



SENATOR JOSÉ R. RODRÍGUEZ

# CAPITOL

**REPORT** on the 84<sup>th</sup> Legislative Session:  
January 13 — June 1, 2015

***Dear Friend:***

Thank you for the honor and privilege of serving you in the Texas State Senate. The Regular Session of the 84th Legislature ended on June 1st, and we are proud to report on our work. I worked with colleagues on both sides of the aisle to send 71 bills and concurrent resolutions to the Governor's desk, and to amend many others in pursuit of good public policy for the people of Senate District 29 and Texas.

We helped secure funding for local priorities in the budget, and passed legislation that supports education, health care, economic development, veterans, and criminal justice reform. Overall, the budget for 2016-17 represents a step forward and includes significant funding for important items like Pre-K, graduate medical education, and mental health services. The Legislature also passed a new source of funding for transportation that you will have an opportunity to vote on this November.

However, the budget also prioritized tax breaks for big business and \$800 million for border security, while leaving at least \$2 billion on the table, which we could have used to adequately fund our schools and improve access to health care.

Texas is a frontier state in a global economy, with rich resources and growing diversity. The Legislature has a responsibility to maintain and grow that legacy. Simply stated, prudent and targeted investment that builds on the prosperity of today to ensure an even greater future is good business.

This report provides you with a general summary of what we were able to accomplish during the 84th Legislature. Please do not hesitate to contact my office on any issue on which you need more information or may not have been included.

During the interim, we will seek your input on a variety of issues in preparation for the 85th Legislature. I look forward to continuing our work on behalf of Senate District 29 and for a New Texas.

***Querido Amigo(a):***

Gracias por el honor y privilegio de servirle en el Senado Estatal de Texas. La Sesión Regular de la 84a Legislatura terminó el 1o de junio, y estamos orgullosos de dar reporte sobre nuestro trabajo. Trabajé con colegas de ambos partidos para enviar 71 propuestas de ley y resoluciones concurrentes al escritorio del Gobernador, y para enmendar muchas otras en la búsqueda de buena política pública para la gente del Distrito Senatorial 29 y Texas.

Ayudamos a asegurar financiación para las prioridades locales en el presupuesto, y pasamos legislación que apoya a la educación, el cuidado de la salud, el desarrollo económico, los veteranos, y la reforma de la justicia penal. En conjunto, el presupuesto para el 2016-17 representa un paso hacia adelante e incluye financiación significativa para artículos importantes como pre-Kinder, educación post-grado de medicina, y servicios de la salud mental. La Legislatura también pasó una nueva fuente de financiación de transporte para la cual tendrán la oportunidad de votar este noviembre.

Sin embargo, el presupuesto también dio prioridad a los recortes de impuestos para la empresas grandes y \$800 millones para la seguridad fronteriza, dejando por lo menos dos mil millones de dólares en la mesa, los cuales se pudieron haber utilizado para financiar nuestras escuelas adecuadamente y mejorar el acceso al cuidado de la salud.

Texas es un estado fronterizo en una economía global, rico en recursos y creciente en diversidad. La Legislatura tiene una responsabilidad de mantener y hacer crecer ese legado. En términos simples, una inversión prudente y medida que construye sobre la prosperidad de hoy en día para asegurar un futuro aún mejor es un buen negocio.

Este reporte le proporciona un resumen general de lo que fuimos capaces de lograr durante la 84a Legislatura. Por favor no dude en contactar a mi oficina sobre cualquier tema del cual necesite más información o que no se haya incluido.

Durante el ínterin, buscaremos sus comentarios sobre una variedad de temas en preparación para la 85a Legislatura. Espero con anticipación el continuar trabajando a favor del Distrito Senatorial 29 y para un Texas Nuevo.

