

Analysts look for silver linings in stormy legislative session

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AUSTIN—After a legislative session that began with high hopes and ended with a shoving match on the floor of the Texas House of Representatives, some public policy analysts and advocates emphasized bright spots where they could find them.

And there is more on the way. On June 6, Gov. Gregg Abbott announced he will call lawmakers into a special session July 18 to focus on sunset bills to reauthorize several state agencies. If they pass, he has 19 additional proposals in mind—including public school finance and private school vouchers.

Child welfare reform



Kathryn Freeman Kathryn Freeman, director of public policy for the Texas Baptist Christian Life Commission, pointed to improvement in foster care and child welfare as a major highlight of the regular session.

Two days after the legislative session ended, Abbott signed into law four bills aimed at reforming the state's child welfare system. In his State of the

State address in January, he named the state's child welfare crisis as an emergency item, after a federal judge ruled the Texas foster care system violated children's rights.

Freeman particularly focused on the merits of two of the laws Abbott signed.

One enables the state to expand a community-based model for child welfare, contracting with nonprofit agencies to oversee children in foster care or adoptive homes. Advocates for the community-based approach emphasize the value in placing foster children near their families and communities of origin.

The other bill allocates additional funds for kinship care—increasing the monthly allowance for families who care for abused or neglected children who are related to them.

"I am glad to see the legislature putting more money into child welfare," Freeman said. "It remains to be seen if it is enough" to satisfy the courts and fix systemic problems, she added.

She also applauded lawmakers for approving measures to improve access to mental health resources.

Protection for faith-based providers

A related measure approved by lawmakers and awaiting the governor's signature protects the rights of religious agencies that serve as providers in the state's child welfare system to exercise their "sincerely held religious beliefs."

The "conscience protection" shields faith-based agencies from being compelled to make a foster or adoptive placement that violates their religious beliefs, such as placing a child in the home of avowed atheists or

with a same-sex couple.

The measure drew support from the CLC, the Texas Catholic Conference of Bishops and various religiously affiliated child and family services agencies. Some civil liberties groups, such as the Texas Freedom Network, and gay-rights organizations opposed it.

House defeats private school vouchers

Freeman also named as victories some initiatives lawmakers defeated—school vouchers and voucher-like plans, a proposal to pre-empt local ordinances that regulate payday lending and efforts to expand gambling in Texas.

The Texas House soundly rejected a Senate-supported voucher-style program to create education savings accounts for students in private and parochial schools.

The House also approved by a more than two-to-one margin a budget amendment that said taxpayer funds “may not be used to pay for or support a school voucher, education savings account, or tax credit scholarship program or a similar program through which a child may use state money for nonpublic education.”

Missed opportunity for funding

However, Freeman expressed disappointment in lawmakers’ inability to agree upon a budget that provided more funds for public education.

“It was a missed opportunity to increase our investment in the future of Texas,” she said.



Charles Foster Johnson Charles Foster Johnson, executive director of Pastors for Texas Children, expressed a similar sentiment more bluntly.

“This session was a train wreck for public education funding,” Johnson said.

“The Texas Senate failed in its responsibility to ‘make suitable provision for the support and maintenance of an efficient system of public free schools,’” he said, quoting from Article 7, Section 1 of the Texas Constitution.

Johnson particularly took aim at Lt. Gov. Dan Patrick, who made school vouchers a legislative Senate priority and doomed a House-backed proposal to provide \$1.8 billion for public schools by refusing to pass the budget without an education savings account provision.

“We have a lieutenant governor who does not believe in public education for all children,” he asserted.

However, he applauded the House and its leadership for defeating voucher proposals.

“Thank God for Speaker Joe Straus, who held the line against vouchers in the House,” Johnson said.

Rebuffed efforts to pre-empt municipal payday lending ordinances

Also among the bills failing to gain traction in the regular session were measures that would have pre-empted the kind of local ordinances passed by more than 40 Texas towns and cities to regulate abuses in payday lending, Freeman noted.

Most of the city ordinances regarding payday lending and auto-title loans restrict the number of times lenders can roll over a loan and require loans to be paid off in a prescribed number of installments.

No expansion of gambling

Lawmakers also resisted pressure to expand gambling in Texas by legalizing daily fantasy sports, “historic racing” machines or pull-tab bingo—action applauded by Rodger Weems, chair of Stop Predatory Gambling-Texas.



Rodger Weems “Failure of all three pro-gambling bills gives the anti-gambling movement a clean sweep—a hat trick,” Weems said. “Our side won three for three.”

The House Licensing and Regulation Committee passed a proposal to legalize daily fantasy sports, but the full House never voted on the measure. Online daily fantasy sports sites permit players to pay a fee to enter a game in which they create a fantasy sports team using real professional athletes. The athletes’ performance in various statistical categories determines how a fantasy league team fares, and the fantasy player wins or loses money accordingly, with the sponsor site claiming a

percentage.

Historic racing machines, also called “instant racing,” uses electronic devices that display information and a brief video clip from previously run races, stripped of identifying markers, and allow participants to wager on the outcome.

No enthusiasm for ‘purpose-driven racing’

A move to legalize electronic historic racing machines at Texas racetracks never gained ground in the session, in spite of framing the bill as “purpose-driven racing” with some proceeds earmarked for the families of first responders who die in the line of duty.

“No matter how noble the objective, the bill still would have authorized an unlawful expansion of gambling forbidden by the Texas Constitution,” Weems said.

Stop Predatory Gambling-Texas particularly found the “purpose-driven racing” terminology offensive, since it seemed to lift the term from popular books by Rick Warren, a Baptist pastor in Southern California.

“We view the borrowing of religious language to prop up this pro-gambling bill as cynical, deceptive and probably a violation of copyright law,” Weems said.

A third bill, which would have approved larger prizes for “pull-tab bingo” games in Texas, also never passed the legislature.

‘Not the best session for criminal justice reform’

Freeman identified as “a disappointment” the Senate’s failure to pass a bill that would have raised the age of juvenile jurisdiction so 17-year-old offenders would not be tried and punished as adults.

A bill that would have raised the age of criminal responsibility from 17 to 18 passed in the House with bipartisan support. However, the measure died in the Senate, where several leaders exerted influence to kill it, she noted.

Texas remains among only six states that treat 17-year-old offenders as adults.

“This was not the best session for criminal justice reform,” Freeman said.

Shouting and shoving

Nor was it the best example of civility, she noted, pointing to a scuffle on the floor of the House of Representatives during the final hours of the regular legislative session.

On Twitter, she tweeted: “This is disgraceful behavior & totally unbecoming of the House. The coarsening of our politics is toxic & doesn’t serve citizens well at all.”

A heated debate on sanctuary cities turned into a shoving match after a lawmaker said he called immigration officials to report protesters in the House gallery. One representative threatened to shoot another, according to multiple news reports.

“It’s incredibly disappointing and sets a poor example for the children of Texas,” Freeman said.