



REPRESENTATIVE DONNA HOWARD

Capitol Report • 83rd Legislature • District 48

Representing Travis County (part)

Capitol Report • Fall 2013



TEXAS HOUSE OF REPRESENTATIVES

State Representative • District 48

Dear Friends,

The 83rd Legislature has finally gaveled out after meeting for the 140-day regular session and three subsequent special sessions. This newsletter is offered to provide you with an overview of some of the outcomes of recent work here at the Capitol.

This was a particularly successful session for me. As a more senior member of the House and as a member of the powerful Appropriations Committee, I was proud to have the opportunity to represent your interests and help the state move forward in the budgeting process. Significantly, lawmakers were able to successfully pass a budget that restored many of the cuts to education and women's health that were made in 2011; also passed was legislation to create funding streams for critical water and transportation infrastructure, both of which you will be asked to vote on as constitutional amendments in the future.

Unfortunately, the special sessions derailed the more collaborative environment of the regular session with the Governor's addition of abortion restrictions to our legislative agenda. I am proud of the work my office did to represent sound public health policy that supports women and their families and that limits government intrusion into the doctor/patient relationship.



I hope you'll be able to join me at one of my upcoming town hall meetings where we can further discuss the legislative session as well as any other House District 48 issues of interest. It continues to be an honor to serve as your state representative, and I look forward to hearing from you.

Sincerely,

Donna Howard

Donna Howard

You're Invited!

Please consider attending one of these upcoming Town Hall meetings. These informal gatherings are designed to not only provide a recap of the legislative session but, more importantly, to give you the opportunity to ask questions, voice your opinions, or simply listen to the concerns of your fellow HD 48 residents. ***I look forward to seeing you there!***

TUESDAY, OCTOBER 15
6:00pm – 8:00pm
Howson Branch Library
2500 Exposition Boulevard
Austin, Texas 78703

TUESDAY, OCTOBER 22
6:00pm – 8:00pm
Hampton Library Branch
At Oak Hill
5125 Convict Hill Road
Austin, Texas 78749

THURSDAY, OCTOBER 17
6:00pm – 8:00pm
Austin Community College
South Austin Campus
Multimedia Room 1130
1820 W. Stassney Lane
Austin, Texas 78745

THURSDAY, OCTOBER 24
6:00pm – 8:00pm
Old Quarry Library
7051 Village Center Drive
Austin, Texas 78731

★ LEGISLATIVE ACCOMPLISHMENTS ★

Capitalizing on the relationships built over my past seven years as a legislator, I succeeded in passing a number of measures this session. Here is a sample:

- **Ensured greater legal protections for nurses** that have been illegally retaliated against for whistleblowing activities regarding patient advocacy
- **Addressed the issue of violence against nurses** by providing that those convicted of assaulting emergency room personnel are subject to the same penalties as those assaulting EMS personnel and police officers
- Allowed more Adjunct Faculty Members at our institutions of higher education to **purchase health insurance** through the state's group benefits program
- **Encouraged innovative technology opportunities** by enabling projects such as a bio-tech incubator or data center to be eligible for consideration within the state's public-private partnership programs
- Established the City of Austin's view corridor ordinance in state law, ensuring that generations of Texans yet to come will be able to **enjoy the historic majesty of our Capitol Building**
- **Extended parking privileges to veterans** who display World War II Veteran specialty license plates, allowing them to park for free at a meter charged by a governmental authority

A MORE RESPONSIBLE BUDGET

My first session on the House Appropriations Committee was spent as a member of the Article III Subcommittee, which handled appropriations to public education, higher education, and community & technical colleges. While K-12 education funding per student is still far behind what it was in 2009 (before the drastic cuts of the 82nd Session), **we were able to add \$3.4 billion** above student growth to the Foundation School Program, the primary vehicle for funding our public schools. Locally, this means that **Austin ISD will see an increase** of \$11.4 million this school year and \$17 million above the current amount in the 2015 fiscal year. **Eanes ISD will see an increase** of \$1 million and \$1.5 million over the next two years, thanks to this improved funding allocation.

