



Summary of Accomplishments

84th Legislature

(Updated February 22, 2016)

Constitutional Rights

- [First Amendment rights](#)

The legislature passed an important bill regarding a core constitutional right: [Senate Bill 2065](#) protects the fundamental First Amendment right to freedom of religion. Pursuant to the bill, a religious organization or an individual employed by a religious organization, or a clergy member/minister, may not be required to solemnize any marriage or provide services related to marriage if the action would cause the organization or individual to violate a sincerely held religious belief. Current sustained assaults nationwide on religious freedom and conscience indicate that religious liberty is in danger of becoming a “second-class right . . . one that can be easily overridden by other rights, claims and interests.”¹

The bill safeguards religious liberty by protecting clergy and employees of religious organizations from claims of homosexual discrimination in the event they choose, as required by the tenets of their faith, not to recognize same-sex “marriages.” The protection is one small effort at ensuring that religion is not further marginalized from the public square and that the moral culture that undergirds and nourishes democracy is further protected, especially with the United States Supreme Court set to rule in *Obergefell v. Hodges*.²

- [Second Amendment rights](#)

The 84th Legislature passed two important reforms regarding lawful possession of firearms: so-called “campus carry” and “open carry.” [Senate Bill 11](#) allows Concealed Handgun License (CHL) holders to carry a concealed handgun on the campus of an institution of higher education. Under the bill, colleges and universities may not prohibit CHL holders from carrying in accordance with this new provision. Institutions may, however, regulate the storage of handguns in dormitories and other residential facilities owned or leased and operated by the institution and located on campus. The bill has the potential to make college campuses safer--most public mass shootings have taken place where citizens are banned from carrying guns,³ and recent increases in CHL ownership have coincided with a drop in violent crime.⁴

Until 2015, Texas was one of only 6 states and the District of Columbia not to allow open carry of handguns.⁵ [House Bill 910](#) authorizes licensed open carry of handguns in Texas so long as the handgun is carried in a shoulder or belt holster. It amends all sections of state law with reference to concealed handgun license (CHL) holders and strikes the requirement that handguns be “concealed.” The bill also codifies the authority of property owners to exclude individuals openly carrying handguns from their property. Specifically, a property owner may provide notice to handgun carriers by oral or written communication that openly carrying a handgun on the premises is prohibited. HB 910 protects two groups with valuable interests at stake: property owners and gun owners.

Tax Relief and Fiscal Reform

Several notable tax relief bills were passed by the 84th Legislature amounting to approximately \$3.8 billion⁶ in property tax and franchise tax relief over the next biennium.

First are property tax reforms. Revenues from all school district property taxes have increased by 230 percent over the past two decades⁷, placing an unsustainable burden on property owners. School districts in Texas are currently required to offer a \$15,000 property tax exemption on the appraised value of residential homesteads. [Senate Bill 1](#) and its accompanying [Senate Joint Resolution 1](#) amend the Tax Code to raise the homestead exemption from \$15,000 of the appraised value of the residence homestead to \$25,000. The bill also freezes optional homestead exemptions offered by local taxing units until December 31, 2019 and provides for additional state aid to help make up the difference between revenue that would have been available to school districts before this change and revenue that districts actually receive after the bill's enactment. [Senate Bill 1760](#) also requires that any increase in an effective property tax rate must be approved by at least 60 percent of the members of the governing body of the political subdivision. This is in addition to current law provisions that require an increase in an effective tax rate to be approved via a record vote of the governing body in question.

[House Joint Resolution 75](#) and its enabling legislation [House Bill 992](#) extend the homestead exemption to the surviving spouse of a disabled veteran who died before January 1, 2010, when the current exemption was enacted. This is a fair application given the sacrifices endured by the families affected, who should not be barred from the benefit simply because they suffered a tragic loss before the existing statute was implemented. Under the provisions of HB 992, and if HJR 75 is approved by voters, the surviving spouses of totally disabled veterans will be entitled to a homestead exemption regardless of when the veteran passed away.

