



Fall 2017

The Capitol Report

Dear Constituents and Friends,

Beginning Sunday - August 27 and lasting several days, the Texas Gulf Coast region was stricken and rendered victim by Hurricane Harvey with rain and winds the likes never before witnessed. Our hearts go out to the millions whose lives were disrupted and even more so to those whose lives were ended by nature's fury. I salute those first responders and others who assisted in rescue and recovery efforts; yet even more will be needed in days and months to come. I implore you to be a Good Texan who is also a Good Samaritan who will step up to provide tangible assistance to our brothers and sisters in need.

With that said, of the conclusions reached following the 85th Regular and Special Called Sessions of the Texas Legislature, the most significant for me is that Texas needs your help. Maybe if you're reading this, I'm not speaking directly to you, but would like for you to pass the message along. In 2014, only 25 percent of Texas voters thought it was important enough to cast a ballot during the Midterm Elections. The winners were ecstatic, capturing 60 percent of votes cast. The math says that about 15 percent of Texas voters decided how Texas will be governed.

For the 2016 Presidential Election, less than 47 percent of Texans old enough to vote showed up to cast a ballot. In practical terms, it could mean that too many Texans have representation by default. We've allowed those who voted to decide on our behalf. Whether you're Republican or Democrat, less than 50 percent following a turnout that was half of that is not good enough in a state that boasts of being bigger and better.

So what did we do in Austin for 140 days that extended for 30 more? Despite projections that there were fewer dollars available to spend, we built a budget that approaches a half billion dollars more than the previous one when all the FY16-17 bills were paid. We spent less money on Medicaid and less on public education, but focused more resources to correct long-standing problems with Child Protective Services.

We promised property tax relief for Texans, but did little to address the amounts homeowners pay for schools, the major cause of the increases. But I am proud to be part of the Legislature's initiatives that will make it safer for law enforcement officers to perform their jobs. And for two consecutive budgets, we allocated more resources to the Department of Public Safety to make certain that our borders are secure.

The Legislature also raised funding for TEXAS Grants, to increase the number of eligible students who will receive financial support. And money to support behavioral health programs, including funding for state hospitals, increased by more than \$430 million.

But I could not be a part of any actions that help move Texas forward, or call out for a change of course when we are headed in the wrong direction if not for your support, input and encouragement. If you can continue to supply the fuel that propels me, together we can reach even greater heights. I depend on you; and so does Texas!

Lastly, I would be remiss if I failed to acknowledge my wife and family who see me a little less, so that for you, the people of District 23 and Texas, I can do even more.

Royce West



State Senator Royce West & Mrs. Carol West

CAPITOL REPORT

THE BUDGET - The guide for what lies ahead

There's complexity involved in selling a budget when indicators say revenues were up while the tone set by state leaders calls for spending to go down. But that's part of the story for the fiscal blueprint for the FY18-19 biennium. For the next state budget cycle that begins September 1, 2017, lawmakers worked to hammer out a plan that will spend nearly \$217 billion in All Funds to pay for schools, healthcare, public safety and the other less controversial functions of state government.

State leadership agreed on how they would go about accomplishing the legislative session's buzzword of a "tight budget." Before the session began, Gov. Greg Abbott would order a state agency hiring freeze. The Lt. Governor's vision would produce a four percent spending cut. Later, the House Speaker said that about a 1.5 percent spending cut would be sufficient while still providing Texans with needed services. In the end, the final budget passed by lawmakers and approved by the governor would spend about \$400 million more for FY18-19 than the state did for FY16-17.

How budget writers would arrive there would require imagination and a few accounting maneuvers. The 85th began with the Comptroller's projection that legislators would have about \$213.37 billion in All Funds available - including about \$105 billion in state tax revenue - to build a budget. Revenue estimates said about \$4.7 billion would not be available for FY18-19 due to scheduled payments to the Transportation Fund related to **Proposition 7**, approved by voters in 2015.

