



Update From Representative James Frank

June 8, 2015



This week in the Legislature...

Now that I have had a full week to reflect on the end of my second legislative session, I would like to share with you my personal thoughts and impressions on the work done by your Texas Legislature. Overall, I believe that the 84th legislative session was largely a success, based principally on the fact that we passed a conservative budget combined with significant tax cuts. The one constitutional requirement of the Legislature each session is to pass a balanced budget, and this one is still \$2.9 billion under the constitutional spending limit. We were also able to pass a 25% across-the-board reduction in business franchise taxes along with a \$10,000 increase in the homestead exemption for residential property owners. Transportation also took center stage for much of the budget discussions, and the Legislature provided adequate funding for our infrastructure needs without the need for additional borrowing.

We have listed some of the bigger bills from the session along with the end result of some of my personal bills for your review. There were some small, but important, pro-life victories, including reforming some of the judicial bypass legislation in the case of minors seeking abortions along with a solid bill addressing advance directives for patients. The Legislature also passed open carry along with a very measured campus carry bill that gives much latitude to the individual campuses. My staff and I would be happy to provide more detailed information on any of the bills that we have listed (or any others).

This session was a year of continued personal growth in learning how to have a more significant effect on the direction of legislation. Perhaps the most meaningful impact that I had personally was my role as Vice President of the Texas Conservative Coalition (TCC). The 61 House members of TCC were much more organized this session, and I believe had a significant impact on influencing legislation. I was also able to learn a great deal more about various water issues around the state through my role on the Natural Resources Committee. While the state has been given a reprieve from our drought, water issues will continue to be a priority going forward both for me, personally, and the Legislature in general.

On a more personal note, one of my favorite memories from the session was having my twin brother, Hixon, open up the Texas House in prayer as Pastor of the Day. I have attached Hixon's prayer from that day to the end of this newsletter. It is a great example for anyone who spends time praying for those in leadership.

It has truly been great to be back in Wichita Falls for the past few days. Alisha, the boys and I have enjoyed being back in our own home, seeing our friends and going to our own church. We are so thankful for the prayers and words of encouragement that we often received during the past 140 days. It is a high honor to be able to represent this area in Austin.

May God bless you and your family,



James B. Frank

Fiscal Matters

The Budget & Tax Cuts: some key numbers



\$

HB 1 - the Budget

The final budget passed by the Legislature this session is well-crafted and in line with the priorities of the state.

From a fiscally conservative viewpoint, it is a substantial improvement from last session, as the conference committee budget in 2013 was dramatically bigger than either chamber's budget. Highlights of this budget include:

- \$1.5 billion new funding for public education beyond what's required to cover enrollment growth
- \$800 million for border security operations
- Another \$1 billion has been moved away from the dedicated funds gimmick (see discussion on HB 6 & 7 and HJR 111)
- Transportation funding will no longer rely on debt

SB 1 & HB 32 - Tax Cuts

We passed SB 1 and HB 32, which constitute a nearly \$4 billion tax relief package in the form of franchise tax cuts and property tax relief. Unfortunately, the sales tax cut that the House passed was scrapped from the final agreement between the chambers. However, we were still able to pass sizable tax relief this session. The tax cut package includes:

- A 25% across-the-board franchise tax reduction
- A property tax reduction in the form of an increase in the homestead exemption from \$15,000 to \$25,000

HB 6 & 7

House bills 6 and 7 reduce the unspent balances used to certify the 2014-2015 budget by \$1.2 billion. I was proud to be a joint author of HB 6, which is an important step toward clarifying our budget-making process by decreasing our dependency on this accounting gimmick. I'm glad to see that the momentum from last session was maintained and that we're making strides toward

increasing transparency in budget-making. This legislation continues the gradual process of getting the Legislature down to using zero dollars of dedicated revenue from budget certification.

HJR 111 - failed to pass

HJR 111 would have gone the extra step from HB 6 and 7 by proposing a constitutional amendment to stop legislators from using money dedicated for a purpose on something other than that purpose. Unfortunately, though the House passed HJR 111, it was left pending in a Senate committee and was not passed this session. Currently, a substantial amount of money, around \$2.9 billion, is in dedicated funds that are not appropriated. Those funds aren't being used for the purpose they were taken. Since they are not appropriated, these funds essentially give an extra \$2.9 billion to use toward certifying the budget is balanced. This amendment would have kept the Legislature from using this practice in the future once we have eliminated it.

HB 1592 - died on general calendar

This bill, which we called the Apples to Apples bill, would have required the Legislative Budget Board (LBB) to incorporate current accounting method changes to previous bienniums when comparing different budgets, thus helping to ensure meaningful comparisons (apples to apples) and better decisions. Unfortunately, though this bill was placed on the general calendar, time ran out on a deadline before it was voted on.

