



Fall 2019

The Capitol Report

Dear Constituents and Friends,

Long before the start of the 86th Session of the Texas Legislature, the marching orders for what should occur over the coming 140 days had been established. The first two priorities could be considered interchangeable: a fix for the system that funds public schools and tax relief for Texas property owners.

While the tone of the Session would be dominated by those headliners, a second tier of must-do items would include how Texas would pay for the damages caused by 2017's Hurricane Harvey, which submerged the gulf region in floodwaters, the likes never before witnessed. Harvey also revealed that Texas needs to do more in the area of disaster preparedness.

Also rising to the fore was the rise of deadly shootings, one committed by a troubled, former student of Santa Fe High School in May 2018, prompting action from state leaders and lawmakers alike. It came just six months after the lethal intrusion into a church service in Sutherland Springs, Texas in 2017. Which followed by about 15 months, the shootings from a sniper's perch in Downtown Dallas in July 2016 that left five officers dead. Even Texas' most staunch 2nd Amendment supporters digested the realities of gun violence and appeared willing to at least make protecting schoolkids of priority importance.

There would be a new face among the triumvirate that set the agenda for actions that emanate from the Texas Capital. With the announced retirement of House Speaker Joe Straus, effective January 2019, House members would choose 22-year, Angleton, Texas, Representative Dennis Bonnen to wield the gavel. He would in turn select for his lieutenants, fresh faces for leadership that more reflect a changing Texas citizenry.

Two years ago, my ire was raised over the fact that only 25 percent of eligible Texas voters turned out for the 2014 Midterm Elections. The 2018 Midterm Elections would see 42 percent of eligible Texans vote. By party affiliation, the results included a statewide 12 seat turnover in the Texas House, two seats claimed by the minority party in the Senate and the surprising defeat of an incumbent Congressman from North Texas. I repeat; elections have consequences.

I will repeat what I have confirmed as a lawmaker; that there are no permanent friends and no permanent enemies. There are only permanent interests. And representing your best interests has been the fuel that's driven me since my election to the Texas Senate some 26 some years ago. Amazing!

Yes, it has been a tremendously rewarding journey made possible by both those who have supported my efforts and those who have provided additional motivation. Your work has also been accomplished through the efforts of those we affectionately call "Team West." None would be possible were it not for the sacrifices of my most loved advisor, Carol West and my family.

Thank you all!



State Senator Royce West & Mrs. Carol West

CAPITOL REPORT

Top Priorities Addressed

The Budget

The \$251 billion budget for the 2020-21 biennium will exceed the FY18-19 budget by 8.1 percent. With this sizable increase, the budget was able to absorb the \$6.5 billion in new dollars that will go to public schools, some of which can be spent on teacher pay raises. Texas' economy can largely thank oil and natural gas production for its good fortunes.

The Texas Comptroller's Biennial Budget Revenue Estimate projected that about \$107.32 billion in general sales tax revenue (GR) would be available in addition to an estimated \$88.7 billion in federal dollars, plus \$14.6 billion from non-tax revenue sources. And about \$4.18 billion will be carried forward from the FY18-19 budget.

The FY20-21 budget will buy Texas property owners \$5.1 billion in tax cuts and accommodate the \$6 billion that must be set aside for transfer to the Economic Stabilization Fund (ESF), better known as the Rainy Day Fund and State Highway Fund (Fund 6).

Property Tax Relief

Voters were promised property tax relief and to some extent, state leaders and lawmakers delivered it through **SB2**. The bill provides \$5.1 billion in tax relief to property owners, but has its critics. That's because the tax cuts were made possible by limiting the ability of local jurisdictions and taxing entities to raise tax rates.

City officials lined up in my office to discuss how revenue caps will harm their abilities to respond to growth and service demands. Under **SB2**, cities, counties and other taxing entities cannot raise their property tax revenue by more than 3.5 percent from the previous year. School district increases are limited to 2.5 percent. Larger increases must be approved by voters. Local hospitals and community colleges are exempt.