To make the numbers fit, budget writers would delay the transfer of \$1.8 billion that TxDOT would use to build roads. Another \$837 million would be acquired through a process called funds consolidation - which translated, means diverting funds from their intended use to help certify the budget. Other budget options would consider the use of unclaimed securities or a transfer from the General Land Office. Either would be enough to push budget writers across the goal line.

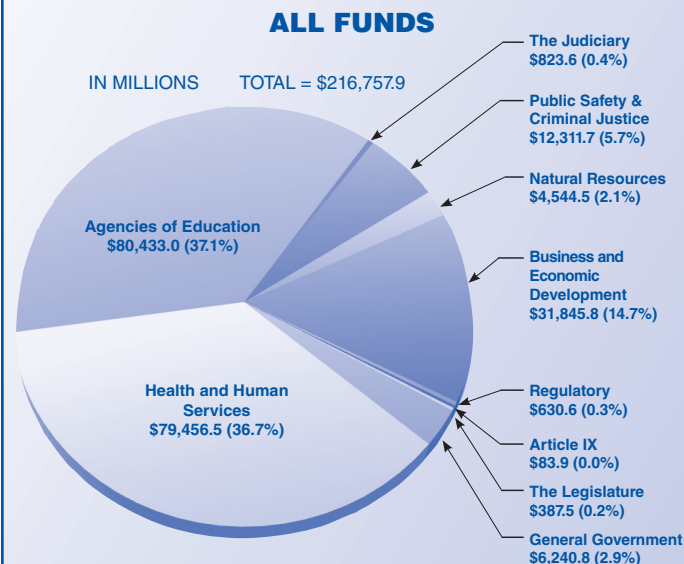
There are two budget certainties. Combined, healthcare and the cost of schooling more than 4.9 million children in Texas public schools, consume more than 60 percent of the budget. They are also easily the most hotly-debated articles within the spending plan. More than 37 percent, \$80.4 billion in All Funds, will go toward education. Health & Human Services will spend about \$79.4 billion and requires supplemental funding each session. The bulk of it, \$62.4 billion in All Funds, will be spent on Medicaid with nearly \$26 billion of it from general revenue (GR) and general revenue-dedicated (GR-D) Texas taxpayer dollars. It totals about \$1.9 billion less than the FY16-17 Health & Human Services appropriation.

Funding for transportation ranks next at \$26.6 billion in All Funds, with the majority reimbursed to the state from the federal gasoline tax.

Texas will spend about \$1.1 billion less on public schools next biennium than we did in the 2016-17 budget. It is why citizens are in an uproar over rising property taxes with more of the burden of funding schools being pushed to counties while the state's share of support continues to trend downward, now at less than 40 percent. With the Texas Supreme Court's 2016

ruling that the current school funding system is constitutional, the governor and lieutenant governor saw little need to inject more funding into the formula. This put the two chambers at odds that were not resolved during Regular Session and would carry over into the Special Session to settle. In the end, the Senate's more frugal plan would add \$351 million to public

Summary of Conference Committee Report Senate Bill 1, 2018-19



Source: Legislative Budget Board www.lbb.state.tx.us, Summary of Conference Committee Report for Senate Bill 1, 2018-19 Biennium, May 2017.

school funding with an emphasis on small and rural districts and special needs children. Also under **HB21**, \$212 million was added to help retired teachers pay rising health insurance costs.

With news stories and the courts highlighting the shortcomings of state programs whose jobs are to rescue children from unsafe living environments, Child Protective Services at last received resources closer to the levels required for its mission. Of the \$3.5 billion appropriated through the Department of Family and Protective Services, about \$293 million was designated for raises for beleaguered CPS staffers and a new director was appointed. Another \$88 million was slated to add some 1,100 new employees in response to overly-high caseloads. Funding was increased by \$95 million to add more foster care capacity and raise provider pay rates.

