



82nd End of Session Report

The 82nd Regular Session of the Texas Legislature concluded on May 30, 2011. Governor Perry immediately called a special session to begin the next day in order to address several critical issues that were left incomplete. The initial issues were “fiscal matters” bills related to health care and public education funding that were essential to create a balanced budget and a bill to reform the Texas Windstorm Insurance Association. The special session concluded on Wednesday, June 29th.

In spite of severe state budget constraints and cuts to many critical programs, the CLC managed to find success this session in several of our issue areas. The following is an abbreviated list of the bills that the CLC worked to pass this session as well as a few we worked to defeat. The list is by no means exhaustive. The CLC will soon publish a more complete summary of the session which details how we go about making a difference at the state Capitol. Our success would not have been possible without the hard work of our staff in Austin, or the support of the many, many Texas Baptist pastors and lay leaders who came to Austin to testify in hearings or make office visits, and those who called and emailed elected officials to make their voice heard.

Gambling Expansion

The CLC continues to lead the way in opposing gambling expansion in Texas. Casino gambling is an unproven and instable revenue source with a high cost for the families of those who become addicted. There were 54 bills filed relating to gambling this legislative session. Despite what many thought was the best chance for casino style gambling expansion legislation in our state, not a single bill passed. The expansion efforts and our engagement can be broken down into the following three main categories.

Resort Casinos

HJR 147 by Tuffy Hamilton (Mauriceville) would have allowed several land-based casinos in our state, as well as slot machines at horse and dog tracks and at the three Indian tribes in our state. Coined “the whole enchilada bill,” this effort would have allowed for the most wide-spread expansion imaginable, including slot machines in local bingo halls. It was supported by the Texas Gaming Association. Though a strong attempt was made to bring this bill to the House floor it ultimately failed due to lack of proven votes in favor. No similar Senate bill had a hearing.

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Slots at the Tracks

HJR 111 by Beverly Wooley (Houston) would have allowed slot machines at horse and dog tracks and at the three Indian tribes in our state. There were several pieces of legislation that would allow a constitutional amendment and enacting legislation to accomplish this. The proponents argued that this proposal would not expand the “footprint” of gambling in Texas because it would be at locations where pari-mutuel wagering was already allowed. This argument was primarily supported by the horse industry. Constitutional amendment HJR 111 by Wooley was voted out of the House Licensing and Administration Committee late in the session, but it was never scheduled for floor debate. Again, no similar Senate bill had a hearing.

Grey Area Expansion

HB 2728 by Senfronia Thompson (Houston) was supported by the bingo industry, who again tried to pass legislation that would allow casino style “slot machine” wagering without a constitutional amendment. HB 2728 by Thompson would have allowed card-minding devices to operate account wagering that, when combined with existing rules adopted by the Lottery Commission regarding instant pull-tab bingo tickets, would have resulted in bingo halls operating same electronic pull-tab bingo that Attorney General Abbott opined in GA-0541 would require a constitutional amendment. This bill got through the House but eventually failed in the Senate State Affairs Committee.

HB 1955 by Senfronia Thompson (Houston) would have given GTECH, the lottery operator, a lottery sales license that among other things would have opened the door for the sale of lottery tickets over the internet. This bill passed the House but once again failed in the Senate State Affairs Committee.

Predatory Lending

The CLC was instrumental in the effort to reign in abusive, predatory lenders that operate outside of any meaningful state oversight or regulation, and take advantage of the most vulnerable among us. Two bills that address this issue passed this session.

HB 2592 by Vicki Truitt (Southlake) and John Carona (Dallas)

HB 2592 provides for notice and disclosures for consumers to enable consumers to make informed choices. This bill is intended to allow easier comparison of the costs of different payday and auto title loan terms by comparing the cost of these loans with other, similar, short-term credit products.

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HB 2594 by Vicki Truitt (Southlake) and John Carona (Dallas)

HB 2594 gives, for the first time, licensing, oversight, examination and enforcement authority to the Office of Consumer Credit Commissioner for those lenders operating as CSOs. The bill requires quarterly reporting to OCCC of important data and allows for enforcement of fair debt collections practices as well as federal military lending laws. Though these bills are a first step, neither of them address the "cycle of debt" which traps many borrowers in a pattern of only paying fees, never reducing the amount owed.

HB 2593, which was intended to attack this problem, died in the House. Sen. Carona has agreed to conduct an interim study and return next session with legislation to work on consumer advocate concerns.