One proposal for **SB2** would have allowed cities and counties to exclude increases made due to public safety costs in the revenue cap. But instead, **SB2** does nearly the opposite by blocking first responder pay cuts made because of budget restraints. Based on input from D23 cities, I could not support **SB2**.

Education

Its overhaul of the public school finance system made **HB3** the preeminent education bill of the 86th Session and marks the most significant changes to school funding since Robin Hood (formally called Recapture) passed in 1993.

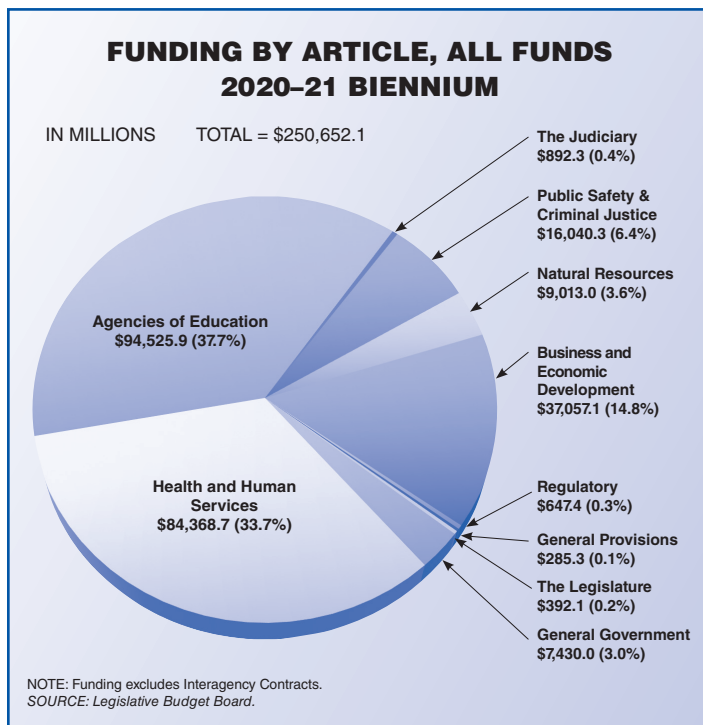
In recent years, the percentage that the state pays into the school finance system has decreased from more than 50 percent to less than 38 percent in FY18-19, with local property taxes paying more of the bill. With school tax increases capped at 2.5 percent, the state must now inject more money into the school finance system.

The state will spend \$5.1 billion starting in 2020 to offset tax dollars that will be lost to counties through revenue caps. With a booming economy and about \$7 billion in the Rainy Day Fund, that's great for now. But we can't forget there's been two financial crises in the past 15 years that left Texas and America in economic havoc. **HB3** and **SB2** are not permanent fixes and will require vigilance.

HB3 can rightly be called transformative. School districts already praise the increase from \$5,140 to \$6,120 in the per student basic allotment paid by the state to school districts. It includes \$2 billion for pay increases for educators. And for the first time, Texas will provide free, full-day, pre-K for low-income children. More pay will also be available to teachers who work in rural schools or teach low-income students.

HB3 also reduces by \$3.6 billion, the recapture funding that fast growth, property-wealthy districts like Dallas, San Antonio, Houston, McKinney, Flower Mound and Frisco pay back to the state to support property-poor districts.

Under **HB3**, school taxes paid by property owners will decrease by 7-8 cents per \$100 valuation in 2020 and by 13 cents in 2021. For a \$200,000 home, this should reduce school property taxes by about \$160 per year. Critics say **HB3** benefits corporate and upscale property owners more than it does average homeowners and does nothing for renters.



We also allocated \$445 million for new state mental health hospitals and \$100 million from the ESF will go towards the implementation of school safety plans.

Together, education spending and Health and Human Services combine to occupy a whopping 84 percent of GR dollars and 71.4 percent in All Funds spending.

Within this budgetary framework, hundreds of millions dollars are spent by state agencies for the procurement of various goods and services. I continued my steadfast advocacy for Historically Underutilized Businesses (HUBs) by reviewing agency spending patterns and meeting with agency officials to make sure that minority business owners have an opportunity to participate in contracting opportunities.