The budget spreads \$4 billion across 18 agencies, including criminal and juvenile justice departments for Texas to continue the priority work started in the FY16-17 budget to address behavioral health-related issues. More money would be allocated to state hospitals and to local mental health and substance abuse providers through the North Texas Behavioral Health Authority, which funds community-based providers such as Parkland Memorial Hospital.

The Texas Department of Public Safety's appropriation of \$2.48 billion includes \$694 million directly tied to border security; adding about 250 new troopers and 126 support personnel.

The Senate and House had different opinions on whether the state's Economic Stabilization Fund (Rainy Day Fund) should be used to plug budget gaps. The House proposed its use on school finance. The decision reached would use \$998 million of the Rainy Day Fund to support the budget, with \$778 million of it to be spent on state-owned facilities like state hospitals and supported living centers through Health & Human Services; for emergency repairs and deferred maintenance on state-owned buildings, including TxDOT properties, on Alamo preservation efforts and state park maintenance. The Texas Department of Criminal Justice and the Juvenile Justice Department combined will receive about \$52 million from the rainy day pot. The Rainy Day Fund is projected to grow to more than \$11 billion by the end of 2019.



April 4, 2017 was Texas Women Judges Day at the Capitol. Dallas County Women Judges were recognized on the Senate floor by Sen. West.

CAPITOL REPORT

Education

Two high profile issues would spark debate impacting education during the 85th; one affecting public education, the other higher education. A renewed push would be made through **SB3** to use public dollars to pay for students to attend private school through the creation of an educational savings account that would make funds available to parents.

SB3 would also create a tax credit scholarship program that could accept donations from businesses in return for tax credits. When the bill failed in the House, it was amended onto a school finance bill causing both measures to be defeated. However, **HB21** approved during the Special Session attached a \$40 million grant program for disabled children similar to the earlier Senate bill. Opponents consider the measure a disguised voucher precursor.

Once again, the University of Texas at Austin proposed elimination of the **Top 10 Percent Rule** that provides automatic admission to Texas high school scholars who



Senator West, Congresswoman Eddie Bernice Johnson, UNT Chancellor Lee Jackson, UNTD President Bob Mong, UNTD Distinguished Leader-in-Residence, former TEA Commissioner Michael Williams at Grand Opening for UNTD's first residence hall on August 3.

graduate at the top of their classes. The problem with **SB2119** as with other anti-Top 10 efforts is that UT seems to prefer legacy students or those from select high schools at the expense of geographic diversity. It is the only state university that is publicly adamant about repealing the Top 10. **SB2119** did not pass, but it followed UT's successful push last session that limited Top 10 admissions to students who graduate in the top 7 percent of their class.

I attempted to kill or weaken as much as possible, a section of a bill passed in 2015 that established an A-F accountability rating system for school districts and individual campuses. Research says that a connection exists between poor performing schools and surrounding poverty. Besides, how do you attract industry and families to a community with D or F rated schools? This Session, I believe more members began to see my point when some of their "good" schools and districts scored poorly during last year's trial run.

HB22 was passed in response to concerns with the A-F system. Under **HB22**, A-F ratings would not be implemented until the 2019-20 school year. For years 2017 through 2019, districts and campuses would be scored using a "met standard" or "improvement required" rating. The bill also reduces the number of evaluation categories from five domains to three. A-F critics would like to see it completely repealed.

Despite efforts to promote a college education, not all students will go on to obtain a college degree. For some, their postsecondary education will be pursued through proprietary schools, also known as career colleges. While most are viable and do a good job of career preparation, unlike traditional colleges and universities, these institutions are more likely to experience management or financial challenges which could lead to their sudden closure.

Statewide, this has happened nearly 60 times since 2012, sometimes leaving students without access to their academic records. In response, I authored **SB1781** which gives the Higher Education Coordinating Board more oversight over career colleges and establishes the board as the repository for student's academic records.

While I've honored the compromise that years ago created publicly-financed charter schools as an alternative to vouchers, I have grown concerned with what I feel to be the

clustering of charters in certain areas. It was pointed out at a recent event that locally, it would be hard to identify the same problem in communities north of I-30. I filed **SB2130** to address the problem of charter school over-saturation.

