

Analysis: Texas legislative session—win, lose and draw

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AUSTIN—In the Texas Legislature's recent regular session, lawmakers expanded nutrition programs for children and gave law enforcement agencies more tools to fight human trafficking, but they failed to pass meaningful reform of payday and auto-title lending practices. At the same time, no major gambling expansion bill advanced beyond hearings in committees.

Gov. Rick Perry has until June 16 to sign or veto bills that passed in the legislative session.

Predatory lending

In the 83rd Legislative Session, the [Texas Baptist Christian Life Commission](#) continued its work in opposition what it views as predatory lending practices employed by payday and auto-title lenders across the state.

During the 82nd Legislative Session, the CLC helped pass legislation that brought the predatory lending industry under new regulations, but these lenders continue to charge Texans high fees on small-dollar loans. There is more work to be done to ensure these lenders are held to a truly fair standard, commission officials noted.

SB 1247 by Sen. John Carona: CLC staff members participated in negotiations with industry members and Carona's staff regarding this bill regarding regulation of payday loans and auto-title lending even before the session began. As filed, the bill reflected the compromises reached in those negotiations. However, substantial changes were made before the

committee sent the bill to the Senate, which caused the CLC to oppose it at that time.

Just prior to consideration on the Senate floor, Carona agreed to accept several amendments representing substantial improvements. Based on his commitment to maintain these improvements, the CLC withdrew its opposition to SB 1247.

The Senate considered the bill April 23, and added all of the amendments of importance to the CLC. Surprisingly, several more amendments were added that strengthened the bill far beyond what was contemplated by consumer advocates.

On April 29, the House Investments and Financial Services Committee conducted hearings on the bill, picked up by its House sponsor, Rep. Mike Villarreal, chairman of that committee. A committee substitute was offered that weakened the bill even beyond the amendments Carona agreed to accept.

The CLC testified neutrally on the content of the bill but urged members to vote it out of committee and let the process move forward. The payday and auto-title lending industry came out in full force to oppose the bill, even in its weakened state. Due to strong industry opposition and an industry-friendly committee, the bill died in committee without receiving a vote.

HB 2019 by Rep. Tom Craddick: This bill would have capped the fees payday and auto-title lenders can charge, bringing them back in line with existing Texas lending laws. The CLC supported this legislation, since its provisions would have created meaningful change in payday and auto-title lending practices in Texas.

The Investments and Financial Services Committee conducted hearings on HB 2019 April 15, and several Texas Baptists spoke in support. They included Jeff Johnson, pastor of First Baptist Church in Commerce and

president of the Baptist General Convention of Texas; Randy Wallace, pastor of First Baptist Church in Killeen; Chad Chaddick, pastor of Northeast Baptist Church in San Antonio; and Bryan Richardson and Charlie Wedge, associate pastors of First Baptist Church in San Antonio.

However, HB 2019 never advanced beyond the House Investments and Financial Services committee, where it died after its hearing.

Food policy

SB 376 by Sen. Eddie Lucio II, sponsored by Eddie Rodriguez in the House: This bill created a targeted expansion of school breakfast programs so all students in schools with at least 80 percent of students on free and reduced lunch can eat breakfast for free.

SB 376 passed out of the House and was signed by the governor May 24. The bill's final passage coincided with a rally on the front steps of the Capitol involving 210 elementary school students who urged lawmakers to fight childhood hunger.

HB 749 by Rep. Richard Raymond: The CLC supported this bill, which charged the Texas Hunger Initiative and the Texas Department of Agriculture to work together on a five-year plan to increase participation in summer food programs, targeting rural areas. HB 749 passed and awaits the governor's signature.

Human Trafficking

HB 2268 by Rep. John Frullo/SB 1052 by Sen. John Carona: These identical bills, which the CLC supported, streamline the investigations of Texas law enforcement officers into aspects of human trafficking taking place on the Internet.

Previous limitations on search warrants in Texas hindered the ability of law

enforcement to fully investigate human trafficking based online. This bill created a new way to obtain search warrants for information transmitted electronically. HB 2268 passed in both chambers and was signed in the House May 27.

SB 92 by Sen. Leticia Van de Putte: The CLC supported this bill, which creates a diversion court program for victims of human trafficking. In particular, the bill helps recognize victims of human trafficking as victims, not criminals, particularly in situations involving allegations of prostitution. Many trafficking victims are minors and cannot legally consent to sex; this bill treats them accordingly. The governor signed SB 92 May 25.

HB 2725 by Rep. Senfronia Thompson: This bill creates parameters to help ensure the confidentiality of human trafficking shelters and their occupants. The CLC supported this legislation, and HB 2725 passed unanimously in both chambers and was sent to the governor's office May 22.

Gambling/Texas Lottery

Throughout its history, the CLC has opposed state-sponsored gambling, including the Texas Lottery. The CLC contends gambling has a disproportionate and negative effect on the wellbeing of all Texans, especially the poor.

Furthermore, the gambling industry's promises to generate considerable revenue for the state, much like those given by proponents of the Texas Lottery in the early 1990s, have not been fulfilled, both in Texas and other states around the country.

No major gambling expansion bill made it out of committee this session.

SJR 64 by Sen. Corona: The CLC opposed SJR 64, which proposed a constitutional amendment providing immediate additional revenue for the

state budget by creating the Texas Gaming Commission, and which would authorize and regulate the operation of casino games and slot machines by a limited number of licensed operators and certain Indian tribes. This constitutional amendment never received a vote in committee.