None of the bills would have put a limit on the outrageous, usurious rates these lenders charge, **frequently well over 500% APR.**

Hunger, Nutrition and Poverty

This session, the Christian Life Commission convened a new coalition of organizations to address problems related to hunger and nutrition called the Texas Food Policy Roundtable. The TFPR supported bills that fit into one of four issue areas: improving access to the SNAP program (formerly known as food stamps), reducing obesity, increasing participation in summer nutrition programs, and creating a local and sustainable food system. In its very first session, the TFPR was successful in helping to pass legislation in each of these issue areas, and will continue to work during the interim to ensure all Texans are able to lead healthy lives.

Increasing Participation in Summer Nutrition Program

SB 89 by Eddie Lucio, Jr. (Brownsville) and Eddie Rodriguez (Austin) was the hallmark legislation in the arena of hunger and food policy for the CLC and Food Policy Roundtable this session. This bill increases the number of children from low-income families that can be certain of getting regular nutritious meals during the summer break, thereby ensuring that they are nourished and ready to learn when school begins.

Requires a school district with 50% eligible student to provide or arrange for a Summer Nutrition program for at least 30 weekdays during the summer. Federal funds through the USDA make these programs in "severe need" schools mostly cost neutral and the bills make provisions for waivers for school districts that would face insurmountable problems in participating in the program.

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Improving Access to SNAP (historically called food stamps)

HB 710 by Armando Walle (Houston) and Robert Deuell (Greenville)

eliminates the requirement for electronic finger imaging used when an eligible Texan applies for SNAP benefits. Our goal this session was to improve and streamline the application and eligibility processes, extend the eligibility to a 12-month period, and discontinue and eliminate costly electronic fingerprint or photo-imaging of applicants where there are other ways to verify eligibility. Making SNAP more accessible helps families afford a nutritious diet.

Increasing Nutrition and Reduce Obesity

SB 796 by Jane Nelson (Flower Mound) and Susan King (Abilene) requires a one-time report on the costs of preventing and treating diabetes in Texas and mandates a biennial report on the HHSC Commissioner's priorities addressing the diabetes issue. It also requires an assessment of programs to prevent and treat diabetes to better understand the impact of the disease in our state. Our goal was to support legislation that would promote policy solutions that increase nutrition and reduce obesity.

Creating a Local, Sustainable and Accessible Food System

SB 199 by Royce West (Dallas) and Ana Hernandez Luna (Houston) allows non-profit organizations (such as Future Farmers of America and Sustainable Food Centers) that partner with schools for agriculture projects to apply for grant funding, as an avenue to expand children's knowledge of the value of fresh food. This bill specifically applies to large, urban school districts.

Many Texans live in areas that lack convenient access to a supermarket. These areas, known as "food deserts," lack grocery stores but often have fast-food restaurants and convenience stores that sell soda, snacks and few healthy options. Texas has one of the highest number food deserts in the country, an issue that adversely affects both rural and urban communities.

We tracked several pieces of legislation increasing the availability of nutritious, affordable food for rural and urban Texans through a variety of avenues.

HB 2994 by Borris Miles (Houston) and Craig Estes (Wichita Falls) promotes urban agriculture business development and increases the availability of fresh food in underserved neighborhoods, specifically in heavily populated areas of the state.

HB 2084 by Lois Kolkhorst (Brenham) focused on the cottage food industry, including a provision allowing for SNAP benefits to be used at farmer's markets. Policies like these create jobs, increase economic investment in urban and rural low-income areas, and revitalize neighborhoods. *This bill passed when it was attached to another*

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*food safety bill, **SB 81 by Jane Nelson (Flower Mound) and Lois Kolkhorst (Brenham).***

Environment

In the last several sessions the Christian Life Commission has increased our work regarding environmental and energy issues that affect our churches and communities. This is in large part due to a BGCT resolution passed in 2006 to advocate for sound environmental policies in the public square. Working in partnership with bill sponsors and coalition members we made great strides this session, especially with regard to polices specifically affecting churches and other non-profits. Our priority bills that will be implemented are described below.

Energy Efficiency and Renewable Energy for Churches and Non-Profits HB 2077 by Eddie Rodriguez (Austin) and Robert Deuell (Greenville)

HB 2077 creates a pilot program and authorizes the State Energy Conservation Office to use money within its LoanSTAR revolving low-interest loan program to promote energy efficiency and the use of renewable technology for houses of worship and other community-based organizations (CBOs). LoanSTAR funds energy projects that provide a long-term reduction in utility bills. The pilot program should be established no later than March 1, 2012.