In higher education, we **expanded the funding for TEXAS Grants**, enabling more students to access these vital financial aid opportunities; although we are still not fully funding the program to cover all eligible students, it is a big step in the right direction. I was also able to direct funding to UT's New Mathways Project, an evidence-based partnership with the state's 50 Community College Districts aimed at increasing completion rates among students in remedial education.

The Appropriations bill I helped to craft includes \$230.6 million in increased funding for the Instructional Materials Allotment, **a \$30 million increase for Pre-K grants** and \$14 million increase for the Student Success Initiative — a state program that gives extra support to struggling students in order to ensure they are advancing in reading and math.

I successfully utilized the budget rider process to help **improve local air quality**, by securing a much-needed \$1.5 million toward a regional air monitoring program. I also ensured that Travis County motorists saw the \$2.4 million they pay into the Low Income Vehicle Replacement and Repair program (LIRAP) was returned to our county and used for its intended purpose.

As a member of the Budget Reform & Transparency Subcommittee, a major focus of my work was to try and cut back on "diversions," where the state takes money intended for one use and spends it on something else. This has been a practice of the legislature since the late 1990s, and diversions in recent budgets number in the billions of dollars. I worked with several colleagues to rein in this practice, with the goal of eliminating it altogether. We passed legislation which ended the diversion of \$400 million of transportation revenue that had been going to the Department of Public Safety, and we **ensured that all funds raised from specialty license plates went to their intended purposes** — such as spray & neuter programs, arts grants, or coastal conservation — in the new budget. The Appropriations Committee also sent \$45 million of the sporting goods sales tax to the state and local parks, honoring the intention of this tax.



Rep. Howard confers with Rep. Jim Pitts, Chair of the House Appropriations Committee



Don't Forget To Vote!

On **November 5, 2013**, voters will be asked to consider nine constitutional amendments, including the funding for a State Water Infrastructure Bank. A detailed analysis of each amendment can be found here:

http://www.tlc.state.tx.us/const_amends.htm



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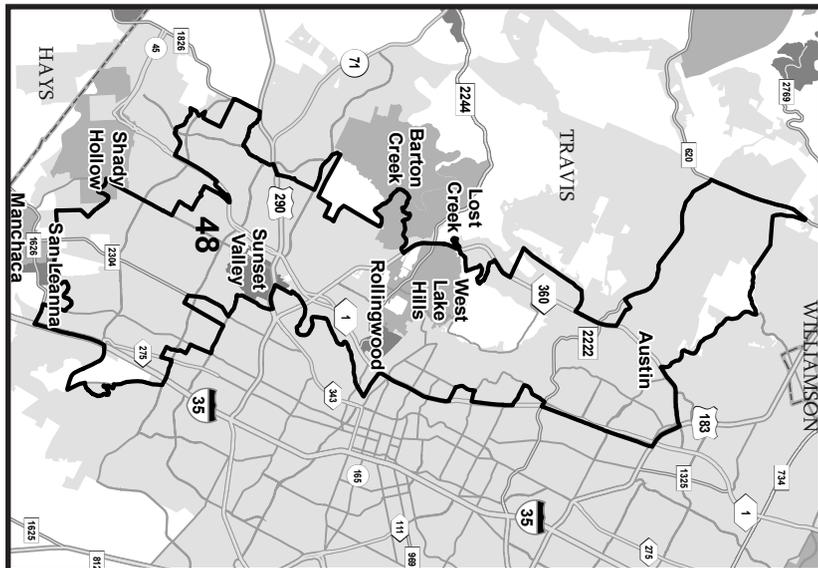
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DONNA HOWARD
State Representative



DISTRICT 48 MAP

Capitol Report
 83rd Legislative Session
 ★ ★ ★
REP. DONNA HOWARD

ADVANCES AND RETREATS IN PUBLIC HEALTH

Since taking office, I have been working diligently to expand the authority of nurses in the health care setting, and there was a successful push to do so by the 83rd Legislature. By maximizing the education and training of Advanced Practice Registered Nurses and Physician Assistants, SB 406 should help to **expand health care access and drive down costs**. I was proud to be a cosponsor of the bill.