Sincerely,

José Rodríguez



*Sen. Rodríguez and his Capitol office staff*

# An Effective Voice for El Paso

*This past session, Senator Rodríguez served on the following Senate Committees: Education; Health and Human Services; Nominations; Agriculture, Water, and Rural Affairs; and Veteran Affairs and Military Installations. He worked diligently with members of both parties and state leadership to pass and amend significant legislation, and sent 68 bills and 3 concurrent resolutions to the Governor. Topics addressed include education, health care, family law, probate, trust, and criminal justice issues, as well as measures addressing veteran affairs and economic development. Included below are highlights of this legislation. For a complete list or additional information, please call (915) 351-3500.*

## Education

To promote the expansion of successful dual language programs across the state, Rodríguez passed legislation that allows school districts to use an English as a Second Language (ESL)-certified teacher to teach the English component in dual language programs. Experts and the data show a team-teaching approach is the most effective bilingual education program. **H.B. 218/S.B. 159** relieves districts from the burdensome requirement of an annual waiver application, which will allow districts to focus on continuing and/or growing their successful dual language models.

**H.B. 1842** (Aycock/L. Taylor), which establishes a turnaround model for low-performing public schools, is one of this past session's most important education-related bills. Under **H.B. 1842**, school districts and campuses are subject to a series of reforms over a five-year period of unacceptable ratings. Rodríguez added four amendments to **H.B. 1842** that ensure teachers will not be automatically purged in the campus turnaround plan; allow TEA to remove a Board of Managers (BOM) and replace it with a new BOM if the district or campus continues to fail; ensure that once the Board of Managers is removed, a monitor (not just conservator) is an option for TEA; and allow TEA to convert monitoring reviews to special accreditation investigations if flags are raised (filed as **S.B. 471**).



*Sen. Rodríguez reviews legislation with Sen. Larry Taylor, Chairman of the Senate Committee on Education.*



*Sen. Rodríguez with Greater El Paso Chamber of Commerce Board Chairman Gary Borsch, Mayor Oscar Leeser, Council Member Cortney Niland, Fort Bliss Mission Support Element Director Bob Burns, and County Commissioner David Stout on the floor of the Senate Chamber during El Paso Days at the Capitol*

## Health Care

**H.B. 839** was one of the few eligibility-related bills to pass this session. The bill addresses health care challenges for youth leaving detention facilities, as detailed by juvenile probation departments across Texas. **H.B. 839** directs the Texas Health & Human Services Commission to apply for a waiver to suspend rather than terminate Medicaid and CHIP benefits when a juvenile enters a detention facility. This will allow Medicaid and CHIP benefits to be reinstated within 48 hours of the juvenile's release, which will help to eliminate disruptions in access to health care professionals and medications for these youth.

Another important piece of health care-related legislation originated from constituents in Senate District 29. **S.B. 1624** requires four-year Texas universities to offer full-time students information about available mental health services and early warning signs present in a person considering suicide. According to the Texas Suicide Prevention Council, suicide is the second-leading cause of death in Texas among young adults aged 15 to 34.

## Economic Development

**S.B. 597**, which was filed to help El Paso build a downtown convention center hotel, was amended onto **H.B. 1964** (Clardy/Eltife). The amendment adds El Paso to the list of Texas cities that qualify for a 10-year hotel occupancy tax rebate to develop a convention center hotel. Passage of this amendment is a boon for the City of El Paso, and creation of a world-class convention center hotel will help the City attract major events and conferences.

Another bill with a significant economic impact on the region is **H.B. 2878/S.B. 976**, which will better enable the Housing Authority of the City of El Paso (HACEP) to comply with federal requirements for the U.S. Dept. of Housing and Urban Development (HUD)'s Rental Assistance Demonstration (RAD) Program. RAD provides local housing authorities a way to privately finance the renovation of multi-family housing sites. In Dec. 2013, HUD approved HACEP's application to convert over 6,300 housing units through the RAD Program. The project will save local taxpayers millions of dollars while providing residents safer living conditions free of environmental and safety hazards common in older public housing units. This project, the largest of its kind in the country, is projected to have a local economic impact of \$1 billion over five years.

