and records.

Services for People with Behavioral Health Needs – *Linda Camin, Dallas* Maintain and increase funding for services to persons with serious mental illness, and include post-crisis and crisis prevention community care.

NATURAL RESOURCES

Air Quality & Climate Change - *Laura Blackburn, Houston* Area Support air quality and climate change legislation.

Energy - Promote incentives for renewable and clean energy sources and energy conservation. Monitor the building of coal-fired plants and nuclear power plants. Promote energy policy to reduce global warming.

Hazardous Waste – *Susybelle Gosslee, Dallas* Support safe transportation, handling, and disposal of radioactive

materials. Support legislation promoting recycling efforts, in particular for electronic waste.

Transportation - *Edie Jones, Fort Worth* Increase funding for public roads, mass transit, and light rail.

Water - *Mary Vogelson, Dallas* Support funding for safe and adequate water supplies, using sound ecological/economic strategies that emphasize conservation. Support enhanced protection for environmental flows; Texas rivers, bays, and estuaries

LWV-Texas Expert Background and Analyses and Bills Filed in the Texas House & Senate Priority Issues

EDUCATION/PUBLIC SCHOOL FINANCE & PUBLIC SCHOOL TESTING AND ACCOUNTABILITY

Janet Imhoff (McKinney) janet.imhoff@att.net



This was a successful legislative session for us regarding our education positions.

We started watching 145 bills and 15 of those made it through the arduous process and were sent to the governor. He signed 14 of them and vetoed one.

We had opposed only one of those 15 bills, the Senate finance bill (**SB1**) that reduced ad valorem taxes (which was not the one he vetoed). We opposed it because those taxes are a main funding source for public schools and it seems problematic to reduce that source of money. However the bill does require the state to reimburse the schools for any revenue lost. That bill will not take effect unless **SJR 1**, the related constitutional amendment, passes in November.

Here are the new laws:

Accountability

HB 2804 (Aycock) SUPPORT A major accountability reform bill, it will limit the use of test scores and expand the use of other measures as indicators of student success and school performance. However the Senate bill requiring A-F grades for districts and campuses was rolled into this bill, to begin in 2017. **YEA!!**

HB 1842 (Aycock) SUPPORT A bill reforming interventions and sanctions of struggling schools was passed. It has many interesting provisions (see below). Also passed was a bill to reduce paperwork and the redundancy of reports (**HB 1706, Van Deaver SUPPORT**).

SB 313 (Seliger) SUPPORT The bill to require the SBOE to review the number and scope of the Texas Essential Knowledge and Skills (TEKS) was **vetoed** by the governor. However this review is required in **HB 743** (below).

Testing

Testing reforms include:

HB 743 (Huberty) SUPPORT Requires tests to be determined valid and reliable

HB 1164 (Van Deaver) SUPPORT Requires a pilot program to develop an alternative writing assessment method

HB 2349 (Aycock) SUPPORT Makes technical changes to end-of-course testing

SB 149 (Seliger) SUPPORT Establishes graduation committees and requirements for high school students who have failed not more than two end-of-course assessments. **Teacher Support**

A series of bills by Senator **Kolkhorst** were passed: **SB 925, 934 , 935 SUPPORT ALL** Will establish training academies for teaching reading and math in the elementary grades and send reading experts into academically unacceptable schools.

Bills that failed in the last weeks:

We opposed several bills that were introduced again even though they were defeated in previous sessions, including ones that suggest ways to deal with failing schools, charter schools, and vouchers:

Opportunity School Districts (HB 15360, Dutton **YEA!!** and SB 669, West **YEA!!**),

Local Control School Districts (HB 1798, Deshotel **YEA!!** and SB 1012, Hancock **YEA!!**),

Parent Trigger (SB 14, Taylor **YEA!!**)

Education Tuition Grants (SB 4, Taylor)

Charter expansion (SB 1897-Taylor v **YEA!!** and SB 1900-Campbell **YEA!!**). Look for these concepts to come back again in the next session.

Many we supported also didn't make it, including one that would have restructured our system of **public school finance** (HB 1897, Aycock). Also failing: **Community Schools** (HB 1891 and 1892, Rodriguez and SB 1483, Garcia), **bilingual support** (HB 66, Gonzalez and SB 161, Rodriguez), **teacher pay and support** (SB 893 Seliger), **High Performance Schools Consortium** (SB 1771, Taylor). and **accountability** (SB 1200, Taylor). **Innovation schools** (SB 1241 Taylor) failed, but was rolled into HB 1842, which passed.

Bills Passed and Signed

HB 114 (Flynn) WATCH Prohibits local government entities from issuing capital improvement bonds (CABs) that are secured by ad valorem taxes, except for certain transportation projects and items with a useful life that exceeds the bond's maturity. CABs require no installment payments so interest keeps compounding until payment is due, and districts could end up owing 7-10 times the amount borrowed. Some districts say they need this type of

bond because current law limits their taxing capability. Our position does not cover bonds. *Signed by the governor on 6/19/15. Effective on 9/1/15. YEA!!*

HB 743 (Huberty) SUPPORT Requires the state assessment tests to be determined valid and reliable by an independent agency. Also requires a study of the number and scope of the Texas Essential Knowledge Skills. It sets time limits for which 85% of students must finish test. *Signed by the governor on 6/19/15. Effective immediately. YEA!!*

HB 1164 (Van Deaver) SUPPORT requires the development of an alternative writing assessment method and a pilot program to test it in a large, medium, and small district in 2016-17 and 2017-18. *Signed by the governor on 6/17/15. Effective on 9/1/15. YEA!!*

HB 1706 (Van Deaver) SUPPORT reduces paperwork and redundancy of reports. *Signed by the governor on 6/19/15. Effectively immediately. YEA!!*

HB 1842 (Aycock) SUPPORT amends several provisions pertaining to accreditation interventions and sanctions. A district must undergo a school turnaround plan after two years of unacceptable performance. After three more years as unacceptable, the school would be closed or placed under a board of managers. Senate amendments include ability to establish innovation zones, relax charter sanctions, and require the SBOE to study the length of the instructional day and academic year necessary to complete the curriculum. *Signed by the governor on 6/19/15. Effective immediately. YEA!!*

HB 2349 (Aycock) SUPPORT makes some technical changes to HB 5 (2013), including requiring a high school student to take an end-of-course exam only for a course in which they were enrolled. The bill allows students to earn a diploma acknowledgement for outstanding performance on a nationally norm-referenced college-preparation test. It also requires the TEA to study and track the performance of students moving in from other states. *Signed by the governor on 6/18/15. Effective immediately. YEA!!*

HB 2610 (K. King) WATCH changes the number of days required for instruction to the number of minutes required to allow for more flexibility for school districts. *Signed by the governor on 6/19/15. Effective immediately. YEA!!*

HB 2804 (Aycock) SUPPORT This school accountability reform bill seeks to limit the use of state standardized tests in the accountability system and to expand the use of other indicators of student success and school performance. The TEA would have five weighted domains that would move away from basing ratings primarily on tests. The committee substitute rolls in SB 6, the A-F rating bill, as of Sept. 1, 2017. Each district and campus would get an overall rating and a rating for each of the first four domains. The Senate Education committee report strikes provisions regarding the

placement of students with inexperienced teachers for two years and removed language ending the physical fitness assessments. *Signed by the governor on 6/19/15. Most effective immediately. YEA!!*

SB 1 (Nelson) OPPOSE Related to restriction on ad valorem taxes and the duty of the state to reimburse certain political subdivisions for revenue loss. *Signed by the governor on 6/15/15. Takes effect on the day the constitutional amendment, SJR 1, is approved, and applies to the 2015 tax year.*

SB 149 (Seliger) SUPPORT creates graduation committees for high school students who have failed not more than two end-of-course-exams. It sets up requirements the student must fulfill to graduate. It was voted out unanimously by both Education Committees. *Signed by the governor on 5/11/2015. Effective immediately. YEA!!*

SB 925 (Kolkhorst) SUPPORT establishes teacher training academies for reading instruction K-3. *Signed by the governor on 5/21/2015. Effective immediately. YEA!!*

SB 934 (Kolkhorst) SUPPORT establishes teacher training academies for math instruction for grades K-3. *Signed by the governor on 5/28/2015. Effectively immediately. YEA!!*

SB 935 (Kolkhorst) SUPPORT provides reading excellence teams for schools rated academically unacceptable based on grade 3 reading assessments. *Signed by the governor on 5/28/2015. Effective immediately. YEA!!*

SB 972 (Kolkhorst) SUPPORT establishes reading-to-learn academies for teaching reading comprehension and critical thinking for grades 4-5. *Signed by the governor on 5/28/2015. Takes effect Sept. 1, 2015. YEA!!*

Vetoed by the Governor

SB 313 (Seliger) SUPPORT would have required the State Board of Education to review the essential knowledge and skills with a goal to narrow the number and scope. The House amended it to eliminate the requirement that schools administer a diagnostic test to students in grade 10 and to allow certain students in special education programs to be exempted from certain assessments. *Vetoed by the governor on 6/20/15.*

On November Ballot as Proposed Constitutional Amendment

SJR 1 (Nelson) OPPOSE proposes a constitutional amendment to increase the mandatory exemption from ad valorem taxation for public school purposes from \$15,000 to \$25,000. The exemption granted for the disabled and those over 65 must be an additional \$10,000. *Filed with the Secretary of State on 6/1/15.*

Bills That Got Close But Failed

HB 66 (M. Gonzalez) SUPPORT Would have required the commissioner of education not to lower a school's rating based on performance of limited English proficiency students on state assessments who have been enrolled in a US school less than two years. *Passed House. Referred to Senate Education on 5/20/2015.*

HB 1536 (Dutton) OPPOSE Would have established an Opportunity School District for operation of schools after two years of unacceptable ratings. An amendment would limit the bill to apply only to districts with at least 24 elementary campuses. *House Committee report sent to Calendars on 5/12/2015.*

HB 1759 (Aycock) SUPPORT Would have restructured the public school finance system now rather than waiting for a decision from the Supreme Court. Many lawmakers preferred to wait for the court to rule. *House read for the second time on 5/14/2015. Withdrawn by author on 5/14/2015.*

HB 1798 (Deshotel) OPPOSE Would have replaced "home rule charter" with "local control school district" in statute. An independent school district could change to local control district after approval of a plan by voters in the district. Companion bill SB 1012 is pending in Senate Education committee. *House failed to pass to engrossment on 5/13/2015.*

HB 1891 (Rodriguez) SUPPORT Would have allowed any public elementary, middle, junior high, or high school to become a Texas Community School that would partner with one or more community-based organizations to coordinate academic, social and health services. This would reduce barriers to learning and improve the quality of education. *House passed on 5/15/2015. Referred to Senate Education on 5/21/2015.*

HB 1892 (Rodriguez) SUPPORT Would have allowed the establishment of Community Schools grant program. Community schools would partner with community-based organizations to coordinate academic, social and health services. *House failed to pass to engrossment on 5/14/2015.*

HB 1935 (Ken King) WATCH Would have amended the statute regarding additional state aid for tax reduction payments to school districts by allowing appropriations in the budget bill to determine if/when the program ends. *House placed on General State Calendar on 5/13/2015.*

HB 2609 (Farney) SUPPORT Would have provided mathematics achievement academies for K-3 teachers. *House laid on the table subject to call on 5/14/2015.*

HB 3347 (Aycock) SUPPORT Would have outlined procedures for revocation of a charter (identical to SB

1898). *House committee report sent to Calendars on 5/8/2015.*

HB 3746 (Bohac) SUPPORT Would have created a Center for Performance Information for Public Education as an independent policy center to study and make recommendations on the elements of an effective and efficient public education system. *House committee report sent to Calendars on 5/12/2015.*

SB 4 (L. Taylor) OPPOSE Would have established an Education Tuition Grant Program to give low-income students vouchers worth 75% of the amount given to his/her school district. Also gives tuition tax credits to businesses that make contributions to education assistance organizations. *Passed Senate. Referred to House Ways and Means on 5/5/2015.*

SB 14 (Taylor) OPPOSE This **parent-trigger bill** was passed by the Senate on April 15. It would have allowed parents to request action to change a schools management after three years of low-performance. Amendments prohibit a charter operator from funding a parent petition campaign, and to require a charter manager have a demonstrated record of success. *Passed Senate. Left pending in House Public Education on 5/19/2015.*

SB 161 (Rodriguez) SUPPORT Would have raised the bilingual allotment to schools from 0.1 to 2.5. *Passed Senate. Referred to House Public Education on 5/14/2015.*

SB 471 (Rodriguez) WATCH Would have allowed the TEA to conduct "monitoring reviews" (desk audits) rather than on-site visits for certain investigations. *Passed Senate. House committee report sent to calendars on 5/23/2015.*

SB 669 (West) OPPOSE Would have established a state-run Opportunity School District for operation of schools after two years of unacceptable ratings. No requirement for certified teachers. The school could be turned over to a charter, a private entity that is not a charter or an independent school district. (Similar to HB 1536). *Passed Senate. Referred to House Public Education on 5/11/2015.*

SB 893 (Seliger) SUPPORT Would have provided for an annual teacher evaluation, minimum pay of \$2754, and better professional development. *Passed Senate. Referred to Public Education on 4/30/2015.*

SB 945 (L. Taylor) SUPPORT Would have provided districts that were compressed to less than \$1 on 2005-06, and so receive less than the basic allotment, a path to receive the full basic allotment. *Passed Senate. House committee report sent to calendars on 5/23/2015.*

SB 1012 (Hancock) OPPOSE Would have allowed the conversion to a local control campus or district by voter petition and vote, as an alternative to home-rule. No charter commission would be required. Argument against:

no locally elected school board. Argument for: opportunity for innovation and flexibility. Companion HB 1798 was voted down in the House on 5/13/2015. *Left pending in Senate Education committee on 5/12/2015.*

SB 1200 (L. Taylor) SUPPORT Would have established the Texas Commission on Next Generation Assessments and Accountability to study, develop and make recommendations for new systems of student assessment and public school accountability. Report due to the governor and legislature by Sept. 1, 2016. *Passed Senate. House placed on General State Calendar on 5/26/2015.*

SB 1241 (Taylor) SUPPORT Would have allowed school districts to form innovation zones. *Passed Senate. House committee report sent to calendars on 5/23/2015.*

SB 1483 (Garcia) SUPPORT Would have allowed establishment of Community Schools that partner with organizations to offer a variety of programs. Identical to HB 1891. *Not again placed on Intent Calendar on 5/20/2015.*

SB 1771 (Taylor) SUPPORT Would have amended the education code relating to the Texas High Performance

Schools Consortium. It would allow 30 participating schools rather than 20, and would allow participation of an open-enrollment charter with exemplary designation. *Passed Senate. House returned to Local and Consent Calendars committee on 5/27/2015.*

SB 1896 (Taylor) SUPPORT Would have required the TEA to develop online tutorials for comprehensive review of end-of-course assessment instruments. *Passed Senate. Left pending in House Public Education on 5/19/2015.*

SB 1897 (Taylor) OPPOSE Would have expanded the charter school system by granting additional charters to current charter holders, and would allow the reconstituting of a charter's governing body when the charter expires or is revoked. *Passed Senate. Referred to House Public Education on 5/14/15.*

SB 1900 (Campbell) OPPOSE Would have allowed charter schools to receive additional funding based on average daily attendance. We oppose because many public schools are inadequately funded. *Not again placed on Senate Intent Calendar on 5/20/2015.*

ELECTION LAWS/TEXAS VOTING RIGHTS Cinde Weatherby (Austin) cindeweatherby@gmail.com



New Laws - Bills Covered in Previous Newsletters

Only two voting-related bills previously reported in the LNLs made it through the legislative process to become law.