Border Security

HB 11

Of the \$800 million allocated to border security in the budget, \$310 million is appropriated through the provisions in HB 11. This bill keeps the Texas National Guard at the border, until DPS can hire and train new officers to be stationed there. HB 11 also:

- Allows DPS to hire hundreds of more troopers
- Creates a transnational intelligence center on the border to analyze crime data

Ethics Reform

HB 1690 - the Public Integrity Unit

The Legislature passed a bill that will remove public corruption cases from Travis County's Public Integrity Unit. This only applies to corruption allegations against elected or appointed state officials, who would now be investigated by the Texas Rangers and prosecuted in the official's home county. I would note that it is next to impossible to get an impartial trial in Travis County (not that I'm planning on having one).

HB 408 - Pension "double-dipping"

We passed a bill that stops elected officials from being able to "double-dip" with their pensions. HB 408 stipulates that a person's time as a legislator can't count toward the necessary years required to get a pension as a state employee until after that person is no longer an elected official.

HB 681 - failed to pass

HB 681 was another pension reform bill that the House passed, but which unfortunately died in the Senate. The bill would have denied pensions for legislators and statewide elected officials who are convicted of felony offenses arising from their official duties.

Oil & Gas

HB 40 - Denton Fracking

HB 40 reaffirms the preeminence of the state government's authority in managing oil and gas processes below ground and reiterates that it is the job of the Texas Railroad Commission to regulate oil and gas production in the state. Under this law:

- Cities can't regulate below-ground aspects of oil and gas production, including banning hydraulic fracturing, or fracking
- Cities can continue to enact ordinances related to above-ground oil and gas activity, including regulating fire and emergency response, traffic, lights, and noise.
- All other regulatory powers over oil and gas production reside with the state.

Water

While the amount of rain the state has gotten in the past five months has been a great boost, this session unfortunately didn't see much progress toward creating a long-term state water plan.



HB 3298 - left pending in the Senate

I was proud to be a joint author of HB 3298, which would have directed the Texas Water Development Board to conduct a study to evaluate how to improve water transfers in the state and the possibility of establishing a water grid, including a network of pipelines, pumping stations, and reservoirs to convey water between river basins and water sources. It was voted out of the House in early May, but was ultimately left pending in a Senate committee and therefore, unfortunately, did not pass this session.

HB 2805 - died on general calendar

HB 2805 was one of our bills that would have suspended the junior water rights provision, which imposes restrictions on transferring water between river basins. This would have only applied to the City of Wichita Falls and negotiations taking place with water districts in the Trinity Basin (specifically, Tarrant Regional Water District). Effectively, it would expand the watershed of both regions to ensure against times of water scarcity. Unfortunately, while this bill was placed on the calendar, it was never brought up on the floor for a vote because the House ran out of time before a deadline.

Pro-Life

HB 3994 - Judicial Bypass

Both chambers passed HB 3994, which strengthens Texas's judicial bypass law. Judicial bypass is a process through which minor girls (17 years or younger) can get an abortion when parental consent is not an option, such as in cases of abuse. This legislation puts more safeguards in place to prevent abuse of this system, and to ensure that it is only used in cases that warrant it.

HB 3074 - Advance Directives

HB 3074 was passed this session, and it works to reform end-of-life care to ensure that patients are not denied the basic human care of food, water and pain management. Currently, the Texas Advance Directives Act lacks clarity on end-of-life care, and this bill would clearly define what healthcare providers are and are not allowed to do. This bill ensures that food and water must be provided unless doing so hastens the patient's death, causes major medical problems, is ineffective, or is in conflict with the patient's documented wishes.

On a personal note, I want to thank Drew for working with me and several other representatives who filed similar bills (in my case - HB 3414). Drew did a great job listening to all of the representatives and pro-life groups to end up crafting a very good piece of legislation.

Education

HB 4 - Pre-kindergarten

This legislation sets aside extra funding (\$130 million over two years) for school districts that have pre-kindergarten programs that meet certain standards. It creates a grant program that will give money to school districts that improve their pre-K programs for students from low-income, non-English-speaking, foster, and military families. The law also sets standards for teacher quality and curriculum that school districts have to meet in order to receive the funding.

HB 2804 - Public School Accountability

This bill changes the state's school accountability system to an A-through-F grading system. Right now, schools are either rated as "met standard" or "needs improvement." The bill would also add other factors besides standardized test scores in determining a school's rating, including community engagement, AP course enrollment, attendance, and dropout rates.



HB 743 - Standardized Testing

This bill requires that any standardized assessment tool be determined to be valid and reliable by an entity independent of the TEA and test developer before being used. It also requires the TEA to conduct a comprehensive study of the TEKS and assessment instruments in order to make recommendations for their improvement.