# El Paso and West Texas



*Sen. Rodríguez visits with the El Paso members of the Combined Law Enforcement Associations of Texas (CLEAT) at the Texas Capitol.*

## ***Military and Veterans***

El Paso is home to Fort Bliss, which with 1.1 million acres is larger than the state of Rhode Island and can accommodate every weapon system in the Army. Fort Bliss is a premier facility for training, mobilization and deploying combat forces. Because of this military presence, our community has a high level of awareness of veteran needs. This past session, Rodríguez passed a number of bills related to veterans. Of note, **S.B. 660** expanded the Texas Veterans Commission's Veteran Entrepreneur Program, which conducts business training classes, consultations, and advocacy for veteran business owners. **S.B. 389** helps veterans match their military experience with state job postings by requiring state agencies to pair job postings with Military Occupational Specialty Codes so that veterans can quickly identify the state jobs for which they have relevant experience.

## ***Courts and Public Safety***

Rodríguez's past experience on the Senate Jurisprudence and Criminal Justice Committees and nearly two decades of service as the El Paso County Attorney have made him a trusted ally in improving civil and criminal jurisprudence in Texas.

This session, he passed 18 State Bar of Texas (SBOT)-endorsed bills intended to improve family law court proceedings, as well as streamline trust and probate administration, all so that families save time and resources, and avoid unnecessary conflict.

This legislation improves laws relating to child custody to better ensure children are not exposed to family violence, and their physical health and emotional development are provided for. **S.B. 818** requires parents be notified if their child will live with a person subject to a family violence protective order. **H.B. 1449/S.B. 820** improves the quality of family evaluations used in custody determinations, while **H.B. 1500/S.B. 819** sets minimum standards for when a court will consider changing a child's primary residence. Rodríguez also passed legislation to update family court orders so they can prohibit modern electronic forms of harassment (**S.B. 815**) and to allow those orders to be enforced by contempt of court (**H.B. 3121**).

Rodríguez's legislation improving estates and probate law include a major omnibus bill endorsed by the SBOT. **S.B. 995** clarifies the effect of a divorce on a will, makes provisions for the inheritance of children born after a parent's death, and clarifies how the state will recognize out-of-state wills, as well as makes several other technical updates to the Estates Code. Other bills are intended to keep more money in families' pockets by, for example, clarifying that surviving spouses bequeathed a life estate in their homes may continue to claim a property tax homestead exemption (**H.B. 1022**), making it easier for families to refuse a gift or inheritance for tax purposes (**H.B. 2428/S.B. 994**), increasing amounts that may be transferred for the benefit of minor children (**S.B.**

**1202**), and expanding the amount of personal property one may protect from creditors (**H.B. 2706/S.B. 1201**).

In the criminal justice arena, Rodríguez passed nearly 20 legislative measures with strong bipartisan support. Several measures were part of the "Smart on Crime" legislative agenda. For example, **H.B. 1546/S.B. 589**, which streamlines the process involved in awarding diligent participation credits to inmates in education, vocational, treatment, or work programs in state jails; the bill may save the state tens of millions of dollars per year. **H.B. 710/S.B. 380** expands the use of summons or "blue warrants" in two situations that pose a low risk to public safety to ensure non-violent offenders are not incarcerated unnecessarily and to significantly reduce jail costs for counties.

Many bills are focused on helping victims of family violence, sexual assault, stalking, and human trafficking. Of note, **H.B. 1446/S.B. 145** authorizes the Attorney General's Office to reimburse reasonable costs for emergency medical care incurred by victims of sexual assault, allows stalking victims to be eligible for a relocation assistance payment (filed as **S.B. 146**), and creates a new program in the Governor's Office to address the medical, psychological, safety, and housing needs of victims of child sex trafficking.

Other legislation strengthens laws regarding protective orders (POs). **S.B. 737** requires the timely entry of POs into the Texas Crime Information Center to better ensure the safety of both the law enforcement officer and the victim. **S.B. 817** allows a third party to apply for a PO on behalf of a victim, expands the definition of "abuse" for POs, and allows judges to consider a history or pattern of family violence and whether a PO has been issued when making a conservatorship decision. **S.B. 630/H.B. 1447** strengthens post-conviction and post-offender-release protections, while **S.B. 147** fixes loopholes by aligning penalties for those who violate POs. **H.B. 2455/S.B. 944** provides for an accurate and uniform system of gathering and reporting data to efficiently deploy funding, training, and safety resources to aid affected families and victims.