HB 1927 (Bonnen) SUPPORT, becomes law September 1, 2015. It began in the House with the intention of requiring vote by mail (VBM) for all elections (special districts, ISDs, etc.), not just those managed by county governments. Following passage in the House, when sent to the Senate State Affairs Committee, Committee Chair Huffman provided a substitute bill that maintains HB 1927 VBM original language, but also incorporated language from four House bills—three we supported, and one we did not.

The bill incorporated language from several bills we followed including: **HB 1308 (Schofield) OPPOSE**, allows VBM ballots to be delivered to the elections administrator on election day so long as a valid ID is presented; **HB 2384 (Reynolds) SUPPORT** allows a VBM application to be submitted any time in the preceding year prior to an election; **HB 2724 (Blanco) SUPPORT** allows VBM applications to be emailed (faxing was already an option provided in law); **HB 1659 (Miller, Rick) SUPPORT** and **HB 3056 (Reynolds) SUPPORT** require VBM for run-off elections; **SB 384 (Uresti) SUPPORT** allows electronic application for VBM.

SB 983 (Bettencourt) SUPPORT became law May 27, 2015. The law allows anyone obtaining a Texas birth record for purposes of applying for a DPS photo identification card to do so without charge. It may be noted that when the Senate passed SB 983, it was referred to the House Public Health Committee for consideration, not the Elections Committee.

There was one “near-miss” that the House approved, the Senate State Affairs Committee approved, but died on the Senate Intent Calendar on the last day for Senate consideration of House bills. That bill is **HB 1096 (Murphy) OPPOSE** Identical to **SB 984 (Bettencourt) OPPOSE**. It would have required that a voter’s address on his voter registration card and on their form of voter photo ID be identical.

Final Status of Bills Covered in Previous Newsletters

Voter Registration

Online or Electronic Voter Registration

HB 76 (ISRAEL) SUPPORT Would have established online/electronic voter registration (OVR). Rep. Israel worked this bill extensively across the aisle, winning the bipartisan support of 75 House co-authors. Apparently for appearances only – very late in the Session–there was one hearing in the House Elections Committee for **HB 76 and HB 953 (Alvarado) SUPPORT**, a very similar bill, where both died. Rep. Israel quickly announced her commitment to pursuing the legislation in the 85th Session.

Three other similar bills were introduced: **HB 312 (Harless) SUPPORT**, **HB 444 (Johnson) SUPPORT**, and **HB 446 (Johnson) SUPPORT** – Each would have established OVR; was referred to House Elections Committee; and died without a hearing. The same applies to **SB 385 (Uresti) SUPPORT** that died without a hearing in the Senate State Affairs Committee.

Other Bills

There were several other bills on voter registration, and each died in either the House Elections Committee or Senate State Affairs Committee without a hearing. **HB 3267 (Herrero) WATCH** called for automatic voter registration upon issuance or a change in a driver license or Department of Public Safety ID card. **SB 405 (Rodriguez) SUPPORT** would have allowed voter registration at the polling place during early voting. **SB 990 (Ellis) WATCH** was an omnibus bill that included a wide range of actions related to voting rights, including allowing same-day registration at voting locations.

Voter ID

As mentioned above, no changes occurred in the State's voter ID laws. Early on, we learned the Elections Committee was not to consider any

"controversial" bills -- *especially* Voter ID. That is ironic, given that broadening the types of acceptable IDs was discussed by the Fifth Circuit Court of Appeals this spring as a way to deal with the court case against

the Texas Voter ID. One ID bill each was allowed a courtesy public hearing in Senate State Affairs (**SB 982 by Sen. Bettencourt** allowing use of expired driver licenses for those 70 years old or older) and one in House Elections (**HB 535 by Rep. Nevárez**, allowing use of Tribal IDs). We supported both of those bills and they died in committee, as well as all of the rest introduced to expand the means of identification. The only Voter ID bill (**HB 1096** described above) that would have further tightened Voter ID came very close to passage but died at a late hour.

The eight bills were introduced to add acceptable ID cards and died in committee without discussion:

HB 295 (Canales), HB 447 (Johnson) and SB 170 (Uresti) – adding student photo IDs from public and private higher education institutions

SB 230 (Watson) – adding student IDs and Texas government-issued photo IDs

HB 534 (Nevárez) – adding Texas and federal government-issued photo IDs

HB 536 (Nevárez) – adding expired Texas driver licenses for those 65 years of age or older

HB 733 (Israel) – adding higher education student photo IDs and federal Veteran's Administration health IDs

HB 1117 (Martinez, "Mando") – allowing any form of photo ID

Vote By Mail (VBM)

The one VBM bill that passed (**HB 1927**) is covered above. As mentioned, we supported that bill and all but one of the other bills that were incorporated into the final-passed HB 1927. Other bills that did not pass on the subject included:

HB 1198 (Israel) SUPPORT – dealing with VBM requests for all elections conducted by the county

HB 1448 (Sheets) OPPOSE – requiring a voter's thumbprint with the mailed ballot

HB 1540 (Thompson, Senfronia) SUPPORT – calling for VBM renewal forms to be sent with ballots, and completed renewal forms to be returned with completed ballots.

HB 913 (Israel) SUPPORT – improving return envelope design to attempt better signature compliance (and less ballot invalidation)

HB 954 (Alvarado) SUPPORT and **SB 384 (Uresti) SUPPORT** – assuming electronic voter registration, allowing VBM requests to be made electronically as well

HB 2098 (Miller, Rick) WATCH – allowing an expired driver license for those 65 or older to be used for requesting VBM

SB 86 (Ellis) SUPPORT – allowing VBM for individuals who will be out of their county of residence on election day, or those over 65 who are physically incapacitated or restrained from getting to the polls for a variety of reasons.

Early on we learned the Elections Committee was not to consider any "controversial" bills –*especially* Voter ID.

Young Voting Rights

As with most of the other bills related to voting rights and elections, none of the bills that would have affected young voters made it into law either. **HB 428 (Howard) SUPPORT** and **HJR 50 (Howard) SUPPORT** called for individuals who would be 18 by the fall election day to be able to vote in the spring primary election. They were heard in House Election, where they died. A nearly identical proposal, **HB 783 (Miller, Rick)** and **HJR 70 (Miller, Rick) SUPPORT** were not discussed in public hearing and died. Heard by the Elections Committee, but left to die, was **HB 587 (Hernandez) SUPPORT** calling for an optional voter education program for high school seniors.

Other Voting Procedure Bills Becoming Laws Not Previously Mentioned in Newsletter

A few bills that are or will soon be law were not top priority but worth mentioning for LWV members who are volunteer deputy registrars, interested in Election Day activities, or miscellaneous related matters. Some are probably good news, others not too consequential but "good to know," several with the potential of being detrimental to the process.

HB 621 (Lozano) effective 9/1/15 – Calls for dismissal of VDRs for intentionally destroying or physically altering a registration application, or for “other activities conflicting with responsibilities.”

HB 2027 (Bonnen, Greg) eff. 9/1/15 – Requires on uniform election dates in May and November that regular county precincts be used and regular county polling places be used, with some May election exceptions.

HB 2050 (Rodriguez, Eddie) eff. 9/1/15 – Requires reporting on how each voter casts a ballot: VBM, early voting, or Election Day. Bill was desired primarily by political parties for their use.

HB 2354 (Farney) eff. 9/1/15 – Moves the May election to the first Saturday in May rather than the second Saturday. [Important to know when planning your election calendar!]

HB 2721 (Blanco) eff. 6/19/15 – Requires internet posting of elections ordered by Counties on both the County website and the Secretary of State website.

HB 2778 (Elkins) eff. 9/1/15 – Allows ballots be sent by email to all voters in any election who are eligible under the federal postcard application rules (military and others overseas).

SB 142 (Garcia) eff. 6/20/15 – Allows VDR training to be done online. Calls for Secretary of State to develop curriculum.

SB 383 (Uresti) eff. 9/1/15 – Allows for processing of VBM ballots in counties of more than 100,000 to begin 9 days before end of early voting rather than before Election Day.

SB 733 (Fraser) eff. 6/19/15 – Makes it easier for entities with May elections to move election date to November, and adds Municipal Utility Districts to the list of those who may do so.

SB 795 (Perry) eff. 9/1/15 – Calls for Texas participation in the Interstate Voter Registration Crosscheck Program that is administered (for free) by the Kansas Secretary of State. Twenty-nine states already in the program at time of passage. ★**Suggest we monitor this carefully for any indication the reported duplicates are erroneous.**

SB 1115 (Campbell) eff. 6/15/15 – Allows additional counties to participate in pilot program for allowing military voters on active duty overseas to cast ballots electronically. (Bexar County was lone participant previously.) Extended pilot expiration date from 2015 to 2017.

WOMEN'S HEALTH/REPRODUCTIVE CHOICE Julie Lowenberg (Dallas) jmlowenberg@sbcglobal.net



You might have thought that, following the 2013 legislative session, those who oppose women's access to safe, legal abortions and to comprehensive, affordable, and accessible reproductive health care would have “rested on their laurels” this year. But alas, these

people are very creative at coming up with new restrictive and draconian proposals affecting women's health. Given the large number of such bills that were filed and the makeup of the legislature, we can be grateful that most died. But several passed as detailed below.

Thanks to those legislators and organizations— and to you, our members— who stood up and spoke out for reproductive choice and health. These collective efforts made a positive difference in assuring the death of some bad bills and ameliorating others that passed.

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Access to Safe, Legal Abortions

Worst bill that passed:

HB 3994 (Morrison) OPPOSE Imposes significant and unreasonable restrictions on the “judicial bypass” option for young women seeking safe, legal abortions. Pro-choice proponents did manage to kill a provision in the bill that would have required all doctors to presume that any pregnant woman seeking an abortion is a minor unless she presents a “valid government record of identification” to prove she is 18 or older. Pro-choice proponents also killed the presumption of denial of bypass when a judge fails to rule on a bypass petition within the required

time.

The harmful provisions of the bill as passed include:

- ◆ requirement that bypass petition be filed in the teen's home county (unless the county has a population under 10,000);
- ◆ elimination of physical, sexual or emotional abuse as grounds for a bypass;
- ◆ extension of the time (from 2 to 5 business days) in which judges must rule on bypass petitions;
- ◆ requirement that the minor's attorney and guardian ad litem be the same person.

This “omnibus” judicial bypass measure will have an

This “omnibus” judicial bypass measure will have an especially adverse impact on vulnerable minors who have been neglected, abused or abandoned. Stay tuned for a probable lawsuit alleging its unconstitutionality.

**Other bad bill that passed:
HB 416 (Riddle) OPPOSE -**
see LNL # 1 and # 5 –

Requires abortion facility personnel to take education and training on human trafficking. The author initially stated she would accept an amendment that would expand the bill to include other medical settings, such as emergency rooms, where health care staff is also likely to encounter trafficking victims. But the bill as passed does not contain such an amendment. The measure as passed is thus a TARP (targeted regulation of abortion providers) that should apply to all frontline medical personnel. Note that Planned Parenthood clinics in Texas have for many years been proactive in training staff to recognize and appropriately deal with trafficking victims.

Biggest victory for pro-choice advocates:

- Death of **SB 575 (Larry Taylor)** OPPOSE that would have prohibited health benefit exchanges that might be established under the Affordable Care Act from providing abortion coverage except when a life-threatening physical condition exists.