After property taxes, Texas' second highest revenue generator is the franchise tax, which produced \$4.7 billion in revenue in fiscal 2014, accounting for 4.5 percent of all state tax revenues. The tax is paid by corporations, LLCs, and certain other business organizations, levied on adjusted gross receipts at a rate of one percent for all businesses except those primarily engaged in retail or wholesale trade, which are taxed at one half of one percent. [House Bill 32](#) cuts the rate of the franchise tax by a significant percentage: from 1 percent to 0.75 percent for most taxpayers, and from 0.5 percent to 0.375 percent for retailers. The bill also raises the EZ-file revenue threshold from \$10 million to \$20 million and cuts the EZ-file rate from 0.575 percent to 0.331 percent. The legislation can be seen as the first step toward repeal of the franchise tax: the Comptroller is also directed to study the economic and fiscal effects of repealing the franchise tax and report to the Legislature by September 30, 2016. The Tax Foundation has repeatedly recommended repeal of the franchise tax. Specifically, Scott Drenkard of the Tax Foundation concluded the following in "The Texas Margin Tax: A Failed Experiment":

The Texas Margin Tax does not raise revenue in an equitable, simple, or transparent way. While policymakers aimed to increase education spending from a source other than property taxes, they inadvertently created one of the worst business taxes in the country. While the academic evidence against gross receipts taxes alone should be sufficient impetus for repeal, Texas policymakers now know from direct experience the problems that businesses face with complying with this complex tax. The Margin Tax experiment has failed, and it should be retired.⁸

Apart from property and franchise taxes, there were other conservative victories in the tax realm. [House Bill 1905](#) repeals certain alcoholic beverage taxes and the tax on controlled substances-- for example, by abolishing the beverage

service fee of five cents per serving of an alcoholic beverage served in Texas by the holder of an airline beverage permit or a passenger train beverage permit. The bill makes further assorted changes – repealing the bingo gross rental tax, exempting emergency medical service entities from motor fuel taxes, and more. Additionally, the tax on crude petroleum and sulphur production was repealed by [Senate Bill 757](#), resulting in more than \$5 million of tax annual tax relief in these sectors. Sales tax exemptions passed during the 84th Legislative Session include [House Bill 2507](#) (equipment used for digital audio broadcasting) and [Senate Bill 904](#) (emergency preparation supplies).

In addition to tax relief, the 84th Legislature passed a variety of other positive fiscal reforms. [House Bill 114](#) prohibits the issuance of capital appreciation bonds (CABs) by political subdivisions, including school districts, unless certain criteria—including, for example, that the bonds have a scheduled maturity date of less than 20 years—are met. The bill also establishes that CABs may not account for more than 25 percent of a political subdivision’s outstanding bonded indebtedness at the time of issuance. Because CABs allow local governments to take on debt, make no repayments for years or even decades, and end up having to repay as much as ten times the principal amount, applying strict criteria to this practice is a sound fiscal measure.

In the realm of pension reform, [House Bill 9](#) increases required member contribution rates into the Employees Retirement System of Texas (ERS), which provides retirement benefits for state employees and various other public employees. ERS reports that the retirement system is not currently fully funded “due to inadequate funding in 19 of the last 20 years.”⁹ The System’s 2014 Comprehensive Annual Financial Report (CAFR) highlights a \$7.5 billion unfunded liability and an infinite amortization period. The bill increases the contribution rate from 7.2 percent in fiscal year 2016 and 7.5 percent in fiscal year 2017 to 9.5 percent in both fiscal years and beyond, which will help put the system on more stable fiscal footing.

[House Bill 26](#) abolishes the state’s Emerging Technology Fund (ETF), which has been mired in controversy and has not shown a broad or demonstrable benefit. Given that one of the ETF’s goals is a “substantial increase in high-quality jobs,” the Fund has fallen short of its intended purpose—creating far fewer jobs than was initially expected. The bill also provides for the establishment of the “Governor’s University Research Initiative.” Under that initiative, the Governor may award matching grants to assist higher education institutions in recruiting “distinguished researchers.” The bill contains several criteria for matching fund grant proposals and awards, in addition to the qualification that a matching grant may not be used to recruit a “distinguished researcher” from another institution in Texas. This is an important effort to improve Texas’ standing in higher education.