Hurricane Harvey response

With the bulk of general tax dollars obligated, the Legislature would use about \$3.5 billion from the state's savings account, the Rainy Day Fund, to address Hurricane Harvey's wreckage, which includes manpower and money spent on emergency response efforts by state agencies.

The Texas Education Agency was appropriated \$806.5 million to disseminate to public and charter schools. Another \$75 million would go to affected public colleges and universities for repairs.

In November 2019's Constitutional Amendment Election, voters can approve SJR 4 to enact the Flood Infrastructure Fund which would make local jurisdictions eligible for no- or low-cost loans to be used for future flood mitigation planning and projects.



Sen. West chats with Rep. Eric Johnson who was later elected Dallas Mayor.

CAPITOL REPORT



In April, women judges from across Texas were invited to the Capitol for recognition by Sen. West.

While we provided free pre-K under **HB3**, obstacles still exist, including the requirement that families who are eligible for 3-year-old pre-K must re-establish eligibility for their 4 year-olds to attend. But many times, the family's information has not changed.

My bill, **SB1679** secures the eligibility of 4 year-olds by making 3 year-old automatically eligible for pre-K the next year; eliminating the stress on families.

School safety

In Summer 2018, I was appointed by Lt. Governor Dan Patrick to serve on the Select Committee on Violence in Schools and School Security. During hearings, we heard testimony from security experts, psychologists, educators and parents on how our children's learning environment should be protected. There were concerns regarding stand-alone buildings, unsecured entrances and whether and how school personnel should be armed.

SB11 passed both chambers with overwhelming support. It is comprehensive policy that addresses student mental health issues and provides bond funding to districts and schools to enhance campus security. It mandates additional training for staff and requires districts and campuses to develop school safety plans and to perform campus threat assessments. School personnel will be trained on how to identify troubled students. School districts must collaborate with local law enforcement to improve response times and campus presence. All classrooms must be provided emergency communications equipment. Parents must be notified immediately of a campus threat or emergency and schools must perform up to eight emergency response drills during a school year.

Members largely resisted calls to make schools resemble military installations and kids feel like captives. However a separate bill, **HB1387**, will double the permitted number of trained, school marshals allowed on a campus from 1 to every 200 students to 1 for every 100.

Teacher retirement pay

During every session I can remember, retired educators have advocated loudly for improved benefits. They were heard during the 86th. The \$1.1 billion investment into the Teacher Retirement System (TRS) means that the pension fund will become actuarially sound immediately rather than in 87 years.

Some Texas school districts were exempt from paying into TRS because they contribute into the Social Security system. Repealing that exemption means an additional \$20 million annually for TRS. **SB12** also orders small increases in the amounts the state, school districts and current employees pay into TRS starting by Sept. 1, 2023. With increased contributions, the fund will become fully-funded in 29 years.

The TRS Board will decide when the 420,000 retirees who receive monthly benefits through the world's 18th largest pension fund will receive a one-time "13th check" that has been their battle-cry for years.

Charter schools

Charter schools are public schools. Since they were created by the Legislature in 1995, the number of charter schools has

grown tremendously. I support charter schools, but in urban areas like D23, the concentration of charter schools has led to over-saturation.

Under current state law, the education commissioner does not have the ability to reject applications to open charter schools. This contributes to over-saturation in certain communities and enrollment drops at nearby public schools. The legislation I proposed, **SB2266**, would have established guidelines that could be used by the commissioner when a new or expansion charter application is submitted.

SB2266 would have authorized the commissioner to consider whether students in a proposed service area are already served by a traditional school district that meets certain indicators that include the school's academic rating and whether or not a campus is at full capacity. **SB2266** failed to pass out of committee.

SB2314, which addressed the ownership, sale, lease, and disposition of property and management of assets of an open-enrollment charter school was not heard in Senate Education, but I signed on as co-author to the identical **SB1454**.