SB 575 passed the Senate following an unsuccessful attempt during floor debate to exclude cases of rape and incest from the abortion ban. Sent to the House, it was voted favorably out of the State Affairs Committee, placed on the major state calendar and scheduled for a vote on May 26, the last day for the House to consider Senate bills. But, in a long queue of other bills and amidst much behind-the-scenes maneuvering on this and other controversial measures, it never reached the floor and died at the midnight deadline. **YEA!!**

Other Bad Proposals LWV Opposed

Other proposals that died well-deserved deaths, some filed as bills and others tacked on as amendments to bills that were moving:

- **HB 113 (Fletcher)** prohibiting abortion based on sex of the “unborn child”; **YEA!!**
- **HB 723 (King, Phil) , HB 1942 (Simmons) , HB 2531 (Krause) , HB 3765 (Laubenberg) and SB 1564 (Burton)** imposing additional obstacles for minors seeking judicial bypass in lieu of parental consent to abortion, including (HB 723) requiring disclosure of identity of judges who grant bypasses; **YEA!!**

- **HB 648 (White, Molly) and SB 831 (Kolkhorst)** creating the offense of “coerced abortions”;
- **HB 832 (Schaefer)** imposing additional reporting requirements on physicians performing abortions at abortion facilities; **YEA!!**
- **HB 1435 (Smithee) YEA!! , HB 3130 (Farney) YEA!! and SB 1872 (Campbell) YEA!!** – all substantially similar to SB 575 discussed above – prohibiting health benefit exchanges from providing abortion coverage;
- **HB 1901 (Krause)** requiring appointment of attorney ad litem to represent the “unborn child” where a pregnant patient is brain dead - in matters regarding the health care decisions made for the pregnant patient.
- **HB 3446 (Laubenberg)** requiring abortion clinics to post signs advising patients about forced abortions, fathers’ obligations of child support, and adoption options and services **YEA!!**
- **HJR 126 (Simpson)** proposing a constitutional amendment guaranteeing the right to life of unborn children and prohibiting abortion to the extent authorized under federal constitutional law as interpreted by the US Supreme Court;
- **SB 1869 (Lucio)** requiring women to complete a “resource awareness” session of 1- 3 hours before obtaining an abortion. **YEA!!**
- **SB 1870 (Lucio)** requiring state agencies, in making strategic plans, to be “guided by the principle that life begins at conception, which is the moment of fertilization”;
- **Amendment to HB 2510 (Price)** – a bill intended to streamline services at the Department of State Health Services –would have banned abortions of fetuses with genetic abnormalities after 20 weeks. After this and other anti-choice amendments passed, the author pulled down his bill and sent it back to committee where it died. **YEA!!**

Good Bills That Died—LWV Supported

Unfortunately, a number of good bills also died, including:

- **HB 707 (Farrar) SUPPORT and SB 1422 (Garcia) SUPPORT** directing the State Department of Health Services to publish and distribute information concerning emergency contraception for sexual assault survivors
- **HB 708 (Farrar) SUPPORT and SB 1395 (Whitmire) SUPPORT** removing from the informed consent to abortion materials the misinformation that having an abortion may increase the risk of breast cancer
- **HB 709 (Farrar) SUPPORT** eliminating the 24-hour waiting period after sonogram before abortion can be performed

- **HB 1210 (Howard) SUPPORT** exempting health care professionals from penalties for providing patients with information that conflicts with statements in the informed consent law regulating abortion if, in the provider's good faith judgment, compliance with those provisions of the law would be inconsistent with accepted, evidence-based medical practices and ethical standards
- **HB 3183 (Naishtat) SUPPORT** removing the requirement that pregnant patients be kept on life-sustaining support, even when brain dead and despite advance directives to the contrary;
- **HB 3966 (Farrar) SUPPORT** establishing reporting requirements for "limited service pregnancy centers" (such as crisis pregnancy centers) that provide pregnancy counseling or information but do not perform abortions or make referrals to abortion providers and are not licensed to provide medical or health care services – and also prohibiting these centers from making false or misleading statements, including medically inaccurate information;
- **SB 730 (Rodriguez) SUPPORT** – repealing the unnecessary and costly requirement, enacted in 2013 and now being challenged in the federal courts, that abortion facilities meet the standards of ambulatory surgical centers.

Another bill that died:

- **SB 114 (Taylor, Van) CHANGED FROM WATCH TO NEUTRAL** Pertained initially only to the licensing and registration of abortion facilities, prohibiting a bad actor whose licensure had been denied from being granted another type of health and human services license. At the Senate HHS Committee hearing, women's health advocates submitted testimony against the bill for its singling out of abortion providers.

Sen. Taylor agreed to accept an amendment expanding the requirement to apply to all entities licensed by the Health and Human Services Commission, i.e., birthing centers, emergency care facilities and drug treatment facilities. The bill passed the Senate but died in the House.

Women's Healthcare Safety Net

Budget – the good news:

- The General Appropriations bill for 2016-2017 includes \$50 million in new funding for women's preventive health care, including contraception. As expressed by the Texas Women's Healthcare Coalition of which LWV-TX is a member: "Combined with the funding restoration in the 2013 legislative session, this funding

The Texas Women's Healthcare Coalition has called for thoughtful implementation that will "increase the number of women served and help provide access for the more than 1.3 million Texas women in need of contraception and other preventive services.

has the potential to reverse much of the devastating effect of the 2011 budget cuts and subsequent upheavals to women's health programs." The Coalition has called for thoughtful implementation that will "increase the number of women served and help provide access for the more than 1.3 million Texas women in need of contraception and other preventive services." As further noted by the Coalition: "...in order for the full potential of these programs to be realized, more providers must be recruited to participate and any consolidation must be done with meaningful provider input." **YEA!!** The budget rider that requires increasing access to Long Acting Reversible Contraceptives (LARCs – such as implants and IUDs), if properly implemented with education and training, has the potential to dramatically lower rates of unplanned pregnancy and abortion.

- We can rejoice that the amendment that would have moved \$3 million from HIV/STD prevention programs to abstinence education programs was not part of the budget as passed. **YEA!!**

Budget – the bad news:

- Unfortunately the budget as passed effectively removes Planned Parenthood's participation in the Breast and Cervical Cancer Screening (BCCS) program by stipulating that providers of these screenings must be eligible for the Texas Women's Health Program. (Planned Parenthood was excluded from that Program in 2011.) Planned Parenthood has been serving about 10% of BCCS program clients.
- The budget also stipulates that family planning funds cannot be used for sexuality education or family planning instruction if the instruction is provided by affiliates of abortion providers (read Planned Parenthood again).

Good bill that passed:

- **HB 786 (Walle) SUPPORT** – Requires public employers (such as state agencies, local governments and public schools) to provide accommodations for mothers who need to pump breast milk while at work. According to the Texas Breastfeeding Coalition, 40% of mothers who return to work choose not to breastfeed because they anticipate lack of accommodations at work. This new law is definitely a step in the right direction. **YEA!!**

More good news:

- **Rep. Donna Howard's amendment to SB 200 SUPPORT** – requires appointment of an advisory committee to provide recommendations to the Health and Human Services Commission on the consolidation of women's health programs. **YEA!!**

Good bills that did not pass:

- **HB 90 (Gonzalez, Mary) SUPPORT** extending eligibility for benefits under the Texas Women's Health Program, including access to preventive health and family planning services, to females 15 years of age and older;
- **HB 466 (Howard) SUPPORT and SB 468 (Rodriguez) SUPPORT** providing coverage for contraceptive drugs or devices for children enrolled in the child health program with written consent from child's parent.

Bad bill that did not pass:

- **HB 628 (Spitzer) OPPOSE** – Would have given pharmacists the right to "conscientiously object" to filling a prescription. **YEA!!**

Comprehensive, Medically Accurate Sexuality Education

Although both good and bad bills relating to sexuality education were filed, none passed. **However, as noted above, the budget that passed unfortunately contains a stipulation that family planning funds cannot be used for sexuality education or family planning instruction if the instruction is provided by affiliates of abortion providers**, i.e., Planned Parenthood.

Good bills that died include:

- **HB 78 (Gonzalez, Mary) SUPPORT** – requiring Texas schools to teach sexual health with a medically accurate and balanced approach – teaching abstinence along with scientifically accurate facts about contraception and responsible decision-making. Similar bills that also failed:

HB 1351 (Turner, Chris) SUPPORT and SB 88 (Ellis) SUPPORT.

- **SB 467 (Howard) SUPPORT** – requiring public schools to educate adolescents regarding sexually transmitted diseases. This bill received a hearing in the Health and Human Services Committee (at which LWV testified) and was voted out favorably but got stuck in Calendars Committee.
- **SB 297 (Watson) SUPPORT** – requiring that public school course materials and instruction related to human sexuality be evidence-based.
- **SB 300 (Watson) SUPPORT** – requiring school districts to give parents notification concerning the content of sexuality education courses in their districts, including whether the instruction is abstinence-only or comprehensive instruction.

Bad bills and amendments that died include:

- **HB 205 (Leach) OPPOSE and SB 477 (Kolkhurst) OPPOSE** – preventing entities and/or individuals that perform abortions or are affiliated with such entities and individuals from providing instruction or instructional materials for use in human sexuality or family planning instruction in public schools. The bills failed BUT see above re budget provision that passed regarding funding for this type of instruction. **YEA!!**
- **HB 1218 (Capriglione) OPPOSE** - requiring that any public school offering sex education teach that life begins at conception. **YEA!!**
- **Amendment (Krause) OPPOSE to HB 1891 (Rodriguez) SUPPORT-** prohibiting abortion providers and affiliates from participating in the communities in schools program. **YEA!!**

WATER Mary Vogelson (Dallas) mmev@swbell.net



The end is near! Well, at least for this 84th session of the Lege. While water is one of our priorities for the State LWV, it turns out—not so much for this session. There were a few promising stabs at refining and expanding

Groundwater Conservation Districts in those parts of the state where GCDs are scarce (known as the “white” areas on the maps?!?), no major ground was broken anywhere on tackling the really difficult problems of solving what might become the “Californication” of Texas and its water.

While we went from extreme drought to extreme flooding—seemingly everywhere in the state—we still have

No major ground was broken... on tackling the really difficult problems of solving what might become the “Californication” of Texas and its water.

no *official* recognition of “climate change” by the Texas Water Development Board for any of its long-range planning programs since the Lege refuses to tell them this is a planning requirement.

Maybe I should end on this note for your enjoyment in understanding of future “climate change” events. Our state climatologist has helped us with the following definitions:

EL Nino = Excess Liquid, and the cycle that allows flooding systems to prevail.

LA Nina = Less Agua, and the cycle that brings droughts.

Weather happens! Global warming is ongoing and the above-mentioned cycles will continue to be even more extreme as the warmer planet releases more vapor into the atmosphere, disasters waiting to fall (literally)!

We are in surface water “excess” right now, but the aquifers in many parts of the state will take a lot longer to recover from our recent “over” pumping. When (*not if*) the drought and heat return, the evaporation rates will increase and much of that surface water will disappear through evaporation—pumping that increased vapor to fall who-knows-where?

I initially followed some 78 bills submitted and dealing with water issues solely dealing with state-wide issues/impacts. There were others that I looked at curiously just to see what happened that MIGHT have broader impacts like:

HB3405 (Isaac) The bill had an untypical journey through the system. I mentioned in an earlier write-up that the fight over drilling for water by Electro Purification in one of the “white” areas of Hays County to provide 5M gallons/day for new developments in the Buda, Kyle and Wimberley from the Trinity Aquifer. Isaac put in his bill to make the “white” area part of other nearby GCDs, which would allow some public input into the process. At first the bill seemed to be dead, then to the surprise of Isaac, Lt. Gov. Patrick toured the flood ravaged areas of Wimberley. Patrick asked what he could do, and was told this bill was the answer! He ended up giving the bill “new” life, it passed both houses and is now law! Hays County Commissioner Will Conley took credit for getting Patrick’s attention and turning the bill around. Isaac is just smiling!!

Bills That Passed and Are Now Law We Supported, Opposed And/Or Watched

HB 1665 (Bonnen Dennis) and SB 483 (Kolkhorst)

Requires notice of water level fluctuations to purchasers of real property adjoining an impoundment of water.
YEA!

HB 655 (Larson) Encourages storage and recovery of water in aquifers, authorizes fees and surcharges, adds provisions subject to a criminal penalty. **This is the Aqua Storage and Recovery (ACR) program's first step.** **YEA!!**

HB 1221 (Lucio III) and SB 1412 (Estes) Requires a seller's disclosures in connection with residential real property subject to groundwater regulation. **YEA!!**

HB 163 (Larson) Sets up the Southwestern Water Commission to replace the Multi-State Water Resources Planning Commission providing interstate cooperation to address regional water issues.

SB 551 (Seliger) Adds to the duties of the Water Conservation Advisory Council to submit a report and recommendations regarding water conservation in this state. **YEA!!**

SB 854 (Zaffirini) May require the renewal or amendment of certain permits issued by groundwater conservation districts without a hearing. Better than HB 1248 (Lucio III’s companion bill), which failed and which we were against.

HB 30 (Larson) Encourages the development of seawater and brackish groundwater for use where potable water would not be impacted and where such water could be used to augment non-potable water uses. **YEA!!**

HB 930 (Miller Doug) Relating to water well drillers and pump installers to oversee any conversion of oil/gas wells to water wells; authorizing fees when converting to a public water supply. **YEA!!**

HB 280 (Simmons) Information is required to be posted by the Texas Water Development Board on the board's Internet website regarding the use of the state water implementation fund for Texas. **YEA!!**

HB 949 (Lucio III) Related to the TWDB's obligation of certain retail public utilities to mitigate their system water loss. **YEA!!**

HB 1232 (Lucio III) Requires a study by the Texas Water Development Board regarding the mapping of groundwater in confined and unconfined aquifers. **YEA!!**

HB 1016 (King, Tracy O) While limited to Reg. L Water Planning Group this is one of those bills that could broaden the scope of the TEDB planning groups to permit the designation of certain river or stream segments as being of unique ecological value. **YEA!!**

HB 1224 (Lucio III) Another we just watched addresses the purposes for which the assets of certain revolving funds administered by the Texas Water Development Board may be used to provide for the cross-collateralization of certain funds.

HB 1146 (Kakal) we watched as of interest since it now allows volunteers as well as paid persons who may operate a public water supply system.

SB 912 (Eltife) and HB 2051 (Crownover) Relating to a volume-based exemption from reporting requirements for certain accidental discharges or spills from wastewater facilities. We opposed this as it lengthened greatly the reporting period as well!

SB 1101 (Eltife) and HB 3942 (Paddie) we supported this bill to require regional water plans to determine the supply of groundwater in instances where there is no GCD. **YEA!!**

HB 1902 (Howard) Expands regulation and use of graywater and alternative onsite water for private residences . **YEA!!**

Bills That Failed

Either Not Passed or Vetoed by the Governor
We Supported, Opposed, and/or Watched

HB 928 (Guillen) SB 1627 and **SB 329** Related to state and local planning for and responses to drought.