[House Bill 7](#) reduces the state’s reliance on funds consolidation by reducing and eliminating the balances of a series of General Revenue-Dedicated (GR-D) accounts in the state treasury. Taken together, these provisions will reduce the amount of general revenue dedicated funds available for budget certification by \$565 million. Taken together with other fiscal bills, it would move the state toward a goal of reducing the general revenue dedicated fund balances available for certification by about \$1.7 billion. The bill also requires the Comptroller to issue a biennial report detailing the balance and revenue of each GR-D account that is available for certification and to post that report online.

Education

Several significant reforms were made in the realm of public school accountability, transparency, teacher training, and early childhood educational development.

- [A-F school letter “grades”](#)

[House Bill 2804](#) requires the state’s Education Commissioner to assign performance ratings of A, B, C, D, or F to school campuses. Currently, these easily interpretable ratings are being assigned to *districts*, but not to individual schools, where parents actually enroll their children. By giving parents transparent evaluations of their children’s school campuses—some of which could influence parents’ decisions about where to send their child and force schools to achieve higher standards or face decreased enrollment—the bill is a small but important step toward giving parents and families greater control over the quality of the education their children receive within the public education system.

- [Targeted, grant-based improvements to pre-kindergarten](#)

[House Bill 4](#) establishes a \$130 million high quality pre-kindergarten (pre-K) grant program, whereby a school district or charter school may participate and receive *half-day* funding so long as it meets program requirements. As one of Governor Abbott’s “emergency” items, the pre-K grant program is notable in many respects, but perhaps most of all because it provides additional resources for established pre-K programs in return for higher standards and assessments without expanding the program beyond its current, eligible population. House Bill 4 also includes provisions related to reporting and performance metrics to ensure that, in the future, the state will be able to comprehensively study the efficacy of pre-K on child learning. Further, the bill requires pre-K teachers to have a Child Development Associate (CDA) credential, perhaps ensuring that pre-K offerings are truly higher quality.

- [Teacher training academies](#)

Professional development for teachers is a critical factor for improving educational outcomes. The legislature passed a variety of bills aimed at enhancing teacher effectiveness inside the classroom by increasing opportunities for professional development. [Senate Bill 925](#) requires the commissioner to develop “literacy achievement academies” (LAAs) for teachers who provide reading instruction for students at the kindergarten, first, second, or third grade level. These academies must include instructional training in phonics, vocabulary, and comprehension, using methods that have been empirically-validated. For teachers of older students in grades 4 and 5, there is [Senate Bill 972](#), which establishes “reading-to-learn” academies for these teachers, similar in scope to the LAAs. [Senate Bill 934](#) establishes training academies for K-3 teachers of mathematics. And, finally, [Senate Bill 935](#) requires the implementation of a “reading excellence team” pilot program, whereby reading specialists come to under-performing schools and collaborate with teachers on improving student reading outcomes.

Pro-Life Legislation

The 84th Legislature made considerable strides in protecting the life of the unborn. Most significant of these is [House Bill 3994](#), which changes the “judicial bypass” procedure that may be utilized by minors seeking an abortion without notification to, and consent by, their parent or guardian. Specifically, the bill (1) requires the pregnant minor to appear before the court in person and prohibits appearance using remote electronic means; (2) extends the date and time by which a court is required to rule on an application; (3) imposes a higher evidentiary threshold on judges determining

whether minors will be allowed to obtain abortions without notifying an adult; and, most significantly, (4) requires the court to consider the experience and maturity of the minor, including all “relevant factors,” and finally (5) authorizes the court to consider the degree to which the minor is informed about the relevant state-published informational materials, and/or to require the minor to be evaluated by a licensed mental health counselor. Appropriate safeguards are beneficial—especially in cases involving minors, whose very serious decisions, based on inexperience or immaturity, may be rash and without due consideration for the value of human life. Requiring a minor to overcome considerable procedural hurdles—and in most cases deliberate with parents—before terminating a pregnancy helps preserve some semblance of a culture of life.