One of the great disappointments of the session was the failure to expand Medicaid in accordance with the federal Patient Protection & Affordable Care Act. I was a Joint Author of HB 3791 by Rep. John Zerwas, which would have allowed for a "Texas

Solution" to take advantage of federal dollars and provide insurance coverage to millions of our citizens. Unfortunately, this bipartisan effort did not even come up for a vote on the House floor. With the highest rate of uninsured in the country — and without a plan for addressing the issue — it makes no sense for us to decline the Medicaid expansion. In doing so, we will continue to see our emergency rooms flooded with non-emergency cases, higher property taxes due to uncompensated care, and billions of federal tax dollars that have been paid by Texans like yourself go to other states. **I remain supportive of the Medicaid expansion, and will not stop fighting for its implementation here in Texas.**

A DEDICATION TO WOMEN'S HEALTH

Following the Legislature's deep cuts and policy changes in 2011, **restoring funding and access to women's health care and family planning services ranked among my top priorities**. Thankfully, we were able to make some headway this session. Meaningful action in this area included:

- The appropriation of \$71.3 million over the 2014-2015 biennium for the Texas Women's Health Program
- \$43 million in funding for the DSHS family planning budget
- \$100 million for the expansion of Primary Health Care for women, over 60% of which will go toward family planning services

It should also be noted that the federal government has indicated that, due to the state's affiliate ban, it will now be awarding Title X funds — one of the primary sources of federal family planning dollars — directly to providers, rather than using the state as an intermediary; this will allow for qualified providers such as Planned Parenthood to continue to receive these monies for



Rep. Howard recognizes Go Red for Women Day in Texas

safe, efficient, low-cost women's health services across Texas. Through my position on the House Appropriations Committee, I was able to ensure that state funding for family planning services would not be impacted by this loss of federal dollars, by moving \$32 million in from another account. All told, these efforts

represent **a significant increase in family planning dollars from last session**.

Unfortunately, **women's health sustained a serious setback** with the Legislature's passage of HB 2 in July's second special session. The bill represents a deep invasion into the doctor/patient relationship and will further limit access to safe and legal abortions, a right which was affirmed by the Supreme Court's momentous *Roe v. Wade* decision 40 years ago. This was a divisive issue, and debate over the measure was

accompanied by the largest protests that I've ever seen at the Capitol. The final fate of the bill will likely be determined in a court of law.

★ AMENDMENTS REACH GOAL LINE ★

Throughout the session, lawmakers work very hard to find vehicles for their proposals. A number of my initiatives were added to other bills, and here are some that were signed into law:

Higher Education Affordability

- Amended the Texas Higher Education Coordinating Board's Sunset Bill to **streamline the state's financial aid** services and create a new pathway for certain community college students to receive a TEXAS Grant when transferring to a four-year university

Public Input In Development of State Lands

- Amended SB 211 to **require the Texas Facilities Commission to notify the public at least 30 days in advance of a hearing**; this was in response to concerns expressed by our community regarding the development of state land in our city

Truth In Budgeting

- Authored two bills that were incorporated into omnibus legislation regarding the use of dedicated revenue; these amendments will:
 - Convene a Legislative Budget Board group to recommend which areas of the budget could best reduce any diversions of funds from their intended purposes
 - Prevent the diversion of voluntary parks funds collected through specialty license plates and donations

MEETING OUR TRANSPORTATION NEEDS

Traffic in Austin now ranks among the worst in the country, and it is causing real damage to our quality of life, environment, and economy. This message came across loud and clear from constituents like yourself, as well as from business interests and advocacy groups. This session, **I supported a number of efforts to adequately fund TxDOT** and wean us off paying for roads by simply increasing debt. In the Appropriations Committee I supported boosting transportation revenue in a number of ways, hoping that at least one of them would be palatable to my colleagues. Unfortunately, the Legislature rejected a small increase in vehicle registration fees, resisted pegging the gas tax to inflation, balked at tapping the Economic Stabilization