SB 413 (Seliger) Attempted to add the requirement for one member of the TWDB to be from a rural area.

SB 521 (Fraser) We watched this attempt to extend the period for which the Texas Commission on Environmental Quality may grant or renew an emergency authorization relating to the use of state water.

HB 950 (Lucio III) Watched with interest to see what the implications of this bill would be if the review of groundwater conservation districts by the state auditor would change management conditions for the TCEQ.

HB 2284 (Walle) and **SB 1526 (Garcia)** Would have allowed for revocation of certain water utilities' certificate of public convenience and necessity for major rules violations.

HB 201 (Leach) and **SB 109 (Taylor, Van)** Would have reduced the review time for the TCEQ to hold hearings on a new water right application.

HB 632 (Simpson) We supported this bill strongly as it would have supported the planning and funding of water projects, planned for construction in a region other than the region proposing the project, to have 2/3 voting approval of the affected region.

SB 78 (Ellis) Would have required an addition to the Water Code that water planning be based "on an assessment of the best available science! See note above- It is a real shame that this bill died in committee.

SB 517 (Uresti) Required a GCD to be given notice of an application for a permit to drill an injection well in the territory of the GCD.

SB 611 (Perry) and HB 898 (Ashby)

UNBELIEVABLE bill that we opposed that would have allowed water well drillers to maintain confidentiality as to amounts of water pumped locations of wells etc. **YEA!!**

HB 3298 (Larson) and **SB 1907 (Perry)** Would have asked for a study to be conducted by the Texas Water Development Board regarding the development of a market and conveyance network for water in this state. We opposed this on the grounds that as water remains a "Natural Resource" the state maintains jurisdiction over its resource. If water were to become a "Commodity" and be marketed like oil and gas, it would become subject to all international treaties. **YEA!!**

HB3324 (Larson) We supported the objective of having requirements for obtaining an interbasin water transfer permit be mailed to all water right owners within the IBT basin and require the TCEQ consider promoting the efficiency and productivity of the IBT water use.

HB1153 (Turner, Scott) Offered a REPEAL of junior water rights when an IBT occurred. We opposed.

If water were to become a "commodity" and be marketed like oil and gas, it would become subject to all international treaties.

Status of other issues the League lobbied on this legislative session

Government

ETHICS IN GOVERNMENT- CAMPAIGN FINANCE REFORM and the POLITICAL PROCESS

Dianne Andy (San Antonio) diannandylwv@gmail.com

The League supports fair campaign finance laws and political processes that:

- ♦ Promote equitable competition among candidates
- ♦ Protect citizens' right to know
- ♦ Combat corruption and undue influence



In his first major address to the 84th Texas Legislature, February 17, 2015, Governor Abbott stated that **one of his five emergency priorities**

would be ethics reform: "Let's dedicate this session to ethics reform..," he said. "I want to work with you so that we can together strengthen the faith and the trust Texans deserve from us. It's a reminder of who we really work for — and that is the citizens of Texas."

The results are decidedly mixed. While contracting reforms were enacted (SB 20), the most comprehensive ethics reform bill affecting legislators, office holders, agency employees, and lobbyists, (SB 19) failed in the last days of the session.

Bills Now Laws

We kept a close WATCH on the following bills:

SB 20 (Nelson) WATCH. This important and rather lengthy bill attempts to prevent another 21CT-type abuse. *NOTE: SB 20 establishes requirements for information to be reported on state agency websites, making it possible for the public to check many aspects of its implementation.*

It requires state agencies to list contracts with outside vendors in a database of the state comptroller's office in a searchable format (as determined by the comptroller). It requires the development of contract reporting standards (but only for contracts exceeding \$1,000,000) and that *Statements of Work* be posted on the agency's website. SB 20 mandates that each agency develop, post, and comply with an *Accountability Risk Analysis Procedure* and *Contract Management Handbook*. It also mandates that the *Vendor Performance Tracking System* be made available to the public on the comptroller's website. It allows the comptroller to recommend consolidating state offices and agencies with purchasing powers, posting the report on the comptroller's website.

SB 20 prohibits former state employees from accepting employment with any business with which the employee's agency negotiated or contracted for two years after leaving state government service. It allows (but does not require) HHS contracts exceeding \$100 million to be audited. Interestingly, it requires certain employees of the *Texas Department of Transportation (TxDOT)* and institutions of higher education (but not the state's retirement systems, including TRS) to disclose certain potential conflicts of interest. It holds the contract manager accountable for verifying the "best value standard" for each contract signed. It requires a minimum number of bids based on the dollar value of the proposed contract (e.g., three bids for \$50,000-\$150,000 and six for \$150,000 - \$1,000,000). Finally, it provides for training and certification of state contracting personnel. *Status: Signed by the Governor - effective September 1, 2015.*

SB19, the most comprehensive ethics reform bill affecting legislators, office holders, agency employees, and lobbyists, failed in the last days of the session.

Bills That Failed

SB 19 (Taylor, Van) WATCH. This was an anticorruption omnibus bill that would have established some meaningful guidelines and criminal offenses for official misconduct.

Your **LWV-TX Capitol Hill Corps** testified before the House State Affairs Committee on SB 19, *applauding* the effort to pass significant ethics reform, including *requirements that:*

- Financial statements be filed electronically and posted online in a searchable format
- Lawmakers report contracts they have with government entities
- Lawmakers be prohibited from becoming paid special-interest lobbyists within two years of leaving office
- Referral fees for lawyer-legislators be banned.

However, we urged that the bill be improved to:

- Require that all consulting contracts, reportable gifts, future employment agreements, and entitlements to public benefits from state or federal programs be disclosed in a timely manner, say within five working days
- Prohibit state agencies from hiring former employees of state vendors to perform similar duties for two years after leaving the vendor
- Prohibit legislators from working for state agencies for two years after leaving the Legislature
- Prohibit government officials from working for any entity that was awarded a contract, permit, or was regulated by

the official's agency for two years after the official leaves the agency

- Require that any legislator who has a personal interest in a measure or bill before the Legislature disclose that fact and be recused
- Prohibit the governor from appointing to public office anyone who has directly or indirectly contributed more than \$20,000 to the campaign
- Strengthen the Ethics Commission to enable it to investigate and enforce provisions in this and all ethics bills adopted by the Legislature.

SB 19, which passed the Senate on April 28, passed the House May 27 with enough changes that conference committee action was required. It would have improved conflict-of-interest standards and toughened disclosure requirements, prohibited former legislators from using campaign funds to lobby or support other members or candidates, required Governors' appointees to file their PFS when appointed and to disclose their campaign contributions to the Governor, restricted undeclared taping of members, and required that large (\$25,000 or more) currently anonymous contributions ("dark money") to advocacy groups be disclosed. *However, Governor Abbott and many legislators objected to the provision requiring the reporting of "dark money."*

Status: Passed the House and Senate – but was left pending in Conference Committee (the dark money restrictions reportedly proved insurmountable in conference, although there may have been other unarticulated barriers).

HB 464 (Springer) WATCH. Candidates nominated by a convention would have been required to pay a filing fee or submit a filing petition to appear on the ballot for a general election to state or county office. Candidates of smaller parties and independents might have had difficulty getting on the ballot. **Status:** Left pending in Calendars.

SB 1862 (Burton) WATCH. SB 1862 would have restricted political subdivisions (including cities, counties, regional mobility, toll road and transit authorities, and water districts) from using taxpayer dollars to pay for lobbyists to avoid potential conflicts of interest. **Status:** Left pending in Committee.

Outcomes on Bills We Support

HB 23 (Davis, Sarah) SUPPORT. This bill will require enhanced disclosure for local government employees who are provided with perks by contractors and will extend disclosure requirements to close family members. **Status:** Signed by the Governor, effective September 1, 2015. YEA!!

SB 306 (Zaffirini) SUPPORT. This will increase transparency and accountability regarding the judicial disciplinary process. It will add certain statistical information to the

SCJC's [State Commission on Judicial Conduct] annual report, including the number and disposition of complaints.

YEA!! Status: Signed by the Governor, effective September 1, 2015.

HB 3736 (Davis, Sarah) SUPPORT. This bill would have curbed conflicts of interest on state government boards and commissions and required state elected officials to disclose legal referral fees, government contracts and bond counsel work. **Status:** Vetoed (reportedly due to an amendment exempting legislators' spouses from reporting income linked to the office.)

HB 1354 (Howard) SUPPORT. This would have created a balanced "select interim committee to undertake a comprehensive review of personal financial disclosures made to the Texas Ethics Commission and certain other authorities" for the purpose of determining the effectiveness of the current disclosure scheme and what changes should be made to improve effectiveness. **Status:** Left pending in Calendars.

HB 2088 (Rodriguez) SUPPORT. This bill would have established a bi-partisan interim committee to study various methods for selecting district and appellate justices and judges and evaluating the fairness, effectiveness, and desirability of these methods. **Status:** Failed to pass to engrossment.

HB 314 (Fallon) SUPPORT. It would have restricted former legislators from lobbying for two regular legislative sessions following retirement but would have allowed a former legislator to be remunerated for actual expenses when lobbying for certain groups (non-profit, low-income individuals or individuals with disabilities). **Status:** Left pending in Committee.

HB 487 (Howard, et al.) SUPPORT. This bill would have made it a Class A misdemeanor for lobbyists to make political contributions from funds accepted when they were candidates or officeholders, until two years after the end of the terms to which they were elected. **Status:** Left pending in Calendars.

SB 585 (Watson, et al.) SUPPORT. 585 would have required lobbyists to file detailed reports on any benefit or service, such as transportation, lodging, food, drink, entertainment, gift, award or memento, that has a value of \$50 or more to any official (legislative or executive) or immediate family member. **Status:** Passed the Senate; but languished in the House General Investigating and Ethics Committee.

SB 586 (Watson, et al.) SUPPORT. This appears intended to take SB 585 one step further to require that collaborative or aggregated expenditures that exceed \$50 per day be reported. **Status:** Passed the Senate; but left pending in the House General Investigating and Ethics Committee.

SB 1969 (Huffman) SUPPORT. This bill would have standardized the regulation of political contributions, political advertising, lobbying, and the conduct of public servants, as well as how political contributions and expenditures and personal finances are reported electronically. *Status: Left pending in Committee.*

Outcomes on Bills We Opposed

HB 1690 (King, Phil) OPPOSE This bill—now a law—removes the Public Integrity Unit, which currently investigates alleged offenses (such as: bribery, theft of government funds or property, misuse of campaign funds, or official coercion) by those holding state-wide offices, from the Travis County D.A.’s office. Instead, HB 1690 changes the Government Code to require that an officer of the Texas Rangers investigate such complaints. If reasonable suspicion is found, the officer will then refer the complaint to the prosecutor of the alleged offender’s home county, even when that person was elected statewide. This violates long-standing legal practice to hold defendants accountable where the crime is committed. The state comptroller will refund expenses incurred. Furthermore, the bill requires that information collected during investigation be confidential and not subject to disclosure under state public information law. **This bill effectively creates a separate**

legal system for politicians and government officials.

Status: Signed by the Governor, effective September 1, 2015.

SB 10 (Huffman) OPPOSE. Like HB 1690, C.S.S.B. 10 would have amended the Government Code to require the investigation of a formal or informal complaint alleging an offense against a public administration employee or elected official to be conducted by an officer of the Texas Rangers and, if deemed actionable, be referred to the prosecutor in the county of the alleged offender’s claimed residence.

YEA!! Status: Passed the Senate; but left pending in the House.

The following bills mimicked much of the wording and purpose of SB 10 and HB 1690, but, thankfully, were *left pending*: **HB 776 (Riddle) OPPOSE YEA!!**, **HB 940 (Fallon) OPPOSE YEA!!**, **HB 2222 (Murr and Larson) OPPOSE, YEA!!** and **HJR 69 (Riddle) WATCH.**

In summary: Of the twenty ethics bills we followed, four passed into law; two we supported, one we opposed, and one we designated to watch. Of those that failed, we opposed five, supported seven and watched three. One supported bill was vetoed. We’ll hope for better results in 2017.

OPEN GOVERNMENT Linda Pavlik (Fort Worth/Tarrant County) pavlik@pavlikandassociates.com



The League promotes transparency and public participation in government. Open government is one of the tenets of democracy, and it is democracy—and the threats against it—that sustain and motivate the League of Women Voters in so many of our activities.

Many new laws passed in this legislative session protect the public's right to know about all aspects of government.

Bills Supported by the League That Are Now Law

HB 287 (Fallon) Requires governmental bodies over a certain population to make video and audio recordings of public meetings available online; counties over 125,000; home rule cities over 50,000, and ISDs over 10,000. **YEA!!**

HB 1036 (Johnson) Requires law enforcement agencies to report to the attorney general officer-involved injuries or deaths. **YEA!!**

HB 1766 (Hunter) and SB 627 (Huffman) Provides protection under libel law for news reporting on third party allegations that bring to light matters such as contracting malfeasance, youth commission abuse, and mistreatment of special education students. **YEA!!**

HB 2567 (Zedler) Gives the authority to the county auditor to examine the records of special districts. **YEA!!**

SB 27 (Zaffirini) Requires telephone meetings held by university regents to be broadcast on line. **YEA!!**

SB 308 (Whitmire); HB 2060 (Coleman) Makes private campus police records accessible to citizens under the Texas Public Information Act. **YEA!!**

Many bills related to open government that failed to pass were opposed by the League because they were not in keeping with our advocacy for transparency. These include:

SB 5 (Otto) Would have provided for the strategic fiscal reviews of state agencies, evaluating the effectiveness and efficiency of the agency's policies, management, fiscal affairs, and operations for each agency activity. The League opposed the draft legislation because it would have exempted any and all information, including drafts, data, emails and like related to the review process to public disclosure until the review is finalized. **YEA!!**

HB 327 (Dutton) Would have required the state to notify individuals whose criminal history is being checked. **YEA!!**

HB 335 (Stickland) Would have allowed a political subdivision to satisfy a requirement to provide notice by publication in a newspaper by posting the notice on the government entity's own website—creating no checks and balances on the system. **YEA!!**

HB 816 (S. Davis) Would have allowed for a situation in which information about an election would be posted only on the Internet. Thus, in order to find out where an election was being held, one would have to have internet access—creating the potential for voter suppression. **YEA!!**

HB 1118 (Schofield) Would have required that requestors of public information provide proof that his or her primary residence is in Texas. **YEA!!**

HB 2716 (Keffer) Would have excepted certain municipally-owned utility companies from disclosure under the Public Information Act. **YEA!!**

Legislation watched by the League that passed includes:

HB 4046 (Elkins) and SB 1856 Protects the confidentiality of student records that are held confidential by the Family Educational Rights and Privacy Act of 1974 if they are excepted by the state's open records statutes and if those records are maintained by an educational institution funded at least partly by state revenue. However, records can be made available on the request of educational personnel; the student's parent, legal guardian or spouse, or a person is conducting a child abuse investigation.