SB1454 establishes procedures for when a charter school is no longer in operation. The bill restricts charter funds from being used to secure loans or bonds for another organization or for a related party through a current charter holder.

SB1454 establishes a framework to dispose of funds and property held by a charter school that's no longer in operation. It will allow a charter that has purchased real property with local funds to retain an ownership share and for a former charter to retain the property by buying out the state's interest. And if a charter school is no longer operating, remaining funds must be returned to TEA.

Higher Education

My **SB25** on college credit hour transferability will mean millions in savings for Texas college students and their families. Historically, there's been a problem with students taking courses at community colleges or even at other four-year institutions, only to not receive credit for courses completed when they transfer to another Texas college or university. **SB25** is the solution for those problems and will be in effect for the Fall 2019 semester.

Under **SB25**, all higher-ed institutions are required to report to the Texas Higher Education Coordinating Board (THECB) information on any course completed by a student who following transfer to a different college or university, did not receive credit for a course and the reason the receiving institution denied academic credit.

All community colleges are now required to report annually to the Legislature and the THECB on all courses taken by students during the previous year when credits were successfully transferred or for which the student earned an Associates Degree.

Under existing law, students must file a degree plan after completing 45 credit hours. Degree plans must now be filed after completing 30 hours.

SB25 also requires each Texas higher education institution to develop a recommended course sequence plan for each major offered by the institution. The schools are to list all ap-

CAPITOL REPORT

plicable lower-level courses that must be completed for the specific certification or degree program. **SB25** will not only save students and parents thousands in tuition and other costs, but also create a smoother path toward graduation. *It's a win-win for all!*

Paid internships are crucial for students who must also work while attending college. **SB1192**, a bill I authored, came from a THECB priority recommendation. It would create the Texas WORKS (Working Off-campus: Reinforcing Knowledge & Skills) Internship Program to provide paid internships for full-time undergrad students and help advance 60x30TX, the state's higher education strategic plan. Program funding would have come from existing work-study appropriations.

SB1192 did not pass from the last House General State Calendar. However, it was amended onto **HB3808** that passed into law.

Supporting UNT Dallas

Pictured at the top of page one is UNT Dallas' new \$63 million Student Center which opened for the fall semester. As the University of North Texas at Dallas grows and matures as an institution of higher education, a successful athletics program will be a pillar in the growth and reputation of the institution. **HB4182** would authorize the University of North Texas



Friendship West Baptist Church pastor Dr. Frederick D. Haynes III delivers invocation in the Senate Chamber.

at Dallas "UNTD" students to vote on the self-assessment and collection of an athletic fee of up to \$10 per credit hour per semester. The fee levied would be capped at the cost for 12 credit hours. Subsequent fee increases must be approved by students. **HB4182** will be in effect for the Fall 2020 semester.

Paul Quinn College

Through Tuition Equalization Grants (TEG), Texas private colleges and universities receive funds to help lower the costs for eligible students who attend private institutions.

Through passage of **SB1680**, we were able to help Paul Quinn College maintain its TEG eligibility under its accreditation through the Transnational Association of Christian Colleges and Schools (TRACS), a national organization which is also recognized by the THECB.

Health and Human Services

Through **SB10**, Texas would have continued the trend of the past two legislative sessions of devoting considerable resources to behavioral health-related issues. This year's focus would target the mental health needs of Texas children.

SB10 would establish the Texas Mental Health Care Consortium, comprised of college and university health-related programs, the Texas Health & Human Services Commission, the Higher Education Coordinating Board, non-profit organizations and other mental health stakeholders. The Consortium will share information and help train pediatricians and other healthcare providers.

SB10 would create a network of centers that would deliver behavioral healthcare, including psychiatric services to children and would also create and expand telemedicine programs.

After arriving in the House with all 31 senators signed on as joint authors and the total buy-in of the Lt. Governor, **SB10** was killed on the House floor through a procedural move. It however, was revived as an amendment attached to **SB11** on school safety.