SB 433 by Sen. Dan Patrick/HB 1127 by Rep. Wayne Smith: The CLC supported these bills, which regulate game rooms in certain counties and provide penalties and fees. Harris County law enforcement also supported this legislation because it will help rid the community of eight-line gaming machines. SB 433 never was heard in the Senate, but HB 1127, an identical companion, passed both chambers and was sent to the governor's office May 27.

SJR 43 by Sen. Leticia Van de Putte/HJR 141 by Rep. John Kuempel: The CLC opposed these bills, which proposed a constitutional amendment to authorize online poker gaming regulated under federal law.

SB 282 by Sen. Leticia Van de Putte/HB 394 by Rep. Senfronia Thompson: The CLC opposed these bills, which relate to limits on prizes for bingo games and would have exempted prizes under \$50 in value from the existing statutory ceiling.

HB 2197 by Rep. Rafael Anchia: The Texas Lottery recently went through the sunset review process, and the CLC publically urged the state to allow it to expire. The CLC testified against this bill in committee and asked representatives to vote "no" on it. The lottery never has delivered on its promises, and it costs Texas communities. It has failed the state, and it is time to end this regressive tax, commission representatives insisted.

The House voted on the "sunset bill" to continue operation of the Lottery Commission April 23. The initial vote failed, and the House therefore declined to reauthorize the lottery. A few hours later, however, the House reconsidered the vote, and the bill passed.

The next day, the House had to consider the bill on third reading. Lawmakers debated several amendments and approved one requiring a legislative committee to study winding up the business of the state lottery and another that requires at least 5 percent of bingo proceeds to go to charity.

The bill recently was voted out of the Senate State Affairs Committee and includes language calling on a special joint legislative review committee to take a comprehensive look at the lottery and charitable bingo operations in Texas.

Public Education

In public education, the CLC mainly watched bills that aimed to establish a tax credit for donations given for private school scholarships. The CLC sees these tax credits as vouchers and opposes them chiefly on grounds of maintaining church/state separation. Most private education is religious in nature and mission and, therefore, should be supported strictly by voluntary monies—not state funding, the commission insists.

The CLC long has affirmed the right of every Texas child, regardless of economic station, to receive a quality public education and opposes any legislation that threatens this right.

SB 1 and Public Education Funding: The 83rd Texas Legislature began the task of partially restoring cuts to public education made in the previous session. The supplemental appropriations bill increased funding for the current biennium, which schools districts will see this year.

This legislature, unlike the last, agreed to fund enrollment growth. Both the House and Senate versions of the budget have an increase in funding written into the budget for 2014-2015 that likely will mean an additional \$1.5 billion to \$2.5 billion when it becomes final. These increases are a good start, but do not yet fully restore funding to pre-2011 levels, the CLC

maintained.

Amendment 95 to SB 1 (state budget) by Rep. Abel Herrero: The CLC was pleased to see Rep. Abel Herrero's amendment to the state budget bill pass overwhelmingly. The amendment helped prevent public funding of private schools in the form of school vouchers and tax credits.

Adult Education

SB 307 by Sen. Joan Huffman: This bill passed the House and Senate, and the governor signed it May 18. It will move the adult education program from the Texas Education Agency to the Texas Workforce Commission to ensure training for job skills is an integral part of the program. The final bill also included the development of family literacy as a purpose of the program, to encourage parents to be involved in their children's education.

SB 441 by Sen. Brian Birdwell: This bill was sent to the governor's desk for his approval. It requires TWC to work with community colleges and technical schools to establish a fast-track program for post-secondary certification in high-demand occupations. The program will be competency-based, so a student can move to the next part of a program when a subject is mastered, focusing on veterans and current workers needing re-training.

Immigration

The CLC tracked many bills dealing with immigration. The commission supports comprehensive immigration reform at the national level and supports a path to citizenship.

In Texas, the CLC is working toward immigration policies consistent with humanitarian values and that allow the appropriate authorities to enforce the law and implement federal immigration policy.

Finally, the CLC continues to support the DREAM Act, as children should not be punished for the decisions of their parents, and an uneducated Texas is a losing proposition.

HB 3206 by Rep. Roberto Alonzo: In 2001, the legislature voted to require proof of citizenship to renew a driver's license. An unintended consequence of this law is that illegal immigrants cannot secure insurance but continue to drive on Texas roads. HB 3206 would allow the issuance of a driver's permit to this population within certain parameters, including passing a driving test, proof of Texas residency, a full set of fingerprints, a criminal history background check and an application fee of about \$150.

These permits appear substantially different from a Texas Driver's License and ID and are not a federally recognized form of identification. The permit will allow permit-holders to obtain motor vehicle insurance and vehicle registration in Texas.

The bill remained in the Calendars Committee and was not heard on the floor before the deadline for the House to pass bills.

Advance Directives

Advance directives deal with end-of-life care and decisions, and they attempt to provide protections to all those involved, including family, caregivers, doctors and other medical providers.

SB 303 by Sen. Bob Deuell: This bill, which the CLC supported, represents an effort to update and reform existing advance directive laws. It was designed to balance the interests and desires of the patients in question, the families of those patients, and the doctors and hospitals caring for them.

SB 303 passed out of the Senate with a strong bipartisan vote. The bill then was referred to the House Public Health Committee where it received a

hearing May 13. The CLC testified in favor of the bill in a hearing that lasted until 2:30 a.m. However, conflict between members and a few of the outside organizations that opposed the bill caused it to die in the House committee without a vote.

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