Proposed legislation, which the League supported, that failed:

HB193 (Dutton) Would have assured access to certain law enforcement, corrections and prosecutorial records under the public information act.

HB195 (Farias) In local election jurisdictions of 500,000 persons or more, would have required posting on the internet reports of political expenditures not later than the close of the second business day of the report deadline.

HB 206 (Marquez) and SB124 (Rodriguez) Would have made it a third degree felony to tamper with certain government records reporting for school districts and open-enrollment charter schools.

HB 284 (Zedler) Would have required that school district check registers and credit card transactions to be posted on line.

HB 526 (Capriglione) Would provide for the transparency that HB2460 passed in last session apparently was seeking but did not provide. This bill would strike out the part that lets retirement system administrators be the sole judges of all requests for information and make public financial information of a public retirement system in the manner as is required by a governmental body.

HB 358 (Capriglione) and SB 178 (Davis) Would have required disclosure on personal financial statements of certain contracts with governmental entities.

HB 546 (Strama) Would have required public hearings when considering the creation and tax abatements for renewable energy reinvestment zones.

HB 685 (Sheets) Would have allowed public officials to respond to requesters of information by referring them to specific information on a government website, provides that there is a URL link directly to that information. It also would have provided other types of responses to those who don't have internet access or who need the records in other formats.

HB 889 (Fallon) Would have required the governing bodies of counties, school districts or municipal home rule municipalities with a population of 50,000 or more to Internet broadcast their public meetings and archive audio/visual as well. Under current law, governmental bodies may but are not required to do so.

HB 1059 (C. Turner) Would have lowered the threshold of dollar and value amounts that must be disclosed by public officials and candidates.

HB 1803 (Goldman) Would have created a high bar for closing court proceedings by requiring a written court motion, hearing and ruling to do so. Any party would have the right to appeal a closure order.

HB 2191 (Anchia) Would have required the Texas Railroad Commission to post on its website comprehensive information about its enforcement actions.

HB 2240 (C. Turner) Would have required the Department of State Health to make public its inspections of facilities.

Proposed legislation that the League watched that failed

HB 898 (Ashby) Would have held water withdrawal reporting from ground water wells to be confidential, if requested by owner.

HB 832 (Schaefer) Would have required a physician who performs an abortion facility to complete and submit a monthly report to the Department of State Health Services on each abortion performed there by him/her. The Department's monthly report of aggregate number of abortion performed would not have disclosed physician names.

HB 1035 (Johnson) and SB 521 (Estes) Would have protected those who film, videotape or photograph police officers performing their official duties.

HB 1735 (Miller, Rick) Would have directed the early voting clerk to provide upon written request a list of voters who were provided a mail ballot--not earlier than the date of the final canvass of the general election or a runoff election.

HB 1942 (Simmons) Would have allowed judicial representative to issue orders allowing minors to consent to abortions and disclosure.

HB 2518 (Coleman) Would not have required a governmental body to conduct an open meeting when discussing the financials of a business prospect during economic development negotiations.

HB 2620 (Burkett); SB 939 (Kolkorst) Would have provided for the financial disclosure of financial studies and reports associated with a toll project, including financial forecasts and traffic and revenue reports.

SB 177 (Seliger) and HB 458 (Flynn) Would have spelled out the governance structure of higher education in Texas. The bill spoke to integrity, openness, and honesty. One of numerous provisions would have required that a vote of the board, committee, subcommittee, task force or similar entity be made available to the public on the board's website not later than the next business day.

SB 337 (Taylor of Collin) Would have provided up request special right of access to confidential district information by officers of municipalities. An officer would sign a confidentiality agreement. Whether to make information public would ultimately rest with the Attorney General's Office.

Administration of Justice

JUVENILE JUSTICE Mary Overton (Dallas) mover100@aol.com



The League supports funding of Juvenile Justice Support and fund substance abuse treatment, mental health needs, and education for youth at risk and for those incarcerated.

2015 Bills Followed That Are Now Law

The good news is that two bills relating to Juvenile Justice passed and were signed into law this session.

SB 1630 (Whitmire) Related to keeping children adjudicated as delinquent closer to home, funding for probation departments, powers of the independent ombudsman, and indeterminate commitment of children adjudicated as delinquent. Signed 6/15/15. Effective 9/15/15. **YEA!!**

HB431(White, James/Miles) Related to the creation of an advisory committee to examine the retention of juvenile justice records. Passed 5/28/15. Effective immediately. **YEA!!**

Bills That Failed

The worrisome news is that several bills were sent and left in committee including:

SB 285 (West) and HB 2821(Clardy) Related to changes in the Texas truancy laws making it a civil offense instead of a criminal offense.

SB 104 (Hinojosa) and HB 1586(Wu) and HB1205(Dutton) Related to raising the age of criminal responsibility from 17 to 18 years old.

HB 2992 (Sylvester Turner) Related to academic and vocational education and training for Juveniles and accountability of the TEXAs Juvenile Justice Department.

DRUG LAWS AND POLICIES Elaine Talarski (San Antonio) bookdoll99@gmail.com



The LWV-TX supports education and drug treatment programs as an alternative to incarceration. The following prefilled bills contain provisions for reducing penalties related to drug conviction offenses. The bills include education and drug treatment in lieu of incarceration for certain drug-related offenses under community supervision.

Bill Now Law

Relating to possession of cannabis (marijuana) for medical use.

SB 339 (Eltife) Passed the state legislature and was signed by the governor. Effective immediately. Allows for dispensing of low-THC cannabis by a licensed organization. Will benefit children with intractable epilepsies. **YEA!!**

Bills That Failed

HB 892 (Klick/Zerwas/Zedler) Supported by LWV-TX made it to the general calendar, but was not brought up for a floor vote.

The following bills supported by LWV-TX were left pending in committee

HB3785 (Marquez), HB 837 (Naishtat) , SB 1839 Menendez

Relating to reducing civil penalties for possession of small amounts of cannabis.

HB 507 Moody SUPPORT Made it out of committee and was sent to calendars. No further action.

SB 1417 (Ellis) SUPPORT Companion bill to HB 507. No action by the Criminal Justice Committee



The League supports legislation to prevent the exploitation of humans, human trafficking; to prosecute traffickers; to protect victims and survivors of human trafficking.

Bills Now or Soon Becoming Law

SB 536 (Whitmire) SUPPORT Calls for certain prostitution prevention programs to be called "commercially sexually exploited persons" court programs. Signed by the Governor. Effective immediately. This legislation supports major components of our LWV-TX Position on Human Trafficking. **YEA!!**

HB 10 (Thompson) Support Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses; to the prevention, prosecution, and punishment of those offenses, and to compensation paid to victims of those offenses. Signed by the Governor. Effective 9/1/15. **YEA!!**

This is the omnibus legislation that supports major components of our LWV-TX Position on Human Trafficking.

HB 148 (Menendez) SUPPORT Related to the consumption of alcoholic beverages on certain premises. ... shall display a sign containing the following notice in English and in Spanish:

"WARNING: Obtaining forced labor or services is a crime under Texas law. Call the national human trafficking hotline: 1-888-373-7888. You may remain anonymous. hotline: 1-888-373-7888. You may remain anonymous." This bill was referred to committee and stayed there. Hopefully it will be re-introduced next session. **YEA!!**

HB 188 (Thompson) SUPPORT Related to the continuation and duties of the human trafficking prevention task force. Signed by the Governor. Effective immediately. Good news!

YEA!!

HB 416 (Riddle) OPPOSE Related to requiring personnel of abortion facilities and certain other facilities performing abortions to complete training on human trafficking. Signed by the Governor. Effective immediately. I sought advise from NARAL who also OPPOSEd the bill. Their strategy was to stand in SUPPORT of the bill as what the bill was requiring is already in place. So we, the League, kept silent.

HB 418 (Wu) SUPPORT Related to child victims of trafficking

who are placed in secure foster homes. Signed by the Governor. Effective 9/1/15. **YEA!!**

HB 2070 (Thompson) SUPPORT Related to exempting certain foster homes that provide shelter to victims of human trafficking from certain notification and hearing requirements. Signed by the Governor. Effective 9/1/15. **YEA!!**

HB 2290 (Parker) SUPPORT Related to designating January as Human Trafficking Prevention Month. Signed by the Governor. Effective 9/1/15. Mark your calendars! **YEA!!**

HB 2511 (Thompson) SUPPORT Related to the creation of the human trafficking prevention business partnership. **YEA!! Signed by the Governor. Effective immediately.** This legislation clearly stipulates that the corporations or private entities participating in the partnership shall participate in public awareness and education campaigns. To this end the League has developed and implemented TEA-approved online education about human trafficking issues in Texas. The website is <https://lwvedu.expertlearning.net/>.

Bills That Failed

HB 2360 (Thompson) SUPPORT Related to the licensing and regulation of certain residential educational child-care facilities serving victims of human trafficking. Bill passed the House. Did not make it to the Senate.

HB 3500 (Thompson) SUPPORT Related to judicial proceedings on a petition to set aside a conviction or an order of expunction of criminal history record information for certain victims of trafficking of persons convicted of prostitution. Made it out of House Committee and died in the House at midnight May 14. I was truly disappointed as this legislation would have filled a missing link in Texas law to give victims of human trafficking forced into prostitution and convicted prostitution, a felony, a chance at rehabilitative services not allowed to convicted felon such as education and rehabilitative services. The bill did have bipartisan support. It was new legislation and needed fine-tuning thus was introduced late in the session. The hope is that in the next legislative session this bill will be introduced much sooner and have a greater chance of passage.

Thanks to our Capital Corp for watchful eyes on human trafficking issues, mentoring this new issue chair, and testimonies given.

Social Policy/Human Resources

CHILD ABUSE & NEGLECT Joyce Robinson (Austin Area) jrobinson@suddenlink.net



The League supports the development and implementation of adequate legislation, policies, services, and programs to protect children from abuse and neglect.

Bills Now Law

HB 1309 (Turner, Sylvester) SUPPORT WILL BECOME LAW IMMEDIATELY. This bill provides that

certain legislators (state senators and state representatives of the county where the child's placement was at the time of death) be notified if a child in foster care dies. **YEA!!**

Bills Soon Becoming Law

HB 418 (Wu/Allen/Harless/Thompson, Senfronia/Burkett) SUPPORT This would allow victims of child trafficking, whose physical health or safety may be in danger, to be placed in the care of the DFPS. **YEA!!**

HB 781 (Burkett/Naishat) SUPPORT Gives substitute caregivers for children in DFPS additional screening and training. **YEA!!**

HB 1180 (Burkett/Thompson,Senfronia/Price/Springer/Zerwas) SUPPORT This bill establishes a child-care facility database on the DFPS website. **YEA!!**

HB 1217 (Thompson, Senfronia) SUPPORT Requires DFPS to report information for certain foster children who are missing or who are sex trafficking victims. **YEA!!**

SB 125 (West) SUPPORT Requires a comprehensive assessment of all children under DFPS care when they enter foster care. **YEA!!**

SB 949 (Uresti) SUPPORT States that the information must be released if it is found that a child fatality or near fatality was the result of abuse or neglect. **YEA!!**

SB 1406 (Schwertner/Uresti) SUPPORT Related to protection of certain children through operation of the Child Safety Check Alert List, maintained by the Department of Public Safety. **YEA!!**

SB 1496 (Uresti) SUPPORT Requires the Department of Public Safety to do background checks for certain childcare providers. **YEA!!**

CHILD HEALTH CARE Grace Chimene (Austin) gchimenelwv@gmail.com



Child Health Care

Children's Health Insurance Program (CHIP) continues to be an available insurance program for Texas, although with the Affordable Care Act more children qualified for Medicaid. As a pediatric nurse practitioner, I find this good news since

Medicaid is not a "broken system" but a real successful and cost-effective program. Unfortunately, many of these same children's parents continue to be left out of the health care insurance system. One **Cover Texas Now** motto was "Healthy adults make good parents."

Texas lawmakers still don't accept that an insured community is a healthier community.

Bills Soon Becoming Law

HB 1243 (Burton) **HB 2952 (Klick)** LWV TX Registered Support. 5/27/15 Passed as amended. This legislation allows certain unused medication to be donated for redistribution. **YEA!!**

Bills That Failed

HB 3115 (Coleman) **SB 1698 (Huffman)** LWV TX Testified in Support. 4/7/15 Left pending in committee. This legislation would have covered post partum depression under CHIP perinatal programs.

SB 28 (Zaffirini) Registered Support. Would have allowed immunity for liability for public and charter schools use of epinephrine.

SB 847 (Rodriguez) Support. Never heard in committee. Would have meant no waiting period for CHIP.

Medicaid Expansion

No bills allowing Medicaid expansion or studying Medicaid expansion were ever heard in committee this session.

It is just plain difficult to be a hard working person in Texas who is in a low paying job. Texans need to pull themselves up by their bootstraps and earn a higher income to qualify

for insurance subsidies. Texas lawmakers still don't accept that an insured community is a healthier community. Large and small towns in Texas would have more healthcare services, more jobs and more money pouring into their communities if more Texans were covered with insurance.

No way! What are the legislators thinking? They certainly aren't interested in the health of Texans and the health of the Texas budget. Another two years without getting our federal money back into Texas.