Rodríguez also passed legislation that better protects an individual's civil rights by improving judicial efficiency. **S.B. 873** expands the courts that may hold an indigency hearing on a capias pro fine warrant; this will help local governments control jail costs. **S.B. 662** requires defense counsel be appointed in a timely manner for indigent habeas applicants. **S.B. 663**, which was amended to **S.B. 287** (West/Smithee), requires a bill of costs to include an itemized breakdown of incurred charges to help Texans better understand and identify their court fees without the need for legal representation or a formal request.



*Sen. Rodríguez with Reps. Pickett, Marquez & Moody at the Greater El Paso Chamber of Commerce's 84th Legislative Session Recap*

# Legislative Highlights

## State's Budget for 2016-2017 ( H.B. 1 )

### STATEWIDE

- ✓ \$1.5 billion increase for public education
- ✓ \$151 million increase for mental health
- ✓ \$53 million for graduate medical education
- ✓ \$2.4 billion increase for transportation (if approved by voters on Nov. 3, 2015)
- ✓ \$30 million for Defense Economic Adjustment Assistance Grants (DEAAG) for military cities
- ✗ No health coverage for one million low-income Texans

### EL PASO

- ✓ \$70 million in tuition revenue bonds for an interdisciplinary research facility for the University of Texas at El Paso
- ✓ \$75.52 million in tuition revenue bonds for the Medical Science Building 2 at the Texas Tech University Health Sciences Center-El Paso
- ✓ \$7 million for the pharmacy program at the University of Texas at El Paso
- ✓ \$3 million for the Eighth Court of Appeals
- ✓ \$3.5 million for the long-awaited Franklin Mountains State Park Visitors Center

## School Finance

In the largest school finance case in the state's history, *Texas Taxpayer and Student Fairness Coalition v. Williams*, over 500 school districts enrolling three-fourths of Texas school children, as well as parents, students, the Texas Charter School Association and others, sued the State of Texas for failing to ensure a quality education for all students. Over a year ago, the district court ruled that the state's funding system is "constitutionally inadequate, unsuitable and financially inefficient."

In light of another court decision finding the Texas system inadequate, inefficient, inequitable, and lacking meaningful discretion, school finance was the number one issue facing the 84th Legislature. It was also the number one issue identified by school districts in Senate District 29 and stakeholders across the state at the Senate Hispanic Caucus regional legislative summits in 2014.

Some members of the House, under the leadership of the House Education Committee Chairman Jimmie Don Aycocock, unsuccessfully attempted to pass legislation that increased funding for our schools (**H.B. 1759**). In the end, the Texas Legislature adopted the Senate's school funding recommendations, which simply increased the basic allotment by a minimal amount, increased homestead exemptions, and offered little additional relief with the exception of \$130 million to improve Pre-K programs and \$40.6 million for reading and math training academies.

Rodríguez filed **S.B. 161** to increase the bilingual education funding weight from the current 10 percent add-on weight to 25 percent. This weight has not been updated since 1984. A recent study by Dr. Jimenez-Castellanos recommended a 50 percent add-on weight based on the most recent empirical research.

English Language Learners (ELLs) are one of the lowest academically performing groups of students in K-12 schools. On average, ELLs scored 41 percent below their native English-speaking peers on the 8th grade reading assessment. This achievement gap widens considerably as students progress through school.

Notably, this is not an issue that is limited to the border or urban schools. Data show that school districts all across the

state are struggling to meet the needs of ELL students. For example, 93 languages and dialects are spoken at Richardson ISD (Dallas). In total, over 120 languages are spoken in Texas public schools. **S.B. 161** passed the Senate as a study to examine the need for additional funding for bilingual education. Unfortunately, the bill did not pass the House.

With oral arguments in the Texas Supreme Court having occurred in September 2015, we can expect a ruling on the pending school finance case soon. Much is at stake as the court decides whether or not to ensure that the state provides equal educational opportunity not for just some, but for all, of its children.