Fund (commonly referred to as the Rainy Day Fund) or having energy companies contribute more toward the roads they utilize in rural areas of the state. Ultimately, we passed a constitutional amendment which will go before the public on the November 2014 ballot. This would allow us to take some of the taxes from oil and gas drilling which currently go into the Economic Stabilization Fund, and put half that revenue stream toward TxDOT's highway fund. This would only cover about a quarter of the total funds TxDOT says it needs to maintain current levels of congestion, but it was the only viable funding source after one regular legislative session and three special sessions of debate.

MAXIMIZING WATER RESOURCES

Going into the 83rd session, Texas legislators and other public officials agreed that in the face of the state's historic drought, something had to be done to **plan for future water availability**. HB 4, which I coauthored, sets up the State Water Implementation

Fund for Texas (SWIFT) and was signed into law. An additional measure, SJR 1, provides \$2 billion for the infrastructure bank outlined in the SWIFT; it awaits final approval from voters as a constitutional amendment on the November 5th ballot.

ETHICS REFORM LARGELY ELUSIVE

My commitment to increasing transparency in government long predates my service in the Legislature, so I was optimistic that we might advance this agenda as lawmakers undertook the Sunset review of the Texas Ethics Commission (TEC) this session. Unfortunately, the introduced version of SB 219 did little to expand the Agency's existing authority.

Two of the bills I filed separately — HB 582, placing a two-year moratorium on the expenditure of political funds by former officeholders who become lobbyists; and HB 2177, requiring online posting of candidate and officeholder personal financial reports — were added to the TEC Sunset bill in the House. This bill was ultimately vetoed by the Governor due to his concerns over another provision in the legislation.

I also filed HB 1075 that would have established a select interim committee to undertake a **comprehensive review of requirements related to personal financial disclosures**. Another version of this proposal was adopted in the form of SB 1773 (HB 3621), which I co-authored.

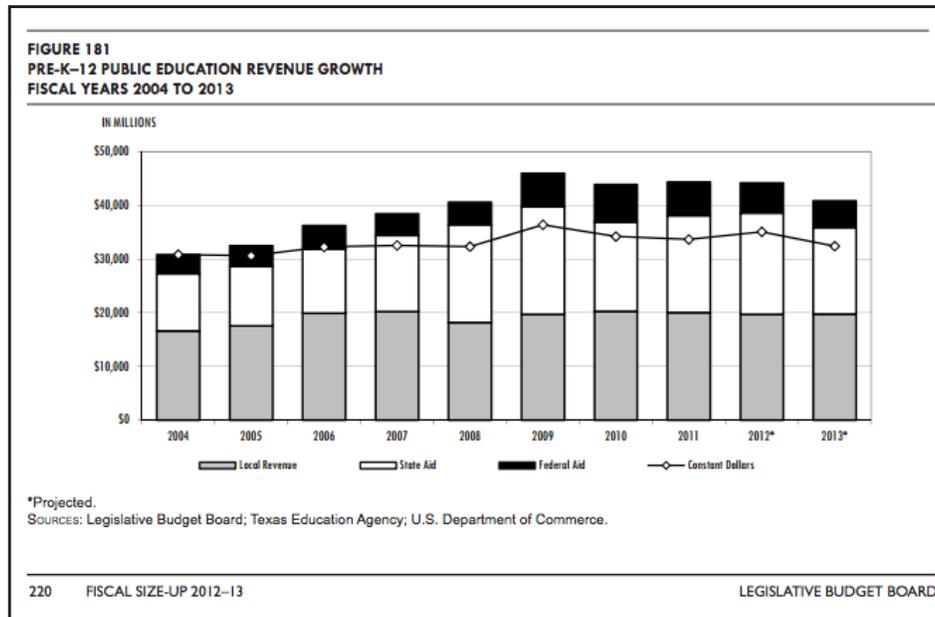
Although many of the transparency measures introduced this session received bipartisan support, the early promise of significant action on these issues was thwarted by special interests and vetoes. One measure that was eliminated would have required so-called "dark money" groups that spend more than \$25,000 annually to report the names of large contributors — donations that now remain unreported in our political system. Additionally, the veto of funding to support the state's Public Integrity Unit, housed in the Travis County District Attorney's office, undoubtedly will have significant impact.