This made me so upset.... I'll show them.... I'll walk 283 miles. (What was I thinking?)

My daughter and I joined [The Walk](#) advocating for Rural Hospitals and Medicaid Expansion in the United States. We walked and we walked, all the way from North Carolina to Washington DC, around 283 miles (except on bad blister days).

Please read the [LWVUS Blog](#) about our walk.

For fun photos view our Tumblr at
<http://texaswellandhealthy.tumblr.com/>.

Guns

I also am very disheartened that Texas continues to encourage the ownership and use of guns. The horrible Charleston shootings may bring attention to gun proliferation but in reality I think we will have to change our wonderful Texas's state motto, which is presently "Friendship," to "Hands up or I'll Shoot!"

Certainly children in Texas won't feel free to play kick the can or hide and seek in the neighborhood without risking their lives.

EARLY CHILDHOOD Marlene Lobberecht (Houston Area) marlene@lobberecht.com

As advocates, we started this legislative session with high hopes. We talked to lawmakers who understood the importance of children starting school with the skills they need to keep up with their classmates. We worked with



lawmakers who wanted to help vulnerable children. The Governor's pre-K bill **HB 4** provides a small, but welcome bump in funding for public school pre-K programs that meet new requirements. True, it does not include class size limits or other provisions that many of us recommended, but it takes a first step that future legislatures can build on. Specifically,

HB 4 provides an additional \$130 million via grants for the 2016-2017 biennium for high quality pre-K programs to currently eligible 4 year old students without explicitly funding or requiring full-day programs. **HB 4** does change

Thankfully **HB 2823 (Spitzer)**, which would have prohibited doctors and pediatricians from asking about gun ownership, didn't make it out of committee. Health care providers are concerned about public safety and injury reduction. **YEA!!**

As a pediatric nurse practitioner my testimony generally emphasized the injuries and deaths by guns. Gun injuries and suicides are rising. There are other organizations that I am working with on the gun issue. LWVTX will continue to work on policy next session to improve gun safety and hopefully decrease the proliferation of guns in Texas.

HB 937 (Fletcher) SB 11 (Birdwell) Campus Carry, LWV Opposed, [Testimony Provided](#). **YEA!!**

Bills Now Law in Texas

HB 910 (Phillips) SB 17 (Estes), SB 346 (Estes), LWV Opposed [Testimony provided](#). Signed into law by Governor Abbot [Texas Tribune](#).

Bills That Failed

HB 2405 (Nevarez), LWV Supported [Testimony Provided](#). Allowed a reasonable change for posted gun signs by businesses. Left pending in committee.

HB 308 (Springer) LWV Opposed, [Testimony Provided](#). Guns everywhere bill. 5/8/15 sent to calendars 5/8/15. **YEA!!**

HB 1627 (Coleman) LWV Supported [Testimony Provided](#). 3/18/15 left pending in committee. Use of deadly force in defense of your home. This legislation attempted to remove "fear" as a defense for use of a gun. **YEA!!**

the Education Code requiring the Texas Education Agency (TEA) or school districts to do the following:

- To "attempt" to maintain a ratio of not less than one teacher or one teacher's aide for each 11 students
- Pre-K teachers are certified teachers and have a Child Development Associate or certain other additional early childhood qualifications
- The TEA Commissioner to develop a pre-K teacher training course
- To permit partnerships between school districts and private providers
- High-quality pre-K programs measure the progress of students in meeting recommended learning outcomes
- To opt into the new high-quality programs to create family engagement plans
- High-quality programs use a curriculum that meets the TEA Prekindergarten Guidelines

- To report to TEA class sizes, teaching ratios, the type and results of assessments used, and the curriculum used for all district pre-K programs

The clock unfortunately ran out for **HB 2903**, the **child care training improvement bill**, despite the compromise that advocates negotiated with the Texas Licensed Child Care Association. The public will still have the opportunity to provide input to the Department of Family and Protective Services (DFPS) during its mandated review of minimum licensing standards, will hold regional public meetings between September 8 and November 18, 2015.

DFPS, during its mandated review of minimum licensing standards, will hold regional public meetings between September 8 and November 18, 2015.

Bills Passed and Now Law

HB 4 (Huberty, et al) as amended. Requires a high quality prekindergarten program be provided by public school districts. *Signed by the Governor on May 28th, effective immediately and the budget includes \$130 million for the program. YEA!!*

HB 1180 (Burkett) Requires establishing a child-care facility database on the Department of Family and Protective Services' Internet website. *Signed by Governor May 28 and in effect September 1, 2015. YEA!!*

SB 208 (Campbell, et al) the Texas Workforce Commission Sunset bill. Requires TWC to collect more in-depth data on the effectiveness and outcomes of its child care subsidy program. It also requires the agency to develop a policy for stakeholder input, and to regularly review the Texas Rising Star child care quality standards. *Signed by the Governor June 19 and in effect September 1, 2015. YEA!!*

SB 1496 (Uresti) SUPPORT Requires background checks conducted by the Department of Family and Protective Services for certain listed family home child-care providers. *Signed by the Governor June 17 and in effect Sept. 1, 2016. YEA!!*

Bills Failing

Bill Vetoed

HB 256 (Howard) SUPPORT Related to the use of compensatory education allotment funding to provide assistance with child care to students at risk of dropping out of school. As bills were expiring, *HB 256 became an amendment to SB 496 (Watson) which passed both chambers and was vetoed by the Governor June 20, 2015.*

Bills Expiring in Calendars During the Final Days

HB 537 (Anchia, et al) SUPPORT Would have provided information on the supplementary birth certificate of an adopted child.

HB 2233 (S. Thompson) SUPPORT Related to the establishment of a parent education pilot program by the Department of Family and Protective Services.

HB 2903 (Davis) SUPPORT as amended. Would have changed the initial training requirements for child care teachers from 24 hours to 48 hours within the first 90 days of employment; amended with an exception going to nationally certified center and Texas Rising Star 4-star

providers.

Bills Expiring in Committee

HB 49 (González) SUPPORT Related to a requirement for school districts to report K-12 class size to the TEA.

HB 51 (González) SUPPORT Related to limits on the size of kindergarten classes in public schools.

HB 124 (Martinez Fischer), HB 186 (Thompson, Senfronia) and companion SB 72 (Ellis) SUPPORT Related to the availability of free public school prekindergarten programs when 15 children are identified.

HB 173 (Alvarado) SUPPORT Would have required information be reported in Public Education Information Management System (PEIMS) by a public school district regarding prekindergarten classes.

HB 223 (Guillen) SUPPORT Related to acceptable conduct of students in kindergarten regarding pretend guns.

HB 296 (Wu) SUPPORT Regulates class size of certain prekindergarten programs offered by a school district.

HB 355 (González) SUPPORT Would have created a task force to evaluate kindergarten and special education class size limits in public schools.

HB 391 (Muñoz, Jr.) and HB 424 (Dutton) SUPPORT Would have provided free full-day prekindergarten for certain children.

HB 532 (McClendon) & companion SB 1085 (Garcia) SUPPORT Would have provided the ability of a nonexempt employee to participate in certain academic, extracurricular, and developmental activities of the employee's child.

HB 588 (Hernandez) WATCH Restricts certain state and school district assessments of public school students in prekindergarten and kindergarten.

HB 617 (Deshotel), HB 3887 (Dutton) & companion SB 1123 (West) SUPPORT Would have established the office of early learning within the Texas Education Agency collecting early childhood data from other agencies.

HB 788 (Miller, Rick) SUPPORT Related to the regulation of certain child-care facilities and increasing a fee.

HB 1100 (Johnson, et al) SUPPORT Related to a gold standard full-day prekindergarten program provided by public school districts.

HB 1172 (Alvarado) SUPPORT Would have established a program to recognize before-school and after-school programs that promote healthy eating and physical activity.

HB 1188 (Deshotel) SUPPORT Would have established a joint interim committee to study and make recommendations regarding early childhood education.

HB 1366 (Herrero) SUPPORT Related to Pre-K student eligibility for Foundation School Program benefits.

HB 1521 (Farrar) WATCH Related to state agency authority to establish child-care subsidy programs.

HB 1765 (Lozano) SUPPORT Related to the TEA developing a strategic plan to increase enrollment in state prekindergarten programs.

HB 2415 (Burkett) WATCH Related to open-enrollment charter schools that provide only prekindergarten programs.

HB 2417 (Deshotel) SUPPORT Related to measures to ensure quality criteria in prekindergarten programs offered by school districts with private entity eligible to contract.

HB 2421 (Deshotel) SUPPORT Related to a TX study and report on early childhood education in all agencies.

HB 2843 (Lucio III) SUPPORT Related to requiring certain school districts to offer district-funded or tuition-supported prekindergarten for half and full-day Pre-K.

HB 2886 (Deshotel) & companion SB 1632 (Kolkhorst) SUPPORT Related to providing a training course for public school prekindergarten teachers.

HB 3502 (Deshotel) SUPPORT Related to the selection of entities to perform functions required of the State Center for Early Childhood Development.

HB 3574 (Alonso) SUPPORT Related to a study on early detection and early intervention in cases of children with autism spectrum disorders.

HB 3658 (King, Susan) SUPPORT Related to the development and administration of a parent orientation and education pilot program for recipients of subsidized child-care services.

HB 4107 (Walle) SUPPORT Related to the appropriation of money from the economic stabilization fund to finance universal, high quality, prekindergarten education programs.

SB 23 (Zaffirini & Menéndez) & companion HB 2217 (Coleman) SUPPORT Related to the availability of free prekindergarten programs for qualified 3 and 4 yr. olds in public schools.

SB 54 (Nelson, Campbell, Huffines, Nichols) & companion HB 352 (King, Ken et al) OPPOSE Would have required drug testing of certain persons seeking benefits under the Temporary Assistance for Needy Families (TANF) program. **YEA!!**

SB 73 (Ellis) SUPPORT Limits the size of prekindergarten classes to 18 in public schools.

SB 556 (Garcia) SUPPORT Related to a comprehensive review by the TEA of weights, allotments, and adjustments under the public school finance system including half-day and full-day Pre-K funding.

SB 623 (Hancock) WATCH Related to state funding for certain children to attend certain private prekindergarten programs.

SB 1269 (West) & companion HB 3322 (Alvarado) SUPPORT Related to committee on child care licensing standards reviewing child/staff ratios.

SB 1752 (West) SUPPORT Related to half & full-day prekindergarten programs in public schools with teachers or aides receiving 30 hours of training with private entity contracts allowed.

HEALTH CARE for THOSE OF LESSER MEANS and for OLDER TEXANS Lynda Ender (Dallas)

Lender@theseniorsource.org



LWV-Texas supports provision of basic health care services for those who are unable to pay. Basic services include emergency care, primary care, preventive care, care for catastrophic illness, nutrition, substance abuse treatment, and health education.

Lawmakers failed to adopt a “Texas solution” for the one million Texans who have no insurance coverage due to opposition to Medicaid expansion.

has more uninsured people of any state, and many rural citizens have no access to care, but legislators did not have interest in working on health care in any meaningful way.

The House did try to increase Medicaid reimbursement to Medicare rates, but even though the money was there, the Senate did not agree. At least there were no major cuts to Medicaid.

Lawmakers failed to adopt a “Texas solution”

for the one million Texans who have no insurance coverage due to opposition to Medicaid expansion. Because of the tremendous population growth in Texas, our Medicaid and uninsured rolls are growing

The final budget failed to add new local consumer support staff for Medicaid Managed Care, and lawmakers passed a “scarlet letter” bill that puts a label on insurance ID cards of Texans who purchase insurance through the so-called ACA Marketplace, opening the door to discrimination.

Lawmakers did increase consumer supports for individuals enrolled in Medicaid Managed Care and adopted stronger standards and supports for network adequacy. The Legislature made progress to limit surprise medical billing, yet Texans still risk getting stuck with expensive bills from in-network hospitals. Increased transparency will help people shopping for health insurance get accurate information.