Whether during a Special Session in 2016 or a Regular

Session in 2017, we will continue to push for additional weighted funding for the students with the greatest need and for equitable school finance reform. Specifically, the Legislature should increase the basic allotment to more sufficient levels and increase bilingual and compensatory education weights. An investment of approximately \$5 to \$6 billion over the biennium would bring greater equity within Texas' school finance system and would allow us to truly address our state's educational needs. It may, once again, take the Texas Supreme Court to force the Legislature to get it done, but we'll be ready to lead the way.



*Sen. Rodríguez with Sen. Sylvia R. Garcia at a press conference on education*



*Sen. Rodríguez visits with teachers from the Socorro chapter of the American Federation of Teachers at the Texas Capitol.*

# A Look Ahead to 2017

*The interim is a time to review the past session and look ahead to the next one. Ongoing consultation with community members, stakeholders, and advocates will help frame priorities for the 85th Legislature in 2017. In addition to school finance, here are some of our priorities for 2017:*

## Health Care

Despite significant inroads made by the Affordable Care Act, which includes over one million Texans enrolled in the federal insurance exchange, Texas still leads the nation in the number of uninsured residents. Unfortunately, the state's leadership was not interested in crafting a solution that would allow the state to receive billions in federal funds and improve access to care for uninsured and underinsured Texans.

This session, Rodríguez filed **S.B. 1039**, known as the "Texas Way," to provide an alternative to expansion of the traditional Medicaid program. In addition to providing access to private health insurance for more than one million Texans, including 50,000 military veterans, **S.B. 1039** would have been a more effective use of state and local taxpayer dollars. The "Texas Way" would have provided access to private health insurance so that working Texans could access primary and preventive care rather than relying on hospital emergency departments for acute care. It would have also established a transparent process to assess the impact of reduced uncompensated care costs on local property taxes that currently pay for about \$1 billion of indigent health care services. Employers and those who purchase private health insurance would have benefited from reduced premiums.

Although many business, health care provider, and advocacy groups strongly supported this legislation, the bill was not given a hearing. In the interim, we will continue to work on finding potential solutions, including a Section 1332 waiver, to this important issue. Health care is a basic human need, and in the midst of great abundance, there is no good reason Texans should suffer from lack of health care.



*Sen. Rodríguez speaks about improving access to health care with the Texas Nurse Practitioners.*

## Equality

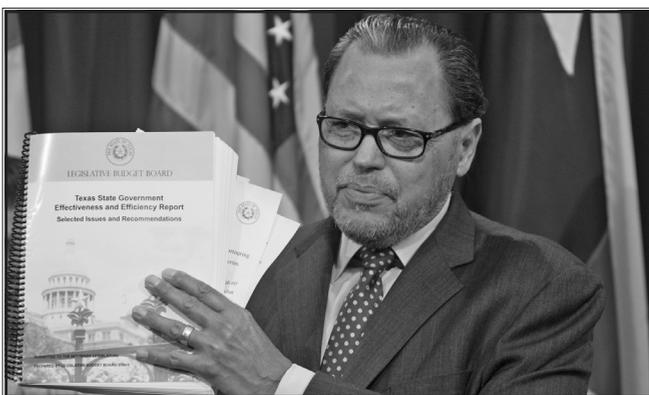
Protecting the civil rights of all Texans is of paramount importance. Rodríguez refiled legislation to repeal the amendment banning same-sex marriage in the Texas Constitution (**S.J.R. 13**). In light of the U.S. Supreme Court's landmark decision in *Obergefell v. Hodges* (2015), which recognized that same-sex couples could not be denied the right to marry under the Fourteenth Amendment to the U.S. Constitution, it's more important than ever that Texas repeal discriminatory anti-gay language from its laws.

For this same reason, and for the second time, Rodríguez filed **S.B. 148** to repeal state law criminalizing "homosexual conduct." In *Lawrence v. Texas* (2003), the U.S. Supreme Court struck down Section 21.06 of the Texas Penal Code as unconstitutional under the Fourteenth Amendment. More than a decade later, this law is still on

the books, serving as a source of misinformation to law enforcement and cost to local governments.