Improving foster care services

Over several sessions, with my colleagues' support, I have been able to put in place permanency care programs as an alternative to foster care. Permanency care provides the legal structure and financial support for relatives to assume custody of children who would otherwise be placed with foster parents.

Within the 2018 federal budget, Congress passed the Family First Prevention Services Act (Family First). Among substance abuse and mental health treatment provisions, it provides funds for preventative programs that help parents whose children are at for "imminent risk" of being placed into foster care. Accessing resources for children who would only receive help after becoming part of the foster care system is a dramatic philosophical shift.

Family First guidelines allows states up to two years to develop and implement prevention-based programs. I authored **SB355**, which charges the Texas Department of Family and Protective Services (DFPS) with developing programs and a strategic plan that complies with the requirements of the Family First Act. DFPS is responsible for; locating all applicable federal resources available under Family First, gathering independent research, identifying community-based mental health, substance abuse and parenting course providers, and with streamlining service delivery to avoid duplication by state agencies.

Substance abuse treatment - Opioids

In 2015 and 2017 I was able to pass legislation that authorized the use of opioid antagonists such as Naloxone. It's another tool in the toolbox to help prevent drug overdoses as this country battles an opioid addiction crises.

This session, I supported **HB2174** that limits to a 10-day supply, the amount of opioids that can be prescribed to a person experiencing acute pain. The same limit applies to refills. The bill exempts those prescribed opioids as part of a substance abuse treatment program and for chronic pain management, cancer care, end-of-life and palliative care treatment. It requires doctors to use electronic prescription with exceptions for emergency circumstances.

Nationwide only 32,000 practitioners can prescribe opioid antagonists, a fraction of the 900,000 who can prescribe opioids. I wrote **SB1564**, that adds buprenorphine to the list of opioid antagonists that can be prescribed in Texas. **SB1654** aligns with 2018 federal law that adds clinical nurse practitioners, certified registered nurse anesthetists and certified nurse midwives to the list of doctors and "qualifying practitioners" who can prescribe buprenorphine as part of medication-assisted treatment.

Out of network medical costs

Shudder the thought of becoming suddenly ill and having to be treated by a doctor who is outside your HMO or PPO plan.

SB1264 will stop consumers from being charged more than they would pay under the consumer's health plan when emergency care service is needed or when an out-of-network provider delivers treatment at an in-network facility. In these instances, the matter would be resolved through arbitration between the medical provider and the consumer's insurer. The consumer would only be responsible for applicable deductibles or co-pays.

Raising age for tobacco products

SB21 will raise the legal age to buy or consume cigarettes and other tobacco products from 18 to 21 years old. However the new law, effective Sept. 1, would exempt those from 18-21 years who are active duty military upon presentation of their valid military ID.

Voting rights

In 2011, Texas passed **SB14** that contains the list of certain ID documents that must now be shown to vote. In 2017, **SB5** which became law, created a felony offense upon conviction for making a false statement on voting documents. This year **SB9** was introduced. While it would pilot the use of voting equipment that creates a verifiable paper record of ballots cast

CAPITOL REPORT

and triggers an automatic recount if the number of ballots cast in a precinct exceeds its number of registered voters, it would also enhance punishments for violating existing voting laws and created new offenses and required new paperwork for anyone who assisted voters.

Other new language would create civil liability for anyone found guilty of violations related to voter fraud, voter registration and mail-in ballots. After passing the Senate, **SB9** died before reaching a House calendar. But **HB1888** did pass into law. It will limit the ability of local jurisdictions to operate temporary mobile voting locations during early voting by requiring the mobile site to have the same days and hours of operation as fixed polling sites. **HB1888** removes current restrictions on operating mobile voting locations that now only apply to jurisdictions of 100,000 or more and forces smaller counties to have the same days and hours as larger counties.

Transportation

Driver Responsibility Program eliminated

HB2048 accomplishes a task that consumer advocates and Texas drivers have demanded for a decade; the repeal of the Driver Responsibility Program (DRP). The DRP was created in 2003 for the purpose of generating funding for hospitals that provide emergency/trauma care. It's system of fines and surcharges that drivers must pay were in addition to the cost of the tickets. Failure to make surcharge payments led to more fines, license suspensions and possible jail time.