Other notable pro-life legislation passed this term includes [House Bill 3074](#), giving patients at the end of life the right to food and water if requested; [House Bill 416](#), requiring training for abortion facility workers and volunteers to identify and assist victims of human sex trafficking; and [House Bill 3374](#), requiring physicians to offer state-provided educational materials to parents of an unborn child newly diagnosed with Down syndrome. Finally, [House Bill 177](#) creates the Texas Adult Stem Cell Research Consortium, promoting life-saving treatments using adult stem cells, which have the potential to alleviate degenerative diseases,¹⁰ rather than embryonic stem cells, which require the destruction of human embryos.

Judicial Reform

The legislature enacted significant judicial reform in three areas: grand jury selection, civil penalty allocation in environmental lawsuits waged by local governments, and judge panels deciding school finance cases.

A grand jury is a legal body of not more than twelve citizens¹¹ that is empowered to conduct official proceedings to investigate potential criminal conduct and to determine whether criminal charges should be brought.¹² [House Bill 2150](#) abolishes the “pick-a-pal” commissioner mode of selection of grand jurors. The alternative “random pool” procedure will now be the sole means by which grand jurors are selected. The commissioner mode of selection has been criticized for incentivizing cronyism (judges, so the story goes, would appoint acquaintances to serve as commissioners) and, thus, the impartial administration of justice. And, in the wake of events in Ferguson, Missouri,¹³ New York,¹⁴ and even Houston,¹⁵ grand juries have fallen even further out of favor, with “the public losing confidence in the grand jury system.”¹⁶ Even if the alleged bias is exaggerated, these improvements may positively impact the institutional reputation and legitimacy of our criminal justice system.

[House Bill 1794](#) reduces the incentive for a local government to file suit against a person (individual or corporate) for a violation of environmental laws—which is in line with recommendations made by TCCRI since at least 2013.¹⁷ By requiring that civil penalties in amounts above a certain threshold be awarded to the state, rather than the local government that brought suit, the bill protects companies from the the gamesmanship of enterprising local government plaintiffs. Importantly, the bill also contains a statute of limitations provision that would require civil suits to be filed within five years, thus preventing expensive lawsuits from developing long after (1) relevant facts and evidence have changed or disappeared, (2) clean-up and or remediation of leaks/spills has already occurred, and (3) the company has already dealt (and possible litigated the case) with the federal Environmental Protection Agency or similar agencies--thus preventing costly and burdensome “repeat” litigation.

[Senate Bill 455](#) authorizes the attorney general to petition the chief justice of the Texas Supreme Court to convene a special three-judge district court in any suit filed in a district court in Texas, (1) in which the state or a state officer or agency is a defendant in a claim that challenges the finances or operations of the public school system, or (2) involves

the apportionment of districts for the House of Representatives, the Senate, the State Board of Education, the United States Congress, or state judicial districts. Three-judge panels in important cases reduce the likelihood of personal judicial bias and/or novel legal interpretations affecting matters of statewide concern. More judges means more impartiality in the ultimate decision handed down by the court.

Transparency and Government Accountability

The legislature enacted strong ethics reforms, such as higher education research ([House Bill 1295](#)), requiring faculty at institutions of higher education to disclose in public communications the donors funding their research, as well as barring public research contracts from having nondisclosure provisions) and public integrity investigations ([House Bill 1690](#)), creating a public integrity division within the Texas Rangers to investigate offenses against public administration). Under HB 1690, offenses against public administration include bribery, coercion, conduct of government officials and lobbyists, nepotism, and use of political funds, to name a few. The Texas Rangers are required to investigate all offenses against public administration and refer cases to the appropriate local prosecutor. These responsibilities will be disbursed to neutral venues across the state. Before HB 1690, the Travis County District Attorney—who is elected only by residents of Travis County—prosecuted offenses against public administration. The fact that such a small proportion of the state elected the head of an office with statewide jurisdiction was troubling. No longer will a single county be responsible for investigating and prosecuting elected officials.