Under the bill, the application for a new charter school would be reviewed to determine the need for a new campus in a particular area or neighborhood if there is available capacity at nearby traditional school campuses. Other review factors would include course offerings, other charters in the area, enrollment at other area charters and accountability rankings. **SB2130** did not pass, but this is an issue that I will continue to monitor in District 23.

UNT Dallas

The University of North Texas of Dallas (UNT Dallas) took another step in its maturation during the 85th Legislature. Beginning FY18-19, funding for the UNT Dallas College of Law will move from the UNT System to UNT Dallas. Control of tuition revenue bond funding will also allow UNT Dallas oversight over the construction of its next new building, the Student Learning & Success Center, as well as the renovation of the old Dallas City Hall building to become the law school's permanent home. Other provisions will allow UNT Dallas to recover some of the money spent on the renovation from the state.

We are also ecstatic with the UNT Dallas - College of Law recently gaining provisional accreditation. The downtown campus also held its first graduation and hooding ceremony. And most importantly, UNTD College of Law graduates will also sit for the Texas Bar this fall.

Health & Human Services

Within efforts to rein-in problems with the child welfare system that led to a federal court's finding of constitutional violations, the legislature approved bills that will help endangered children, while shoring up Texas' foster care system. Kinship Care, formally called the Permanency Care Assistance Program (PCA), Texas' offspring of the Federal Fostering Connections to Success and Increasing Adoptions Act, has always been in my opinion, an example of good public policy that's produced positive outcomes.

Under Kinship Care, an alternative to foster care placement, custody of a child can be awarded to a family member who will receive monthly support from the state at a cost of about a fifth of what is paid to foster parents. But the best part of it is that children who are placed with relatives have proven more likely to complete school and less likely to run away or get into trouble. I passed the original bill to create the PCA in 2009. **SB203** approved this year, removes program's expiration. The law now becomes permanent.

Back in 1999, I began work to address the situation where grandparents - often of limited incomes - had been tasked with raising their grandchildren. Since then, Texas has paid a \$1,000, one-time stipend to grandparents who stepped-up to care for grandkids. **HB4** passed this session, will replace the one-time payment with a monthly stipend of about \$350 for eligible participants, similar to foster care under the Relative



Paul Quinn College President Michael Sorrell brought a group of "Quinnites" and staff to the Capitol for a visit during the 85th Legislative Session.

CAPITOL REPORT

and other Designated Caregiver Program. Unfortunately, one of my colleagues felt the need to limit the provision to one year. So in 2019, I'll be back to remove that cap.

Texas' foster care system has been so bad, for so long that the legislature overwhelmingly approved a plan to begin the process of privatizing much of the system, even though past experiences to privatize health and human services program delivery, such as with the Accenture contract a decade ago failed miserably and took years to rectify. **SB11** will implement a single-source continuum provider to administer Texas' foster care network. **SB11** hopes to eventually expand statewide from an existing community-based care model now used in seven Northeastern Texas counties, including Tarrant. The Department of Family and Protective Services will continue program oversight and monitor performance.

In 2015, I authored **SB1462** which became law to allow those close to persons suffering from opioid addiction to obtain a prescription for the drug naloxone, an opioid antagonist, from pharmacists without a prescription and without issuer liability. With opioid overdoses having quadrupled since 1999 and the issue a matter of daily discussion, I was able to write **SB584** as follow-up legislation this session. About half of all opioid overdoses are produced by prescription drugs. The bill requires the state medical board to develop guidelines, along with the pharmacy board, to allow an opioid antagonist to be prescribed to at-risk patients alongside the opioid prescription.



Retired Dallas Cowboy Quarterback Tony Romo was a visitor to the Texas Capitol.