Bills That Passed and Now Are Law

State Senate Bills:

SB 277 (Schwertner) SUPPORT Requires development of a volunteer advocate program for the elderly receiving services from or under the direction of the commission or a health and human services agency. **This Act takes effect September 1, 2015, (except Article 2 takes effect January 1, 2016, excluding Sections 2.02(b) and 2.39, which take effect September 1, 2015). YEA!!**

SB 304 (Schwertner) SUPPORT Relates to the abuse and neglect of residents of rehabilitation and nursing facilities and loss of license. **Signed by the Governor YEA!!**

SB 373 (West) SUPPORT Relates to increased oversight by the Department of State Health Services of hospitals that commit certain violations. **Effective on 9/1/2015 YEA!!**

SB 760 (Schwertner) SUPPORT Relates to provider access requirements for a Medicaid managed care organization. **Signed by the Governor YEA!!**

SB 914 (Kolkhorst) STUDYING Relates to a council on long-term care facility surveys and informal dispute resolution. **Effective on 9/1/2015**

SB 1243 (Burton) SUPPORT Relates to donation of unused prescription drugs. **Signed by the Governor YEA!!**

State House Bills:

Action on House Bills Reported in Past Newsletters:

HB 574 (Bonnen of Galveston) SUPPORT Requires that a health maintenance organization not terminate participation of a physician or provider solely because the physician or provider informs an enrollee of the full range of physicians and providers available to the enrollee, including out-of-network providers. **Effective on 9/1/2015 YEA!!**

HB 764 (King of Taylor) SUPPORT Relates to the use, collection, and security of health care data collected by the Department of State Health Services. **Effective on 9/1/2015 YEA!!**

HB 1337 (Naishat) SUPPORT Relates to requiring institutions and assisted living facilities to maintain guardianship orders of residents. **Effective on 9/1/2015 YEA!!**

HB 1878 (Laubenberg, et al) SUPPORT Relates to the reimbursement of providers under the Medicaid program for the provision of telemedicine services in a school based setting. **Effective on 9/1/2015 YEA!!**

HB 1945 (Bonnen of Galveston) STUDYING Relates to the provision of direct primary care. **Effective immediately 5-28-2015**

HB 2809 (Anderson of McLennan) STUDYING Relates to the creation and operations of health care provider participation programs in certain counties. **Effective immediately 5-28-2015**

HB 3024 (Guerra) SUPPORT Relates to coordination of dental benefits under certain insurance policies. **Effective on 9/1/2015 YEA!!**

HB 3028 (Frullo) SUPPORT Relates to regulation of discount drug card program operators; authorizing administrative and civil penalties; authorizing fees; expanding a registration requirement. **Effective 9/1/2015 YEA!!**

HB 3074 (Springer) STUDYING Relates to the provision of artificially administered nutrition and hydration and life-sustaining treatment. **Effective 9-1-15**

HB 3519 (Guerra) STUDYING Relates to the use of home telemonitoring services under the Medicaid program. **Signed by the Governor**

HB 3523 (Raymond) SUPPORT Relates to improving the delivery and quality of Medicaid acute care services and long-term care services and supports. **Signed by the Governor YEA!!**

HB 3781 (Crownover) STUDYING Relates to creation of the Texas Health Improvement Network. **Signed by the Governor**

HB 3823 (Price, Keough) SUPPORT Relates to rate-setting and data collection processes under the program of all-inclusive care for the elderly (PACE). **Effective immediately YEA!!**

Vetoed by the Governor

HB 2084 (Munoz, Jr.) SUPPORT Relating to transparency in the STAR Medicaid managed care rate-setting process. **Vetoed by the Governor**

Bills That Failed

State Senate Bills:

SB 89 (Ellis) SUPPORT Relating to the expansion of eligibility for medical assistance to certain persons under the federal Patient Protection and Affordable Care Act. **Referred to Health & Human Services**

SB 90 (Ellis) SUPPORT Relating to notice and prior approval of health benefit plan rates. **Referred to Business & Commerce**

SB 187 (Creighton) SUPPORT Relating to a defense to prosecution not accepted that Medicaid has recouped funds for the offense of Medicaid fraud. **Referred to Criminal Justice**

SB 322 (Schwertner) SUPPORT Relating to access to pharmacists, pharmacies, and pharmaceutical care under certain health benefit plans. **Referred to Business & Commerce**

SB 410 (Ellis) SUPPORT Called for reimbursement under preferred provider benefit plans for licensed podiatrists to be the same as for physicians. **Referred to Business & Commerce**

SB 423 (West) SUPPORT Relating to expanding eligibility for medical assistance to certain persons under the federal Patient Protection and Affordable Care Act and ensuring the provision of quality care under and the effectiveness of the medical assistance program. **Referred to Health & Human Services**

SB 553 (Schwertner) STUDYING Relating to the informal dispute resolution process for certain disputes between the Department of Aging and Disability Services and certain long-term care facilities. **Left pending in Health & Human Services**

SB 1039 (Rodriguez) SUPPORT Relating to seeking federal authorization to provide health benefit plan coverage to certain low-income individuals through the private marketplace who are not covered by Medicaid expansion. **Referred to Health & Human Services**

SB 1112 (Burton) OPPOSE Would have forbidden use of state resources to implement or enforce the federal Patient Protection and Affordable Care Act. **Referred to Finance YEA!!**

SB 1177 (Eltife) SUPPORT Relating to the provision of telemedicine medical services by a physician. **Referred to Health & Human Services**

SB 1397 (Campbell) SUPPORT Relating to the establishment of a rural resident physician grant program. **Referred to Higher Education**

SB 1471 (Watson) SUPPORT Relating to the use of home telemonitoring services under the Medicaid program. **Left pending in Health & Human Services**

SB 1475 (Garcia) SUPPORT Relating to establishing an enhanced Medicaid managed care consumer support system. **Left pending in Health & Human Services**

SB 1493 (Uresti) SUPPORT Relating to emergency medical air transportation funding. **Referred to Finance**

SB 1520 (Seliger) SUPPORT Relating to transparency of certain information related to certain health benefit plan coverage including formularies on website. **Referred to Business & Commerce**

SB 1546 (Perry, Hall) STUDYING Relating to advance directives, including do-not-resuscitate orders; creating a criminal offense. **Referred to Health & Human Services**

SB 1558 (Campbell) SUPPORT Relating to health benefit plan coverage for certain equipment and supplies associated with diabetes treatment. **Referred to Business & Commerce**

SB 1562 (Taylor of Galveston) SUPPORT Relating to nonpreferred provider claims under a preferred provider benefit plan related to emergency care. **Referred to Business & Commerce**

SB 1602 (Kolkhorst) SUPPORT Relating to the delivery of Medicaid managed care benefits in nursing homes and reimbursement rates for certain of those services being the same as for Medicare. **Left pending in Health & Human Services**

SB 1612 (Kolkhorst) SUPPORT Relating to the reimbursement of prescription drugs under the Medicaid managed care and child health plan programs. **Referred to Health & Human Services**

SB 1816 (Hinojosa) STUDYING Relating to the authority of the Employees Retirement System of Texas to make available a TRICARE Military Health System Supplemental plan. **Referred to State Affairs 3-23-15**

SJR 16 (Campbell) OPPOSE Would have proposed a constitutional amendment relating to the rights of individuals to choose or decline to choose to purchase health insurance coverage. **Referred to Business & Commerce YEA!!**

SJR 61 (West) STUDYING Would have proposed a constitutional amendment authorizing a local option exemption from ad valorem taxation by a county of a portion of the value of the residence homestead of a physician who provides health care services for which the physician agrees not to seek payment from any source, including the Medicaid program or otherwise from this

state or the federal government, to indigent residents of the county. **Left pending in Finance**

State House Bills That Did Not Pass:

HB 116 (Martinez Fischer) SUPPORT Relating to expanding eligibility for benefits under the Medicaid program **Referred to Appropriations**

HB 185 (Zedler) SUPPORT Relating to a health benefit plan issuer may not deny benefits for a refill, regardless of whether then refill is early, of a prescription drug that is covered under the plan and for which benefits have previously been paid under the plan if the quantity limit, if applicable, for the drug has not been exceeded after the refill. **Left pending in Insurance**

HB 334 (Ashby) SUPPORT Would have meant that it is not a defense to prosecution under this section that the Medicaid program has received or recouped funds representing repayment, wholly or partly, for the fraudulent act or acts that are the basis for the criminal charge for which the defendant is indicted. **Referred to Criminal Jurisprudence**

HB 550 (Price) SUPPORT Relating to the provision of health and human services in this state, including the powers and duties of the Health and Human Services Commission and other state agencies, and the licensing of certain health professionals; clarifying certain statutory provisions; authorizing the imposition of fees. **Laid on the table subject to call**

HB 608 (Davis, Sarah) SUPPORT Relating to vaccines authorized under the adult safety net vaccination program. **Referred to Public Health**

HB 616 (Bonnen of Galveston) STUDYING Relating to payment of disclosures related to certain out-of-network provider charges; authorizing a fee; providing a penalty. **Considered in Insurance public hearing**

HB 698 (King of Uvalde) SUPPORT Relating to the regulation of having a license for the fitting and dispensing of hearing instruments. **Referred to Senate Health & Human Services**

HB 761 (Zedler) SUPPORT Relating to the equal payment for services provided by health care practitioners under contracts with managed care health benefit plans. **Referred to Insurance**

HB 762 (Zedler) SUPPORT Relating to medical assistance reimbursement for certain health care services provided by a chiropractor. **Referred to Public Health**

HB 778 (Bell) SUPPORT Relating to access to pharmacists, pharmacies, and pharmaceutical care under certain health benefit plans. **Left pending in Insurance**

HB 817 (Turner of Tarrant) SUPPORT Relating to the contingent establishment of a health benefit exchange tailored to the needs of the state. **Referred to Insurance**

HB 818 (Turner of Tarrant) SUPPORT Relating to the establishment of a health benefit exchange tailored to the needs of the state. **Referred to Insurance**

HB 977 (Collier) SUPPORT Relating to expanding eligibility for medical assistance to certain persons under the federal Patient Protection and Affordable Care Act and ensuring the provision of quality care under and the effectiveness of the medical assistance program. **Referred to Appropriations**

HB 1071 (Zerwas) SUPPORT Relating to the establishment of the Palliative Care and Quality of Life Interdisciplinary Advisory Council. **Referred to Public Health**

HB 1093 (Guillen) SUPPORT Relating to transparency in the STAR Medicaid managed care rate-setting process. **Left pending in Human Services**

HB 1105 (Thompson of Harris) SUPPORT Relating to reimbursement under preferred provider benefit plans for services provided by licensed podiatrists at same rate as physicians. **Left pending in Insurance**

HB 1138 (Israel) SUPPORT Relating to the expansion of eligibility for medical assistance to certain persons under the federal Patient Protection and Affordable Care Act. **Referred to Appropriations**

HB 1739 (Moody) SUPPORT Would have increased the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities from \$60 to \$75 a month. **Referred to Human Services**

HB 1770 (Hunter) SUPPORT Relating to access to pharmacists, pharmacies, and pharmaceutical care under certain health benefit plans. **Referred to Insurance**

HB 2004 (Darby) SUPPORT Relating to a pilot project to provide emergency telemedicine medical services in rural areas. **Referred to Senate Health & Human Services**

HB 2133 (Raymond) SUPPORT Relating to health benefit plan coverage for certain equipment and supplies associated with diabetes treatment. **Failed to receive affirmative vote in Senate Business & Commerce**

HB 2157 (Miller of Fort Bend) SUPPORT Relating to a requirement that a hospital allow a patient to designate a caregiver to receive aftercare instruction regarding the patient. **Referred to Public Health**

HB 2172 (Smithee) SUPPORT Relating to coverage of telehealth services or telemedicine medical services under health benefit plans. **Left pending in Insurance**

HB 2219 (Coleman) SUPPORT Relating to health benefit plan should cover injuries related to suicide attempts.

Referred to Senate Business & Commerce

HB 2250 (Coleman) SUPPORT Relating to the delivery of telemedicine medical services and telehealth services in a person's residence. **Referred to Public Health**

HB 2270 (Munoz, Jr.) SUPPORT Relating to the expansion of eligibility for Medicaid in certain counties under the federal Patient Protection and Affordable Care Act. **Referred to Appropriations**

HB 2271 (Sheffield) SUPPORT Relating to the prescription drug donation program; authorizing fees. **Referred to Senate Health & Human Services**

HB 2351 (Harless) STUDYING Relating to conflicts of interest and discrimination policies for an ethics or medical committee review of an advance directive. **Postponed**

HB 2523 (Collier) SUPPORT Relating to the continuation of certain public benefits, including medical assistance, for individuals after release from confinement in a county jail. **Placed on General State Calendar**

HB 2541 (Zerwas) SUPPORT Relating to health benefit plan coverage of certain treatments for enrollees diagnosed with a terminal illness; authorizing administrative and civil penalties. **Referred to Senate Business & Commerce**

HB 2584 (Naishtat) SUPPORT Relating to the authority of the executive commissioner of the Health and Human Services Commission to adopt rules defining Alzheimer's and related medical conditions. **Referred to Public Health 3-16-15**

HB 2773 (Martinez, "Mando") STUDYING Relating to reimbursement for ambulance services provided to persons enrolled in the Medicaid managed care program. **Referred to Public Health 3-16-15**

HB 2782 (Sheffield) OPPOSE Relating to prohibiting the establishment of a health benefit exchange for purposes of certain federal law. **Referred to Insurance 3-16-15 YEA!!**

HB 2791 (Lucio III) SUPPORT Relating to Medicaid billing for the services of substitute dentists to be the same as for substitute physicians. **Referred to Public Health 3-17-15**

HB 2908 (Parker) SUPPORT Relating to authorizing patients with certain terminal illnesses or severe chronic diseases to access certain investigational drugs, biological products, and devices that are in clinical trials. **Placed on General State Calendar**

HB 2936 (Sheffield) STUDYING Relating to a pilot program for donation and redistribution of certain unused prescription medications; authorizing a fee. **Referred to Public Health 3-16-15**

HB 2954 (Klick) STUDYING Relating to donation of unused prescription drugs. **No action taken in Investments & Financial Services**

HB 3025 (Farney) SUPPORT Relating to health benefit coverage for prescription drug synchronization. **Placed on General State Calendar**

HB 3035 (Martinez) SUPPORT Relating to a study on the savings to the state achieved by the expansion of Medicaid managed care in regards to the provision of prescription drugs and other pharmacy benefits. **Considered in Calendars**

HB 3036 (Martinez) SUPPORT Relating to a study on the savings to the state achieved by the expansion of Medicaid managed care in regards to the number of persons served and the scope of services provided. **Referred to Senate Finance**

HB 3076 (Rose) SUPPORT Relating to the improvement of efficiencies in benefit applications submitted to the Health and Human Services Commission and allowing third-party entities to assist with online applications. **Left pending in Human Services**

HB 3077 (Zerwas) SUPPORT Relating to emergency medical air transportation funding.