In addition, two bills regarding transparency and government’s respect for personal privacy are worthy of note.

- [Transparency in reporting of eminent domain authority](#)

[Senate Bill 1812](#) requires the comptroller to develop an online database with listings of all entities—public and private—in the state with eminent domain authority to condemn and/or take land. The comptroller is required to include various information about each entity, including the specific provisions of law that authorize the entity to exercise the power of eminent domain, and update the database annually. Entities, in turn, are required to file certain reports with the comptroller, and there are penalties for noncompliance.

- [Release of Personal Information by State Agencies](#)

[Senate Bill 1213](#) prohibits a person from reidentifying or attempting to reidentify an individual who is the subject of “deidentified” information (information a person has attempted to scrub clean of all self-identifying material), or from disclosing or releasing information the person knows was reidentified. The bill provides a private cause of action for which the person who violates the bill’s provisions would be liable for damages caused by the re-identification or release of the information. As technology is central everyday life, more and more private information is being stored online and in remotely accessible databases, often by government. Indeed, Texas agencies maintain large databases, full of sensitive information. It is important to recognize that while many are concerned about large datasets of private information stored on Texas servers, and their subsequent dissemination in various contexts, scant attention is sometimes paid to the Texans from whom the data is derived. The anonymity of those individuals must be of the highest importance, and the bill attempts to protect it.

Border Security

Following the surge of migrant children crossing the Mexican border in 2014, the 84th Legislative Session was a crucial one for border security. [House Bill 11](#) increases over two years the number of Texas Department of Public Safety officers on the border, establishes a catch-all intelligence center in Hidalgo County to analyze border crime data, and creates a voluntary corps of retired DPS officers to bolster the agency's ranks. The bill also increases penalties for human smuggling and requires DPS to assist federal authorities at southbound checkpoints at the border to screen for guns and illicit cash headed to Mexico. The bill also mandates the attorney general to create a division within the agency that prosecute transnational crime, and authorizes commissioned law enforcement officials to work longer hours. [Senate Bill 1734](#) requires the State Soil and Water Conservation Board to develop and implement a program to eradicate Carrizo cane along the Rio Grande River. The bill is important because Carrizo cane is a non-native invasive plant species that grows along the banks of the Rio Grande River and interferes with the U.S. Border Patrol's ability to protect the border by providing cover for individuals attempting to cross the border illegally and hindering the movement and effectiveness of border patrol agents.

The State Budget

Excluding the cost of tax relief provisions contained in the state budget, the [General Appropriations Act \(House Bill 1\)](#) grows All Funds appropriations by 3.0 percent and General Revenue appropriations by 8.0 percent compared with the 2014-15 biennial level.¹⁸ Both of these growth rates are below the 11.68 percent limit on the growth of state appropriations adopted by the Legislative Budget Board (LBB) in advance of the legislative session.¹⁹ LBB also estimates the combined rate of population growth and inflation to be between 6.35 percent and 8.32 percent²⁰, which places the All Funds budget well below population growth and inflation, and the General Revenue budget somewhat in line with those estimates. Compared to the actual constitutional spending limit, HB 1 leaves approximately \$2.9 billion unappropriated below the limit.²¹

The state budget also contains a number of specific conservative achievements, including the redirection of \$1.3 billion of motor fuels tax revenues to the State Highway Fund rather than other areas of the budget, a significantly decreased reliance on dedicated accounts to certify the budget (see also House Bill 7, above), more than \$4 billion in debt service appropriations, and appropriations of \$590 million to reimburse Medicaid managed care organizations for the cost of the Affordable Care Act Health Insurance Providers Fee and associated federal income tax. The budget also makes no appropriations from the Economic Stabilization (Rainy Day) Fund; as a result the Fund is projected to have a balance of \$11.1 billion at the close of FY 2017.

Economic Freedom

- [Occupational Licensing](#)

The 84th Legislature repealed certain occupational license requirements and defeated others on the House floor. As legislators acknowledged this session, professionals operating in the marketplace, in conjunction with consumers, have the capacity for self-regulation that ensure price and quality without costly government intervention.