New Laws & Issues to Watch

As the 85th Session progressed, a new dynamic emerged that would see muscle placed behind issues and bills that were opposed by cities, schools, law enforcement and even business. Nowhere was this more evident than with legislation aimed to punish local officials and jurisdictions labeled as "Sanctuary Cities" and the other, a push for stringent transgender accommodations, *aka*, the "Bathroom Bill." One passed into law. The other took two sessions to defeat - for now.

SB4 targets jurisdictions and officials who are viewed as non-compliant with federal immigration laws that call for the detainment of offenders until they are processed by U.S. Immigration and Customs Enforcement (ICE) for possible violations regarding their legal presence in the U.S. The law's focus would punish jurisdictions in Texas with policies that would release offenders when they no longer had local charges pending.

Under **SB4**, a local law enforcement agency cannot prohibit its officers from asking a person detained about their immigration status. Agencies found in violation could suffer cuts in federal grant funding and local elected officials could be removed from office. **SB4** backers say undocumented immigrants are more likely to commit violent crimes. Opponents like myself, argued that such claims are not only unfounded, but discriminate based on race and burden local jurisdictions. Dallas joined Houston, Austin, San Antonio and several counties in a lawsuit to oppose **SB4**. On August 30th a federal judge blocked **SB4**'s implementation.

Multiple Senate and House bills filed during the regular and special session sought to require that a school or other public entity must restrict a multiple-occupancy restroom,

locker room, changing area or shower to only be used by a person consistent with their biological sex. **SB6**, filed during the regular session, would also preempt any ordinance or regulation approved by a local jurisdiction. Upon request, a public entity must designate a separate, single-occupancy facility for use by a transgender person. Cities and business leaders said it would cost Texas billions in events and tourism. Law enforcement said they have yet to make an arrest on this basis, adding that such measures would be unenforceable. Advocacy groups said the law would be discriminatory. But what would doom the effort twice in 2017 would be the House Speaker Joe Straus not calling any of the bills to the floor for debate.

SB2 filed during the Regular Session and **SB1** from the Special Session would have called for an automatic recall election if a local taxing authority such as a city, a county, a school or hospital district raised taxes by more than 4 percent (Senate version) or 6 percent (House version). Current law says citizens can petition for a recall election if taxes increase by 8 percent. Cities protested that such a change would stifle their ability to raise revenues that pay for public services like police and fire protection and fixing streets. City of Dallas experts said the recall bills would cost at least \$10 million or up to \$20 million in revenue, while actually saving the average homeowner less than \$20 a year.

The House had the last word, citing that any Senate proposal that did not significantly address the school finance system would be fruitless. Expect to see this issue raised again.

SJR2/SB21 amends the Texas Constitution to call for a Convention of the States if similar measures are approved in 35 states. It gives states the right to reject federal authority and undermines our system of checks and balances. Provisions under this law could allow a state or Congress to override a U.S. Supreme Court decision. And a seven vote Supreme Court majority could declare federal law to be unconstitutional.

SB5, passed during the Regular Session, expands the list of documents which can be used as proof of identification to allow a registered voter to cast a ballot. In addition to the approved forms of Photo ID that have been eligible since 2014, other approved forms of ID will include the voter registration card, a current utility bill, bank statement, a paycheck, a government check or other government document that contains the voter's name and address. However, a voter who uses these alternative forms of ID must sign a reasonable impediment declaration form that also carries a penalty of perjury for making a false statement. Late in August, U.S. District Court Judge Nelva Ramos permanently banned future enforcement of **SB5** and most of its predecessor **SB14**, first passed in 2011. Texas plans to appeal.

By the time the 2020 Presidential Election takes place, straight ticket voting will no longer be possible in Texas due to **HB25**, which passed during the Regular Session. And under **SB5** passed during the Special Session to deter mail-in ballot fraud, there is also language that could create a state jail felony offense if, for example, a relative or friend advises or otherwise assists a senior to complete a mail-in ballot.