Referred to Senate Finance

HB 3085 (Collier) SUPPORT Relating to the duties and powers of the office of public insurance counsel concerning the adequacy of networks offered in this state by managed care plans. **Referred to Insurance 3-23-15**

HB 3102 (Frullo) SUPPORT Relating to the disclosure by health care practitioners and facilities of patient liability for payment for certain health care services. **Left pending in Insurance**

HB 3155 (Sheffield) SUPPORT Relating to insurance coverage for hemophilia medical treatment. **Referred to Public Health 3-24-15**

HB 3321 (Tinderholt) OPPOSE – UNNEEDED Relating to rules respecting a person's eligibility for medical assistance including proof of income and residency in this state. **Referred to Human Services 3-17-15 YEA!!**

HB 3366 (Sheffield) STUDYING Relating to the reimbursement of prescription drugs under the Medicaid managed care and child health plan programs. **Committee report sent to Calendars**

HB 3381 (Faircloth) SUPPORT Relating to submission and payment of claims under long-term care benefit plans; imposing a penalty. **Referred to Insurance on 3-17-15**

HB 3444 (Laubenberg) SUPPORT Relating to the provision of telemedicine medical services by a physician. **Referred to Public Health 3-18-15**

HB 3445 (Laubenberg) SUPPORT Relating to implementing certain incentives and cost-sharing requirements under the Medicaid program. **No action taken in Public Health**

HB 3476 (Coleman) SUPPORT Relating to the provision and reimbursement of home telemonitoring services, telemedicine medical services, and telehealth services under the Medicaid program. **Referred to Senate Health & Human Services**

HB 3527 (Bonnen of Galveston) STUDYING Relating to the requirement that certain medical facilities and physicians give patients a good faith estimate of the expected payment for facility-based health care services before the services are provided; providing an administrative penalty. **Referred to Public Health 3-18-15**

HB 3565 (Bonnen of Galveston) SUPPORT Relating to prohibition of notification forms from health benefit plan issuers intended to intimidate patients; adding a provision subject to a criminal penalty. **Referred to Insurance March 20**

HB 3755 (Herrero) SUPPORT Relating to administration of medication to residents of certain assisted living and boarding home facilities. **Referred to Human Services March 23**

HB 3820 (Allen) SUPPORT Relating to safe patient handling practices at hospitals and nursing homes; providing an administrative penalty. **Referred to Public Health 3-23-15**

HB 3845 (Coleman) SUPPORT Relating to a "Texas Way" to reforming and addressing issues related to the Medicaid program, including the creation of an alternative program designed to ensure health benefit plan coverage to certain low-income individuals through the private marketplace; authorizing a fee. **Referred to Appropriations on 3-24-15**

HB 3847 (Burns) OPPOSE Relating to seeking federal authorization to fund the Medicaid program through a block grant funding system. **Referred to Appropriations 3-24-15 YEA!!**

HB 3903 (Sheffield) SUPPORT Relating to a requirement that a hospital allow a patient to designate a caregiver to

receive aftercare instruction regarding the patient.
Committee report sent to Calendars

HB 3919 (Klick) SUPPORT Relating to prior authorization from a health benefit plan issuer to obtain health care services under the health benefit plan. **Referred to Insurance on 3-23-15**

HB 3921 (Klick) SUPPORT Relating to reimbursement for certain emergency eye health care services provided to persons enrolled in the Medicaid managed care program. **Referred to Public Health on 3-23-15**

HB 3922 (Klick) SUPPORT Relating to reimbursement for certain eye health care services provided to persons enrolled in the Medicaid managed care program. **Referred to Public Health on 3-23-15**

HB 3924 (Klick) STUDYING Relating to allowing certain providers of eye health care services to enroll as Medicaid providers. **Referred to Public Health on 3-23-15**

HB 3930 (Hughes) SUPPORT Relating to the provision of care and treatment to certain incapacitated persons. **Referred to Judiciary & Civil Jurisprudence on 3-23-15**

HB 4000 (Blanco) SUPPORT Relating to the expansion of eligibility for Medicaid by counties under the federal Patient Protection and Affordable Care Act. **Referred to Appropriations on 3-24-15**

HB 4056 (White of Tyler) STUDYING Relating to inspection procedures in certain long-term care facilities and the creation of a long-term care legislative oversight committee; providing penalties. **Left pending in Human Services**

HJR 89 (Shaheen) STUDYING Proposing a constitutional amendment authorizing a local option exemption from ad valorem taxation by a county of a portion of the value of the residence homestead of a physician who provides health care services for which the physician agrees not to seek payment from any source, including the Medicaid program or otherwise from this state or the federal government, to indigent residents of the county. **Committee report sent to Calendars**



LWV-TX supports additional funding for treatment of serious mental illnesses and substance use. Much still needs to be done to meet the needs for behavioral health services of Texans. However, the 2015 Legislative Session did make some progress, with one big exception. The

passage of open carry of guns, including on college campuses, is considered likely to cause more violence, especially in association with alcoholism and other substance abuse.

On the positive side, the Legislature added \$150 million to the budget for health and human services. (Texas is near the bottom of states in per-capita funding for public mental health and substance abuse treatment.) **YEA!!**

Another 37 behavioral health-related bills passed and have been sent to the Governor for signing. These include the improvement of services regarding: collection of data, those who are minors homeless, and/or in jails and prisons, veterans and military families and prevention of prostitution. Additional programs for training educators, school district employees and peace officers were initiated. Loan payment assistance for educational expenses of medical professionals who will work in shortage areas was also approved. **YEA!!**

Natural Resources



Bills That Are Now Law

HB 706 (Farrar) SUPPORT Allows exemption from ad valorem taxation of property on which a solar or wind-powered energy device is installed or constructed. We delivered testimony on this bill and it was signed by the governor on June 10. **YEA!!**

HB 1794 (Geren) STRONGLY OPPOSE Establishes limits on penalties local governments can impose for violations of laws under the jurisdiction of TCEQ. This was sought by industries in large counties who have been suing those industries for environmental infractions. Needless to say, the industries worked hard for this bill to pass. It passed both houses and, unfortunately, the governor signed the bill.

Bills That Failed

HB 190 (Burkett) OPPOSE Would have required regulatory analysis of rules proposed by the Texas Commission on Environmental Quality (TCEQ). HB 190 died in committee! **YEA!!**

HB 392 (McClendon) SUPPORT Would have provided for an optional county fee for vehicle registration to fund certain transportation projects. We delivered testimony on this bill, however, the bill died in Calendars.

HB 457 (McClendon) SUPPORT At our request, HB 457 was changed so that rail transportation funding would come under the Texas Emissions Reduction Plan (TERP.) We prepared comments on this bill to the Transportation committee, however, it died in Calendars.

HB 624 (Pickett) OPPOSE Would have reduced funding going to TERP. It died in the Transportation Committee. **YEA!!**

HB 1030 (Leach) SUPPORT Would have allowed a county to receive 90% of the fees it collected for low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program and local initiative air quality projects. It died in Environmental Regulations.

HB 1031 (Leach) WATCH Would have allowed funding for certain roadway projects intended to improve or maintain air quality. The bill was referred to the Environmental Regulation Committee where it remained.

HB 1113 (Clardy) OPPOSE Would have called for additional requirements to achieve standing in a contested case hearing conducted by the TCEQ. We delivered testimony on this bill, and the House reported this bill without amendments on April 21. It went no further. **YEA!!**

HB 1247 (Smith) OPPOSE Would have required the complainant in a contested case hearing of TCEQ to provide proof of his/her allegations. It changes the burden of proof from the polluter to the complainant. **A truly bad bill!** We registered opposition to the bill, and it died in committee. **YEA!!**

HB 1465 (Huberty) SUPPORT Similar to HB 1030 (above) 30 counties would have received 90% of the fees it collected for LIRAP. We registered in support of this bill however, unfortunately, this bill died in the Environmental Regulations committee.

HB 1839 (Israel) SUPPORT Would have given authority to state employees to work flexible hours and to work from

home or other authorized alternative work sites. We delivered testimony on this bill, however, the bill did not emerge from the Calendars Committee. Flexible hours have worked well in Houston, reducing both traffic and air pollutants.

HB 2078 (Anchia) SUPPORT Would have established a Global Climate Change Commission to study the impact of climate change in Texas from a global perspective. We gave testimony supporting this bill, including a definition of greenhouse gases which Representative Anchia said was the best definition he had heard. His goal is to inform his committee and others about the importance of climate change. He intends to speak to every member of the legislature about the growing impact of climate change on the earth.

HB 2254 (Turner) SUPPORT Would have required electricity providers not to charge additional fees to those who reduce energy consumption. We submitted testimony on this bill. It was left pending in the State Affairs Committee.

HB 2571 (Johnson) SUPPORT Would have required certain **state agencies** to include information on projected changes in weather, water availability, and climate variability in their strategic plans. We submitted testimony on this bill, however, it died in the [International Trade & Intergovernmental Affairs](#) Committee.

HB 3343 (Turner) SUPPORT Would have required electricity providers to develop electricity demand response programs. This approach would charge more as a customer used more electricity. It, too, was left pending in the State Affairs Committee.

SB 8 (Schwertner) OPPOSE Would have required a total revenue exemption for the franchise tax. In other words, it would do away with the franchise tax. It died in the Ways and Means Committee. **YEA!!**

SB 77 (Ellis) SUPPORT Would have required the development of a climate adaptation plan by most agencies of state government. It was left pending in the Natural Resources & Economic Development Committee. We submitted testimony in support of this bill.

SB 78 (Ellis) SUPPORT Would have required that climate change be a consideration in developing the state water plan. We also submitted testimony in support of this bill. It was left in the Agriculture, Water & Rural Affairs Committee.

SB 321 (Hinojosa) OPPOSE Would have required reduction in monthly transfers to TERP from the state highway fund. We submitted testimony in opposition to this reduction. It died in Calendars. **YEA!!**

SB 603 (Hinojosa) SUPPORT Would have extended TERP for two years—until 2017. It died in the Environmental Regulations Committee. We submitted testimony in support of the bill.

SB 931 (Fraser) WATCH Would have done away with financial support of renewable energy. The bill died in the State Affairs Committee. Would have also set up competitive renewable energy zones.

SB 1284 (Watson) This was a companion bill to Representative Turner's bill HB 3343 (above) which would have required electricity providers to develop electricity demand response programs. It remained in the Natural Resources & Economic Development Committee.

SB 1685 (Huffines) OPPOSE Would have repealed TERP and LIRAP. It died in the Natural Resources & Economic Development Committee. **YEA!!**

SB 176 (Garcia) SUPPORT Would have regulated coke storage and transport. It never came out of the Natural Resources & Economic Development Committee.

SB 1849 (Nichols) Would have reduced the amount sent to TERP from title fees. The bill died in the Finance Committee. **YEA!!**

SB 1949 (Hinojosa) OPPOSE Would have reduced funding for TERP from \$500,000 to \$200,000. It died in the Natural Resources & Economic Development Committee. **YEA!!**

But the most egregious budgetary action would be to put a cap on future budgets which would lower our ability to meet growing needs, much less address needs from past years.

Vetoed by the Governor

SB 1032 (Watson) SUPPORT This is the companion bill to HB 1039 (above) which passed both houses but was vetoed by the Governor. Thus employees cannot have flex time, etc.

Budget Bills of Interest That Passed

HB 1 (Otto) SUPPORT/OPPOSE All budget bills must originate in the House, thus this bill became the General Appropriations bill, which can be found [here](#). A summary can be found [here](#). As I have mentioned before, we sent several letters to both Houses prior to the appointment of the Budget Conference Committee, which Governor Abbott appointed with 5 members from the Senate and 5 members from the House. The House conferees were directed to only consider areas in the budget in which there were disagreements. The House and the Senate

both voted to adopt the Conference Committee Report. It was then sent to the Governor, who line-vetoed items of about \$300 million. It was signed on June 20. Individual bills regarding appropriations follow. In addition, a letter was sent to all Budget Conferees and delivered by hand relating to the entire budget. I encourage you to read the letter and the comments [here](#). It is an analysis of the entire budget relating to our issues.

SB 1 (Nelson) OPPOSE Reduces the ad valorem taxes by increasing the exemption of \$15,000 for a homestead to \$25,000. We presented testimony on this bill before the House Ways and Means Committee. It passed both Houses and was **signed by the governor on June 15.**

Budget Bills That Failed

HB 31 (Bonnen) OPPOSE Would have decreased the state sales and use tax rate. We opposed this bill because our position states that we support “an equitable taxation

TRANSPORTATION Edie Jones (Tarrant County) edithjones@hotmail.com



Many bills were left pending in committee or addressed in late compromise. Tracking transportation bills was like driving on the round-about. Some got off and were tacked on in the final bill for the budget. Hopefully, more funding means less gridlock on major thoroughfares like the infamous I 35 and I 45 highly traveled roads. High speed rail through private funding escaped reining in and maybe in my lifetime I can ride from Dallas/Fort Worth to Houston by train.

Bills That Did Not Pass

SB 1601 (Kolkhorst) Related to eminent domain authority and safety standards for high speed rail. Bill not placed on calendar (5/11) and died for lack of action. **Implication:** High speed rail can progress from Houston to Dallas with no limitation on eminent domain powers. Planning will also continue on routes.

HB 373 (Simmons) Allocation to highway fund for revenue from taxes on motor vehicles. **Referred Implication:** All folded into transportation funding omnibus bill tied to the budget, which passed.

HJR 29 (Pickett) Proposed constitutional amendment for transportation from revenue from registration fees, sales

system that assures adequate revenue.” As we currently do not have the revenue to cover our essential needs for education, health care, transportation and infrastructure, it is illogical to cut taxes for the future. The bill died in the Finance committee. **YEA!!**

SB 9 (Hancock) OPPOSE Would have limited the rate of growth of appropriations for future years. In our letter to the Budget Conference Committee, not only did we speak to issues which we support, but we also opposed any cap on future budgets, saying “But the most egregious budgetary action would be to put a cap on future budgets which would **lower** our ability to meet growing needs, much less address needs from past years. We strongly **OPPOSE** such an action.” Fortunately no budget caps passed. **YEA!!**

tax, etc from motor vehicles for transportation. Implication: Combined with other measures for constitutional amendment in November 2015. See below

HB80(Craddick) Prohibited texting while operating a motor vehicle. This and other bills with similar intent made it to the floor with bi-partisan support for final deliberation but issue was blocked by Senator Konni Burton and not permitted to come to a final vote. **Implications:** Texas remains one of very few states that permits texting while driving. Four years ago bill was passed but Gov Perry vetoed it saying it was an unnecessary infringement on motorists.

What Passed of Importance

SJR 5 Resolution passes 142-1 to place a constitutional amendment on the November 3 ballot to dedicate \$2.5 billion of the general sales tax to the highway fund beginning in 2017 and a portion of future motor vehicle sales tax beginning in 2019.

Both funding streams will have triggers attached in case there is a downturn in the state economy. General sales tax revenue transfer would be halted if sales tax revenue falls below \$28 billion, which is what is collected today. Also, 35% of the revenue from motor vehicle sales tax dedication about current \$5 billion would begin in 2020.