Under current law, the practice of braiding hair is included in definitions of "Barbering" and "Cosmetology." To be a professional hair braider in Texas, a person must meet the requirements for occupational licenses in cosmetology and/or barbering in those respective chapters of the Occupations Code. [House Bill 2717](#) removes references to hair braiding, effectively repealing occupational licensing requirements for the profession of braiding hair in Texas.

[House Bill 202](#) reduces the Department of State Health Services' (DSHS) role in occupational licensing and certain other regulatory functions to allow the agency to focus on its core public health mission. The bill partially implements the Sunset Advisory Commission recommendations concerning DSHS, transferring 13 regulatory programs, in two phases, from DSHS to the Department of Licensing and Regulation (TDLR), and an additional four programs from DSHS to the Texas Medical Board (TMB).

[House Bill 2267](#) was defeated on the House floor during second reading and on a vote to reconsider; it would have unnecessarily regulated anesthesiologist assistants with detailed licensing requirements.

Under current law, the Texas Commission on Licensing and Regulation (TCLR) may already waive requirements for occupational licenses for qualified individuals who are licensed in other states. The problem, according to the Texas Department of Licensing and Regulation (TDLR), is that TCLR does not use this authority. [House Bill 3742](#) expands this authority to TDLR, which claims that it would use its new authority to waive requirements for licensed professionals from other states who are clearly qualified to practice that profession in Texas. [House Bill 3742](#) allows TDLR to create additional reciprocity agreements with other states as it sees fit, subject to the Governor's approval. However, those agreements will not be necessary because HB 3742 allows TDLR to create *de facto* reciprocity agreements with other states by simply waiving requirements when a person has already demonstrated the same level of competence and skill in another state that is required in Texas. If TDLR uses its new authority, then the economic benefits to the state and to potential licensees could be myriad.

The Legislature also passed [Senate Bill 807](#), which requires state agencies that issue occupational licenses to waive the license application and examination fees for applicants who are military service members or veterans whose military service and training substantially meets the requirements for the license. Additionally, [Senate Bill 1982](#) will ensure that wholesale motor vehicle auctioneers do not have to hold an auctioneering license issued by the Department of Licensing and Regulation as well as being registered with the Department of Motor Vehicles. [House Bill 2481](#) clarifies that individuals who engage in online auctions by posting items for sale on sites such as Ebay are not required to hold auctioneering licenses, eases various requirements for obtaining auctioneering licenses, and establishes that not every employee of an auction company needs to hold a state-issued license.

- [Preemption of municipal oil and gas development restrictions](#)

A proposal to ban the process of hydraulic fracturing in the City of Denton was placed on the ballot in the November 2014 general election. The measure was supported by almost 59 percent of voters on November 4, 2014 and a city ordinance prohibiting hydraulic fracturing is now in effect.²² [House Bill 40](#) expressly affirms the State's exclusive jurisdiction over the regulation of oil and gas production, establishing that cities may only enforce regulation of surface activities that are incidental to oil and gas production, and only to the extent to which that regulation is commercially reasonable and does not effectively prohibit an operation. The bill states specifically that the intent of the Legislature is for this Act to "expressly preempt regulation of oil and gas" by cities any other political subdivisions. By clearly and expressly stating the Legislature's intention as well as preemption in this domain, the bill creates continued regulatory certainty. This reaffirmation of the state's regulatory role is necessary to protect current and future investments that oil and gas industry participants have made and will make in Texas. Protecting their property rights and asserting a clean line of authority ensures that in oil and gas operations, the viability of those operations will not be subject to a patchwork of municipal regulations, some of which may have the direct or indirect effect of curtailing the development of oil and gas resources.