Rodríguez also filed **S.B. 856**, a bill that would prohibit discrimination against gay and transgender Texans in the areas of employment, public accommodation, housing, and state contracting. Discrimination of any kind runs counter to the values of opportunity, personal faith, and freedom from discrimination that all Texans hold dear. Moreover, an inclusive Texas is crucial to recruiting and retaining talent, attracting entrepreneurs and company relocations, and maintaining a strong travel and tourism industry. Although none of these bills were given a hearing this session, we will refile them next session with the continued hope that we can better our state for all Texans.

## Border Security and Oversight



*Sen. Rodríguez speaks about LBB's recommendations for accountability of border security spending.*

Since 2008, the Department of Public Safety and other state agencies have spent nearly \$1 billion on "border security." **S.B. 1035** would have created an oversight committee to review spending and performance of the state's border law enforcement operations; this bill did not pass. Rodríguez

also attempted to amend **H.B. 11**, which expanded both the size and scope of DPS, to ensure that the sudden increase in operations does not curtail border residents' civil, human, and property rights, as well as to establish metrics and measure outcomes. We will continue to focus on these critical transparency and accountability measures in the interim and 2017.

Enhancing border infrastructure is the best way to ensure both public safety and continued economic growth. In Texas, trade with Mexico provides almost half a million jobs and about \$100 billion in annual exports. This trade hinges on the ability of people, goods, and services to move efficiently and safely across the border. Renovation, modernization, and expansion of border crossing infrastructure would cost an estimated \$6 billion, which is less than the annual economic losses caused by lengthy northbound entry delays (e.g., \$7.8 billion in 2011). **S.B. 731** would have provided a dedicated infrastructure fund. Parts of the bill were incorporated into the budget, which now requires TXDOT to apportion border infrastructure funds. We will continue working to increase the state's investment in this crucial point of commerce.

## Helpful Phone Numbers for District 29

Texas 2-1-1.....	2-1-1
Travel Conditions.....	1-800-452-9292
<b>Family</b>	
Medicare.....	1-800-633-4227
Medicaid Hotline.....	1-800-252-8263
TexCare's Member Services Dept. Medicaid / CHIP.....	1-800-647-6558
Child Support Division, Attorney General.....	1-800-252-8014
Texas Health & Human Services Comm. (Food Stamps).....	1-800-448-3927
<b>Consumers</b>	
Consumer Protection Hotline, Attorney General.....	1-800-337-3928
Injured Employees Hotline.....	1-800-252-7031
<b>Victim's Assistance</b>	
Elder / Child Abuse Hotline.....	1-800-252-5400
Crime Victim's Clearinghouse.....	1-800-848-4284
<b>Legal</b>	
Free Legal Service / Texas Rio Grande Legal Aid.....	1-888-988-9996
Lawyer Referral Service.....	1-800-252-9690
Family Violence Legal Line.....	1-800-374-4673

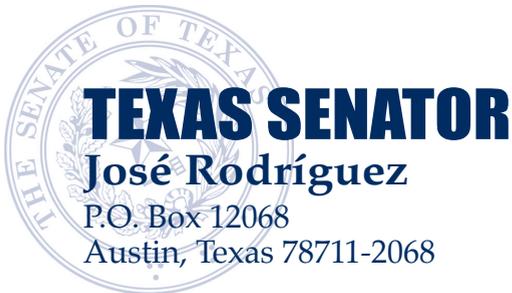
Si usted desea recibir un boletín en español, favor de llamar a la oficina del Senador Rodríguez en El Paso (915) 351-3500.

For additional online government services visit:  
[texasonline.state.tx.us](http://texasonline.state.tx.us)

## Legislation

For more information on any legislation or the complete list of the bills passed into law by Sen. Rodríguez, please call (915) 351-3500.

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## Senate District 29 Information

### Contact Senator José Rodríguez

**Austin**  
 1400 Congress Ave.  
 Room E1.610  
 Austin, TX 78701  
 (512) 463-0129

**Mission Valley**  
 206 S.E. 8th St.  
 Suite 201  
 Fabens, TX 79838  
 (915) 765-2000

**El Paso**  
 100 N. Ochoa  
 Suite A  
 El Paso, TX 79901  
 (915) 351-3500

**Marfa**  
 300 W. Columbia  
 Elem. Bldg., Room #102  
 Marfa, TX 79843  
 (432) 729-4800

### District 29 Map