Law enforcement, ministers and advocates joined Sen. West, Lt. Gov. Dan Patrick and joint author Sen. John Whitmire for a news conference to discuss **SB30**, *The Community Safety Education Act*.



Senator West and Chairman Dan Flynn at press conference announcing the agreement reached on the Dallas Police and Fire pension plan. Pictured also are Dallas Mayor Mike Rawlings and Police Association President Mike Mata.

Legislation with Local Impact

It was no simple task, but after months of negotiations, we were able to reach agreement between the City of Dallas and the Police and Fire Departments. **HB3158** will save the pension fund from insolvency that analysts say was only a matter of time under the existing plan that was beset by mass withdrawals and poor investments.

The bill changes the Pension Board's composition, returning the majority to the city. It raises the retirement age from 53 to 58 and adjusts the plan's rate of return. Major changes were made to eligibility and enrollment in the controversial DROP plan. **HB3158** also sets the city's annual plan contribution at \$13 million for 7 years. In seven years, an actuarial review will determine if the plan is performing as projected or if the city's contribution needs modification.

Anyone who has visited the University of North Texas at Dallas, will see firsthand the progress that makes us all proud. To continue the growth we've envisioned in becoming an economic engine for the entire region, we were able to author **SB2244**, which creates a Municipal Management District in the area surrounding the Southern Dallas County campus that's now home to more than 3,500 students. The tools available under these special use districts allow part of the taxes collected within the district to be directed toward special enhancements and infrastructure development projects.

HB1122 calls for a November election to determine the fate of Dallas County Schools, which provides transportation and educational support services for several area school districts. The school system came under intense scrutiny over a failed venture involving stop arm cameras, fiscal mismanagement and their handling of numerous citations issued to drivers for traffic violations without drivers being notified of the offenses.

Without voter approval, Dallas County Schools will be dissolved and its assets transferred to participating school districts. Some favor privatization of transportation services. Under **HB1122** as filed, citizens would not have had a say in deciding the fate of the bus system. I insisted that they would.

Three bills were filed with the goal of hindering progress toward a privately-funded high speed rail line that would link Dallas and Houston. Two survived. It now appears that further obstacles have been navigated. **SB975** assigns the Texas Department of Public Safety (DPS) the responsibility to ensure that all federal and state laws regarding rail security are enforced. This includes monitoring security threats and oversight of passenger and employee safety standards.

SB977 prohibits TxDOT from using state funds or other resources for rail planning, construction, maintenance or security. However TxDOT has regulatory oversight over the rail project to ensure compliance with federal and state laws; the same as with all transportation projects in the state.

We were also able to amend the language of **SB1251** into **HB4102** by Dallas' Rep. Neave to create the Ending Homelessness Fund through voluntary donations collected through vehicle registration.

Criminal Justice

We were able to work successfully with leadership and members to pass several bills that will enhance public safety and improve the lives of Texans. Taking to heart the national unrest surrounding police and community relations stemming from numerous, sometimes fatal encounters between unarmed minorities and officers, we were able to develop legislation that became **SB30**.

Under **SB30**, law enforcement, citizens, drivers and even high school students will receive consistent instructions through recommendations developed from stakeholders and public dialogue on the proper actions that should take place during interactions between officers and the public. In addition, similar instructions will be placed in the driver training manual published by the Department of Public Safety, whose assistance to this effort was vital. We hope that this legislation will become a national model. If it saves but one life, all the energy poured into **SB30** will be well worth it.

Dallas and the nation were shocked by the unthinkable horror that took place July 7, 2016 downtown that claimed the lives of five officers and injured nine others. Not long afterwards, we were asked by Lt. Gov. Dan Patrick to create legislation that would equip officers throughout Texas with protective vests capable of withstanding the type of high-caliber ammo used by the shooter.

SB12 received unanimous support in the Senate and overwhelming support from the House. Through it, up to \$25 million will be spent statewide through a grant process that opened on July 7, 2017 which will fund law enforcement agency's purchases of protective vests and related equipment.