HB 1164 - Writing Assessment

This bill will require the TEA to conduct a study to develop a new writing assessment as an alternative to the current one, which includes STAAR writing tests in 3rd grade, 8th grade, . The TEA will also establish a pilot program to implement the new writing assessment and to include a diverse range of school districts to participate in the program.

SB 1543

I was proud to sponsor this bill in the House. It will make the college application process easier and fairer for students that go through a nontraditional secondary education. The bill directs universities that use class ranking when evaluating applicants to assign students that don't have a class rank the average class rank of those students with the same college entrance test scores.

SB 1735 - Hazlewood Reform - didn't pass

The Senate passed a version of SB 1735 that added new restrictions to the Hazlewood program, which offers free university tuition to veterans after they serve in active duty, which can be passed on to their children if they don't use it. The Senate version would have required veterans to serve longer (six years in active duty) and pass on their benefits sooner (within 15 years) if they wanted their children to be eligible.

This bill was substantially changed in the House, however. The House amended to bill to turn it into a study of the affordability of the Hazlewood program. The Senate didn't concur with the House amendments, and the conference committee didn't find a solution, so the bill ultimately died.

School Finance

The state's current school finance issues were not resolved this session. It's difficult to make significant changes without knowing the result of the current Texas Supreme Court case about the way the state finances education. Because of this, there is a chance for a special session next spring to make changes based on the court's decision.

Foster Care

SB 206 - Department of Family and Protective Services sunset bill

Every few years, agencies have to go through a sunset process in which the Legislature has to decide to continue the agency and make various changes and improvement. DFPS was set to be abolished in September unless we passed this bill, which we did this week. This bill improves the DFPS in many ways, including requiring the department to develop a long-range foster care redesign implementation plan and a comprehensive strategic plan for its abuse prevention and early intervention programs. It also eliminates burdensome statutory language in order to make the department operate more efficiently and allow Child Protective Services to more effectively do its job.

HB 2655 - Kinship Care Study

Our kinship care study bill passed this session. This will direct the Department of Family and Protective Services to study the current kinship care program and make recommendations to the Legislature for its improvement. The kinship care program centers around keeping children with related family members.

HB 1268 - left in the Senate

While our bill concerning childcare reimbursements for foster parents passed the House, it unfortunately didn't make it through the Senate, where it was never taken up. This would have allowed foster care providers who work part-time to be reimbursed for childcare services, which is only currently available for foster care providers who work full-time.

Firearms

HB 910 - Open Carry

The House and the Senate both passed the final conference committee report on HB 910. This bill will permit those with concealed handgun licenses to carry their firearms openly.

SB 11 - Campus Carry

Both chambers also passed the conference committee report on SB 11, which allows for the carrying of concealed handgun on public college campuses. The bill includes language that allows university presidents to set rules and reasonable restrictions on areas where carrying a handgun is not allowed. Private universities are also allowed to opt out of campus carry.

Transportation

In the Budget

The budget that was passed this session finally ends the diversions away from the State Highway Fund. Now all of the money in that fund will only go toward paying for transportation expenses in the state.



SJR 5

This bill passed and will propose a constitutional amendment on the ballot for voters to approve. This amendment would dedicate at least \$2.5 billion of state sales tax revenue to transportation every 2 years.

HB 20 - Department of Transportation reform

This bill will make the Texas Department of Transportation more transparent and accountable. Before increasing their budget any more, we wanted to make sure that the agency becomes more transparent and efficient.

Pastor of the Day Prayer

Our heavenly Father, thank You for Your blessing.

Thank You for the men and women in this room, and the burden of trust that they carry is so heavy.

Thank You for the sacrifices that they have made so that Texas could be a better place for her people.

I pray, Father, that You would grant them wisdom and insight as they make important decisions, civility as they debate the best courses of action.

I pray, Father, that You'd give them critical minds to see through all of the clutter and the posturing that is common to man and let them see the truth.

Free them, Father, of critical hearts that are only good for tearing down.

Most of us, Father, in our own way, we want to do what is right in Your eyes.

We acknowledge our flaws, our selfish ambition, and even our sin.

We ask You to forgive us in those moments when we know we need it and in those moments that we forget its necessity. Finally, Father, we pray for Your blessing, those blessings that even the most politically-savvy among us can't secure without You. And it is to that end that I voice our prayer this afternoon in Your gentle and mighty Name, Amen.



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Please also feel free to visit my Texas House of Representatives website at <http://www.house.state.tx.us/members/member-page/?district=69>.

It is an honor to serve as your State Representative. As the session progresses, I look forward to hearing your input on proposed legislation.



Note: Please forward this email to individuals interested in receiving updates from Representative James Frank. If you, or someone you know, would like to receive these updates, please email District69.Frank@house.state.tx.us. To be removed from this list, please reply with the subject line "Remove."

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