Infrastructure

- Transportation Infrastructure

Senate Joint Resolution 5 will, if approved by voters, dedicate the first \$2.5 billion of motor vehicle sales tax revenues above \$28 billion to the State Highway Fund each year, beginning in 2018 and expiring in 2029. Additionally, beginning in 2020, SJR 5 would dedicate 35 percent of motor vehicle sales tax revenue in excess of \$5 billion to the State Highway Fund. This provision would expire in 2032. All told, LBB projects that this will increase appropriations to the State Highway Fund by almost \$3 billion per year in 2020. SJR 5 restricts the appropriation of these State Highway Fund dollars to (only) the construction, maintenance, right-of-way acquisition for non-toll roadways, and repayment of principal and interest of general obligation bonds. If approved by voters, SJR 5 will help cover the shortfall in the state highway funding program by dedicating certain funds so that the Texas Department of Transportation can reasonably predict and plan projects in the future for the purpose of reducing congestion and updating the state highway system as Texas's population continues to grow.

House Bill 20 requires the Texas Department of Transportation (TxDOT) to establish comprehensive performance metrics and measurement protocols program, so that the legislative and executive branches can be made aware of how the agency is quantitatively and qualitatively achieving express goals. The bill also requires the House and Senate Select Committees on Transportation Planning to study agency revenue projections and funding allocations, among other subjects.

Health Reform

A variety of health care related reforms passed the 84th legislature; several significant ones are explained in what follows. House Bill 21 grants terminally-ill patients access to so-called "investigational" drugs that have successfully completed a clinical trial but have not been formally approved by the federal Food and Drug Administration. These experimental drugs are legal in 17 other states with "Right to Try" laws allowing for their prescription and use, and they often represent the last, best chance for patients that have exhausted all other potential remedies.

House Bill 966 establishes a state consumer-directed health plan for eligible state employees. The board of trustees of the Employees Retirement System of Texas must establish both a High Deductible Health Plan and Health Savings Accounts (HSAs), taking care that the HSAs qualify for federal tax exemptions. Eligible state employees have the option of participating in either the state's basic health coverage plan or the HSA plan. The bill makes state employees more involved in their health care decisions by encouraging them to examine the costs and benefits of medical providers and services. It is important to note that the bill gives state employees *a choice*--they are not required to switch from the basic health coverage currently provided to state employees. For many state employees, an HDHP with an HSA is more attractive than traditional health care arrangements, but, currently, state employees lack the opportunity to participate in an HSA, an opportunity that is more common in the private sector.

Senate Bill 481 will address the issue of "balance billing," which occurs when patients visit a facility identified by their PPO plan as "in-network," but are treated by "out of network" professionals. This often results in separate bills from the in network facility and the out of network professional, which often includes fees not covered by the patient's insurance plan. Senate Bill 481 protects health care consumers by making it easier for those patients to request mediation of a settlement of an out-of-network health benefit claim. The bill also revises the content of the billing statement that a facility-based physician is required to send to a patient-- to specify that it contain a conspicuous, plain-

language explanation of the mandatory mediation process available relating to out-of-network claim dispute resolution.

Law Enforcement & Criminal Justice

In the realm of law enforcement and criminal justice reform, the legislature took active steps in the following four areas, in addition to many others:

- [Online Solicitation of a Minor](#)

The offense of online solicitation of a minor protects children from the “grooming” techniques of online predators, which often involve the predator befriending a child online, developing the child's trust, and engaging in sexually explicit conversations. The end result in many cases is a meeting with the child to solicit sex or to assault the child. [Senate Bill 344](#) modifies the relevant “online solicitation of a minor” statute to accord with a recent court decision. It changes who is considered a minor and changes the requisite intent for an online solicitation of a minor offense.

- [E-Verify](#)

[Senate Bill 374](#) requires that all state agencies register and participate in the U.S. Department of Homeland Security “E-Verify” program, which checks employees’ legal authorization to work in the United States by considering applicants’ immigration status. On the federal level, E-Verify has been proven to be reliable, and participating employers are generally happy with the program’s results.²³ The program is being regularly tweaked and updated to meet employer demand, and it is getting harder and harder for illegal aliens to fool the system.²⁴

- [Domestic Violence High Risk Teams](#)

[House Bill 3327](#) creates a grant program, administered by the attorney general, for Domestic Violence High Risk Teams (DVHRTs). A DVHRT is a multidisciplinary team that coordinates efforts to increase the safety of victims of family violence by monitoring and containing perpetrators and providing victim services. The team may be composed of law enforcement and corrections officers, prosecutors, nonprofit organizations and medical personnel. It is modeled after an innovative program in Newburyport, Mass., that began in 2002 after a crisis center there discovered that one of its female clients had been murdered in a bout of domestic violence. DVHRTs provide the policy means for structured communication between these groups, giving women and men access to the experts, resources and information they need in order to stem the continuation of harm. In this way, those suffering become less isolated and the community that envelops them grows stronger.