SB 981 by John Carona (Dallas) and Rafael Anchia (Dallas)

SB 981 redefines “distributed renewable generation owner” to include a retail electric customer on whose side of the meter distributed renewable generation is installed and operated, regardless of whether the customer takes ownership of the distributed renewable generation. This clarification will dissolve barriers of upfront costs for those wanting to install solar panels and other onsite renewable generation. This third party ownership arrangement is especially valuable to churches and non-profits, as the owner of the system can take advantage of all the available incentives, including tax credits.

Electronic Waste

SB 329 by Kirk Watson (Austin) and Warren Chisum (Pampa)

SB 329 creates a comprehensive, convenient, and environmentally sound program for television recycling. This bill keeps toxic materials from hurting Texans and our neighbors worldwide and uses market principles to encourage manufactures to produce products that are more easily recycled. The Texas Commission on Environmental Quality will have information available to the public about collection sites and registered manufacturers recycling programs.

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Electricity Pricing for Churches

HB 1064 by Jim Pitts (Waxahachie) and Kevin Eltife (Tyler)

HB 1064 exempts certain customers from demand ratchet charges by utilities. If a non-residential customer has a load factor (the ratio of average load to peak load) equal to or below a factor set by commission rule then certain distribution charges can be waived. Churches have electricity usage patterns that vary from your average non-profit, they use quite a bit of electricity on Sunday mornings and in order to guarantee the delivery of that electricity they are currently charged "demand ratchet fees." However, churches, just like little league fields do not need this power at all times, but are charged demand fees based on the highest usage in a 15 minute period.

Additional Bill of Interest: Fracking

HB 3328 by Jim Keffer (Eastland) and Troy Fraser (Horseshoe Bay) requires a person performing hydraulic fracturing treatments to disclose to the Railroad Commission information concerning the total volume of water used in the hydraulic fracturing treatment and each chemical ingredient that is used in the process; and requires the commission to maintain an updated master list of all base fluids, additives, and chemical constituents used in any hydraulic fracturing treatment.

Human Trafficking

Human trafficking legislation was a priority for Governor Perry and enjoyed bipartisan legislative support. Numerous Texas Baptist groups—including the Hispanic Baptist Convention of Texas and Woman's Missionary Union of Texas—visited with Texas lawmakers to reiterate the need for such legislation. During the interim the Human Trafficking Task Force lead by the Office of the Attorney General gathered information from a wide range of stakeholders and laid the ground work for legislation to address the most pressing issues with regard to trafficking in Texas. Suzii Paynter served on one of the working groups established under the taskforce.

SB 24 by Leticia Van de Putte (San Antonio) and Senfronia Thompson (Houston)

SB 24 mandates urgent recommendations from the Attorney General's 2011 Report that have consensus and can move forward quickly. Human trafficking is added to many lists of crimes in the penal code, government code, and family code, code of criminal procedure, and civil practice and remedies code. The bill also addresses important victim protections.

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HB 289 by Jim Jackson (Carrollton) and Jane Nelson (Flower Mound)

HB 289 adds human trafficking to the list of activities that cause a common nuisance in a community, allowing another avenue for law enforcement crack down on human trafficking operations in Texas.

HB 1994 by Randy Weber (Pearland) and Leticia Van de Putte (San Antonio)

HB 1994 makes it permissible for local communities to hold a mandatory, day-long session for first-time “johns” (offenders who seek a prostitute), otherwise known as a “John School.” These sessions educate johns on the risks of having sex with a prostitute, including the reality of human trafficking, health risks, and other harms that come to their personal life and the community.

HB 2015 by Senfronia Thompson (Houston) and Leticia Van de Putte (San Antonio)

HB 2015 adds minor prostitution to the list offenses eligible for “child in need of supervision.”

Immigration

The immigration system in the U.S. is clearly in need of reform. The CLC is supportive of comprehensive immigration reform at the federal level. The state of Texas is limited in what it can do to address the problem. While we support efforts to secure the border and fight crime, legislation must not do so at the cost of the safety of our communities.

During the regular session no major piece of legislation related to immigration passed. The effort to pass “sanctuary cities” legislation was revived in the special session. The CLC worked to oppose these efforts as we heard from many of our Hispanic pastors that such reforms would only create distrust of law enforcement resulting in communities that are less safe. SB 9 and HB 9 were also opposed by several major police departments in the state. Ultimately these bills failed in the special session as well.