It's always a treat when young constituents visit the Capitol!

REFORMING PUBLIC ED ACCOUNTABILITY

Leading up to the legislative session, lawmakers like myself received a great deal of feedback from parents who were **critical of the state's public school accountability system**. The primary vehicle for addressing these concerns was HB 5 by Rep. Jimmie Don Aycock. Among the bill's provisions are:



- Reducing the number of required end-of-course State of Texas Assessments of Academic Readiness (STAAR) tests from 15 to 5, limiting them to Algebra I, Biology, English I, English II, and U.S. History
- Removing the requirement that a student's performance on end-of-course exams must count for 15 percent of the student's final grade in each course tested
- Introducing a new A-to-F grading system for school districts, but retaining the existing ratings of exemplary, recognized, academically acceptable, and academically unacceptable for campuses
- Eliminating the Minimum, Recommended, and Advanced High School graduation programs, and replacing them with the Foundation High School Program, with a new emphasis on career interests and the ability for students to earn a Distinguished Level of Achievement

Though student population has grown by 20.2% over the past decade, constant dollars expended on public education have not kept up and have remained relatively flat

Moving forward, I will continue to monitor the implementation of HB 5, to see if any mild fixes or additional changes to our state's testing system need to be considered in the next legislative session.

LONG-TERM SECURITY FOR PENSIONS

Pension reform played a significant role in the 83rd Legislative Session. State teachers and government employees saw important changes to their pension plans in an effort to **move toward long-term sustainability of both the Teacher and Employees Retirement Systems of Texas**. Senate Bill 1458 (TRS) and Senate Bill 1459 (ERS) were both greatly improved by the input from various stakeholders throughout the legislative process.

TRS Highlights:

- Starting in September 2013, the State's contributions will be 6.8 percent, an increase from 6.4 percent currently
- A 3 percent cost-of-living adjustment is ensured for approximately 195,000 TRS members who retired before September 2004, which is nearly 60 percent of all retirees. This will be the first permanent increase in pension annuities since 2001
- Safeguards were included so that if there is a decrease in the State's contribution rate, the active member rate and the ISD rates would be reduced by an equivalent percentage

ERS Highlights:

- Active state employee contributions will be increased over a 4-year period to 7.5% (employee contributions will increase in 2014 to 6.6%, 2015 to 6.9%, 2016 to 7.2%, 2017 to 7.5%)
- The state will increase its contribution to 7.5% in 2014 and 2015
- All current employees hired before August 31st, 2013 will be grandfathered out of design changes in the pension plan
- Employees with 5 years in the retirement system, as of 2014, will be grandfathered out of the health care contribution tier-system

WILDFIRE PREVENTION & RELIEF

With the 2011 fires still very much in mind, I worked with Senator Kirk Watson, federal officials, and my fellow House members to **provide needed relief to areas that suffered wildfire damage** and to bolster efforts in future wildfire prevention. I found great success by incorporating a multi-pronged approach to the issue:

- Allocating over \$160 million for fire recovery, much of which will flow to the Central Texas area
- Ensuring that FEMA dollars would flow to the communities impacted in the 2011 fires
- Passing legislation to ensure adequate fire flow in hydrants located in heavily wooded West Lake Hills
- Securing an exemption for Emergency Service District 9 that allows them to continue taking proactive measures with sprinkler systems

I also worked with Article III subcommittee members to make sure the Texas A&M Engineering Experiment Station would get \$3 million to roll out a pilot project in Central Texas that would give advance notice for downed power lines and electrical equipment, which was the cause of the largest wildfires two years ago. This innovative program has the potential to **save lives and hundreds of millions of dollars in avoided damages**. I plan on continuing these wildfire prevention discussions during the interim.