HB2048 replaces DRP funding by raising the per violation cost of traffic citations by \$20. The \$2 fee that all insured drivers now pay the Texas Department of Insurance as part of their policies will increase to \$4. But those convicted of driving while intoxicated (DWI) will pay the most under the new law. A first time DWI conviction will generate a \$3,000 fine. A second conviction within 36 months will cost \$4,500 and a drunk driver who registers .15 or more on a breathalyzer will pay \$6,000. **Don't drink and drive!** Effective September 1.

Red light cameras

Texas drivers may have hated red light cameras as much or more than the Driver Responsibility Program. **HB1631** will



Sen. West with students during Dallas Baptist University Day at the State Capital.

phase-out the use of red light cameras. Under the terms of the bill, cities will be allowed to continue operating red light camera programs for the duration of any existing contracts if the program was in effect on May 7, 2019. Any violations cited after the law goes into effect September 1 will still remain enforceable. However, neither counties nor the Texas Department of Motor Vehicles will be able to block vehicle registration due to an outstanding red light camera violation.

Rear-facing child safety seat

Existing state law says small children must ride in a safety seat. **HB448** would have required children under 3 ft. 4 inches tall or less than 40 pounds to be placed in a rear-facing child safety seat. **HB448** had passionate support from doctors, particularly pediatricians, who testified about children they have treated in emergency rooms who were not properly restrained. Under **HB448**, drivers would not be ticketed for a first-time violation and officers could not stop drivers just because they ob-

served that a child was not in a rear-facing, safety seat. **HB448** was vetoed by the Governor.

Motorized scooters

My **SB549** would have created minimum statewide guidelines for motorized scooters. The debate about whether riding scooters on sidewalks should be banned was one of the liveliest to reach the Senate floor. **SB549** would have required a rider to be at least 16 years old, banned riding by more than one person, limited the speed of riding a scooter while standing to 15 mph, prohibited riding scooters on roads with speed limits greater than 35 mph and created a violation for blocking sidewalks or ADA accommodations when parked. The bill would have allowed local jurisdictions to pass stricter ordinances. **SB549** passed the Senate, but was left pending in House committee.

Criminal Justice

Expanding collection and retention of sex assault kits

Under **HB8**, Texas will continue work done over the past four sessions to address the backlog of untested sexual assault kits. In response to concerns that previously collected, but untested DNA evidence may no longer be admissible as evidence in court, **HB8** extends the statute of limitations for untested sexual assault evidence kits and for evidence that has been tested for which no match was found. The law says a law enforcement agency that collects sex assault evidence must submit it to a crime lab within 30 days. The lab must complete analysis within 90 days, pending available resources.

HB8 requires each law enforcement agency to report to DPS quarterly on the number of untested sexual assault kits it has on-hand to help determine the total number of untested kits statewide. **HB8** establishes timelines for agencies to submit their lists of untested kits to DPS who is to report to the Legislature and the Governor on its plan to have all untested sexual assault kits analyzed by September 1, 2022 if funding is available.

Reining-in hazing

Texas is taking another step to eliminate sometimes deadly incidents of hazing that go far beyond rites of entry into college-based organizations. **SB38** would hold responsible the activities of student-based groups; whether service or socially-oriented organizations, whether the event took place on or off-campus, that would fit into an expanded definition of what constitutes hazing. It provides immunity to a person who timely reports a hazing incident, but not for a person accused of hazing.

Review of body camera video

Even before **SB158** passed that created statewide body camera law in 2015 and helped local departments buy body camera equipment, critics complained that Texas law does not allow the recordings to be released to the victim or suspect in a police-involved shooting or to their families.

Several bills were filed on this topic at the beginning of session, including my **SB1668**. Only **HB4236** survived. **HB4236** will allow a person who is part of a body camera recording or that person's family or representative to view the recording, although still at the law enforcement agency's discretion. The viewer cannot record or capture images from the video. The viewing is not subject to Open Records disclosure.