- [“Revenge Porn” Criminalized](#)

With the advent of new computer and cellular camera phone technology in recent years, a troubling trend has emerged regarding the maliciously-motivated sharing and/or promotion online of intimate visual material: typically, photos of women and men in the nude or engaged in sexual acts. [Senate Bill 1135](#) criminalizes this practice of so-called “revenge porn,” punishing the act as a Class A misdemeanor when intimate material is shared without the depicted person’s consent, or when there is a reasonable expectation that the material will remain private and undisclosed to the public. As nonconsensual photography turns unwilling individuals into sexual entertainment, the bill represents an important privacy protection.

ENDNOTES

- ¹ Mary Ann Glendon, "First of Freedoms?", *America*, March 5, 2012, available online at <http://americamagazine.org/issue/5131/article/first-freedoms>.
- ² <http://www.scotusblog.com/2015/01/court-will-rule-on-same-sex-marriage/>
- ³ John R. Lott, Jr., "Opposing view: Guns in schools can save lives," *USA Today*, Dec. 25, 2012 <http://www.usatoday.com/story/opinion/2012/12/25/gun-free-zone-john-lott/1791085/>.
- ⁴ "Concealed Carry Permit Holders Across the United States," Report by Crime Prevention Research Center, July 9, 2014, <http://crimepreventionresearchcenter.org/wp-content/uploads/2014/07/Concealed-Carry-Permit-Holders-Across-the-United-States.pdf>.
- ⁵ <http://blogs.wsj.com/numbers/map-where-is-open-carry-legal-1715/>
- ⁶ Ben Wilterdrink, "Texas Legislature passes significant new tax relief and continues to lead on pro-growth reforms," *American Legislator*, June 3, 2015, <http://www.americanlegislator.org/texas-legislature-passes-significant-new-tax-relief-and-continues-to-lead-on-pro-growth-reforms/>
- ⁷ Legislative Budget Board, 2012-13 Fiscal Size-Up.
- ⁸ <http://taxfoundation.org/article/texas-margin-tax-failed-experiment>
- ⁹ ERS 2014 Fiscal Year At a Glance, available online at: http://www.ers.state.tx.us/About_ERS/Reports/Overview/.
- ¹⁰ Wolfgang Lillge, "The Case for *Adult* Stem Cell Research," 21st Century Science and Technology Magazine, Winter 2001-02, available online at http://www.21stcenturysciencetech.com/articles/winter01/stem_cell.html.
- ¹¹ TEX. CODE CRIM. PROC. § 19.26 ("The grand jury is composed of not more than twelve qualified jurors.").
- ¹² *Id.* at § 20.09 ("Duties of the Grand Jury").
- ¹³ See, e.g. Eyder Peralta & Bill Chappell, "Ferguson Jury: No Charges for Officer in Michael Brown's Death," *NPR.com*, Nov 24, 2014, available online at <http://www.npr.org/blogs/thetwo-way/2014/11/24/366370100/grand-jury-reaches-decision-in-michael-brown-case>.
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- ¹⁸ http://www.lbb.state.tx.us/Documents/Budget/Session_Code_84/Summary_of_Conference_Committee_Report_HB1.pdf
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- ²⁰ <http://www.capitol.state.tx.us/tlodocs/84R/fiscalnotes/html/SB00009E.htm>
- ²¹ http://www.lbb.state.tx.us/Documents/Budget/Session_Code_84/Summary_of_Conference_Committee_Report_HB1.pdf
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