SB1253, a bill I authored, will require all post-arrest interrogations of suspects arrested on felony charges to be recorded. The bill includes circumstances which provide exceptions to the recording mandate. **SB1253** was stand-alone legislation which contains language also included in **HB34**, a criminal justice reform bill that revises police and prosecutor practices that have enabled wrongful convictions to occur.

HB34 changes existing law to implement new procedures and require additional training on in-person and photo-lineup identification and also for eyewitness identification. It will provide greater transparency regarding the testimony obtained from jailhouse informants. After multiple attempts over several legislative sessions to pass similar bills, these reforms say Texas is headed in the right direction.

Reform efforts continue with the passage of **SB1849**, also titled the Sandra Bland Act. The bill would improve the screening process and monitoring of persons arrested who have mental illnesses or intellectual disabilities and also for those under the influence of controlled substances.

SB1849 will require the Commission on Jail Standards to develop new procedures to improve training and jail safety and mandate the reporting of serious incidents that take place in local correctional facilities. Under **SB1849**, the time sheriffs have to notify the courts of an offender who has mental health concerns is reduced from 72 to 12 hours. Conditionally, **SB1849** also requires local authorities to divert those with mental health or substance abuse problems from jails to treatment facilities.

After four previous attempts, including a veto in 2013, Texas will join the list of states that have banned in some form, texting while driving. Under **HB62**, drivers are prohibited from using a portable wireless device to read, write or send an electronic message while behind the wheel. The bill preempts local ordinances and officers cannot seize or inspect a driver's telephone. **HB62** does not apply to law enforcement or emergency response vehicles.

Critics from cities and law enforcement said **HB62** was unenforceable, so another texting bill, **SB15** was filed during the Special Session that would have banned the use of any wireless device by a driver that is not hands-free. **SB15** failed to pass in the House.

Question: What did your college student do this summer?

Answer: He or she could have been a member of the 24th Class of the Dr. Emmett J. Conrad Leadership Program.

For those of you unfamiliar with this exciting opportunity, the Dr. Emmett J. Conrad Leadership Program since 1993, has provided paid summer employment - ideally in their fields of study - for more than 2,400 students who live in Texas Senate District 23.

As an intern with the Conrad program, students are able to gain invaluable work experience and transfer that practicum back into the classroom. Some are returning interns who have been in the program for several years, even while pursuing post-graduate degrees. They are assigned to jobs at hospitals, city and state agencies, law, accounting and public relations firms and area corporations.

Many have gone on to gain permanent employment with companies they have interned with; entities like Texas Instruments, the Texas Department of Criminal Justice, AT&T, TxDOT and local hospitals, UT Southwestern and Parkland. And currently, three former interns are law students at the University of North Texas Dallas College of Law.

The Conrad program requires interns to participate in several community service projects as well as mentoring and character building programs.

Information regarding the 2018 Dr. Emmett J. Conrad Leadership Program application process can be found at www.conradleadership.com. Summer 2018 will mark the program's 25th year. In noting this milestone, we have launched a reclamation campaign to locate, document and celebrate the success of past interns/current alums through the creation of a Conrad directory.



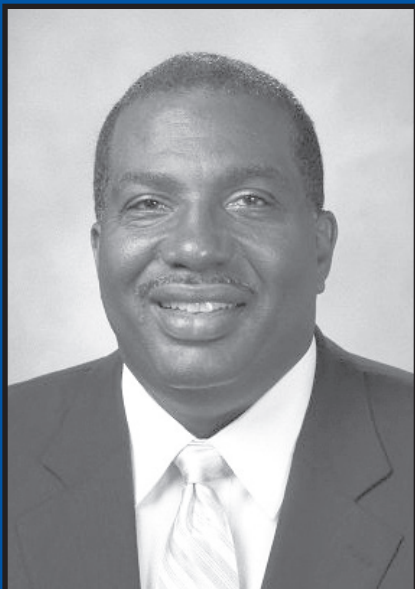
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