Alcohol and Addiction

The CLC supports legislative efforts aimed at addressing the devastating problems that come with alcohol and substance abuse in this state. This includes laws designed to prevent minors from accessing alcohol as well as policies that support drug treatment programs. This session we continued our efforts to support bills which seek to reduce smoking in Texas.

Smoke-Free Texas

SB 355 by Ellis (Houston) and HB 670 by Crownover (Lake Dallas) addressed the dangers of secondhand smoke. Both of these bills sought to eliminate smoking in all

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indoor workplaces in Texas. Representative Crossover pulled the smoke-free bill from the floor of the House and attached it as an amendment to SB 1811, where it ultimately failed to pass.

During the special session, **SB 28 and HB 46** address the same problem by eliminating smoking in indoor restaurants and bars. In a time of severe budget constraints, the benefits of smoke-free restaurants and bars in Texas could save employers, and the state, millions in health related costs. Currently, food service employees have a 50 percent higher risk of getting lung cancer than the general public. Because the service industry is such a vital part of Texas' workforce, it is important that we make a conscious effort to pass legislation that protects the industry's employees from exposure. These bills failed to pass during the 82nd Special Session.

Criminal Justice

The CLC supports criminal justice reform efforts that keep our communities safe, protect innocence throughout the criminal justice process, improve the juvenile justice system, support drug treatment programs and development and expand re-entry programs for those who have served their time. This session the following two bills passed addressing these concerns.

SB 122 by Rodney Ellis (Houston) and Pete Gallego (Alpine)

SB 122 improves availability and creates more opportunities to identify those who have been wrongfully convicted. The bill also requires that upon completion of DNA testing, the convicting court shall order any unidentified DNA profile to be compared with the DNA profiles in the CODIS DNA database established by the Federal Bureau of Investigation and the DNA database maintained by Texas' Department of Public Safety.

SB 653 by John Whitmire (Houston) and Jerry Madden (Plano) reforms Texas juvenile justice system by merging the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) into a single, newly created Texas Juvenile Justice Department (TJJD). SB 653 requires the TJJD to balance "the interests of rehabilitative needs with public safety."

Prison Chaplaincy

The funding for chaplains in all Texas Prisons is contained in the state budget under a strategy called Treatment Services. In the original proposed budget by the House Appropriations Committee, funding for chaplains was eliminated entirely - 100%. Thanks to the hard work of many Texas Baptist chaplains from across the state, in the final 2012-2013 budget chaplaincy was fully restored to current levels.

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Church and State

The CLC upholds the traditional Baptist understanding of a strict institutional separation between government entities and the church along with a strong support of religious free exercise rights under the constitution. The following bills that passed this session allow for government and church cooperation in addressing social issues while maintaining an important layer of separation and protection.

HB 2610 by Ryan Guillen (Rio Grande City) and Robert Deuell (Greenville)

HB 2610, known as the “navigator bill,” facilitates access to certain public assistance benefits programs and health care providers and services through a community-based navigator program. With the TIERS public web portal coming online in early 2012, many community-based nonprofit organizations, including food banks and churches, will be assisting individuals access the system. This program will train the volunteers to make sure that they understand the system properly and can help those in need of benefits to the greatest of their ability.

HB 1965 by Lois Kolkhorst (Brenham) and Robert Deuell (Greenville)

HB 1965, renewing our communities, expands on the Interagency Coordinating Group (ICG), established in the 81st Session, to improve the collaboration and communication between state agencies and faith and community based non-profits. The bill expands the ICG and establishes a stakeholder task force. The task force and the ICG are charged with specific missions, including examining the roles of faith and community based non-profits and state agencies interaction, collaboration, overlap, gaps, and opportunities for contracting between the two.

Life Issues

The CLC continues to support a Biblical, moral and ethical respect for life, advocating for legislation concerned with the ethical issues faced at both the beginning and end of life.

HB 15 by Sid Miller (Stephenville) and Dan Patrick (Houston)

HB 15 provides women considering an abortion with a sonogram, an explanation of the sonogram, and a 24 hour advance meeting with the doctor who would be performing the procedure. The passage of HB 15 will give women more information from which to make wise decisions. Knowledge of the critical facts and information gained from a sonogram will be included as an essential step before considering an abortion.

SB 257 by John Carona (Dallas) and Larry Phillips (Sherman)

“Choose Life” license plates will become available in September and are intended generate funds that would support infant adoption as an alternative to abortion.

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