IDD and the death penalty

In 2002, the U.S. Supreme Court ruled that a person who is intellectually disabled cannot be sentenced to death. In 2017, the U.S. Supreme Court declared that the methods Texas now uses to determine whether or not a person is intellectually disabled are unconstitutional. **HB1139** was created in response to the court's criticism that Texas' rules were not based on accepted clinical or medical standards. The bill included provisions for a pretrial hearing process where expert diagnosticians would help the court determine if a defendant has an intellectual disability.

HB1139 died in Senate committee. Texas' chance to get it right will have to wait two more years.

Evidence in criminal cases

Under state discovery laws, prosecutors must disclose certain evidence to defendants. But in many instances, prosecutors rely on evidence collected by the investigating law enforcement agency. If the law enforcement agency does not turn over information to the prosecutor, the prosecutor may face sanctions for failing to disclose certain evidence. I filed **SB2114** to address these concerns by requiring law enforcement to release to prosecutors, all evidence that must be disclosed to a defendant.

Under **SB2114**, a law enforcement agency filing a case with prosecutors representing the state was required to submit to prosecutors, a written statement by an agency employee with knowledge of the case acknowledging that all documents, items, and information in the possession of the agency that must be disclosed to the defendant have been transmitted to the attorney representing the state.

If law enforcement later found any additional evidence or information that is required to be released to the state, they must do so. After weeks in committee, **SB2114** passed and

was later passed by the full Senate. **SB2114** was not supported by some associations that represent law enforcement labor. It failed to pass out of House committee.

Increasing airport security

For the second session, I filed legislation that would make airports safer. This year, the companion bill **HB1168** passed the House and Senate. Travelers know firearms are not allowed inside an airport terminal. **HB1168** redefines the "secure area" at an airport to include the areas outside an airport terminal, such as the tarmac and all areas inside of airport perimeter fences that are accessible to baggage handlers and other airport workers. Private aircraft owners and their staffs would be exempt.

HB1168 was brought to me by D/FW airport who says that current Texas law does not allow local law enforcement to investigate violations. Although these offenses can be investigated under federal law, current resources cannot provide enforcement. **HB1168** would have carried a 3rd degree felony punishment. It was vetoed by the Governor.

Senator Royce West

District 23
P.O. Box 12068
Austin, Texas 78711

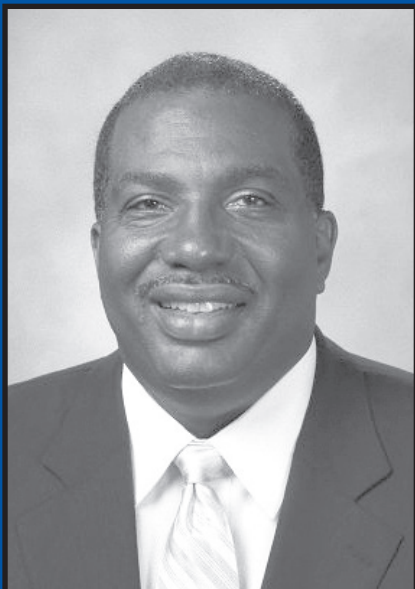
PRSR STD
U.S. Postage
PAID
Permit No. 2468
Austin, Texas

THE CAPITOL REPORT

HOW TO CONTACT

Senator Royce West

www.west.senate.texas.gov



AUSTIN:
P.O. Box 12068
Austin, Texas 78711
512/463-0123
FAX: 512/463-0299
Dial 711 for Relay Calls

DISTRICT OFFICE:
5787 South Hampton Rd.
Suite 385
Dallas, Texas 75232
(214) 467-0123
FAX: (214) 467-0050

"Please let me know what you think about the important issues facing our state by going to the following web addresses and filling out my on-line questionnaires. Your input counts."

<http://www.west.senate.texas.gov/survey0001.htm>
<http://www.west.senate.texas.gov/survey0002.htm>