

## 85th Session - It's a Wrap!

The 85th Texas Legislative Session ended Monday, May 29 with Senate and House leaders pointing fingers and casting blame on who bears responsibility for the fact that a special session has to be called.

While the Legislature did pass a \$217 billion budget and over 1,100 other bills, they did not pass a "sunset safety bill" which allows state agencies that are scheduled to sunset (close) in 2017 to remain open. The Texas Medical Board, which regulates and licenses physicians, is one of five agencies that will close in September if this measure is not addressed in a special session.

Gov. Greg Abbott held a press conference June 6 and announced the special session would begin July 18. Legislators must pass the sunset bill before they can consider a 19 item agenda that includes:

- Teacher pay increase of \$1,000
- Administrative flexibility in teacher hiring and retention practices
- School finance reform commission
- School choice for special needs students
- Property tax reform
- Caps on state and local spending
- Preventing cities from regulating what property owners do with trees on private land
- Preventing local governments from changing rules midway through construction projects
- Speeding up local government permitting process
- Municipal annexation reform
- Texting while driving preemption
- Privacy (bathroom bill)
- Prohibition of taxpayer dollars to collect union dues
- Prohibition of taxpayer funding for abortion providers
- Pro-life insurance reform
- Strengthening abortion reporting requirements when health complications arise
- Strengthening patient protections relating to do-not-resuscitate orders
- Cracking down on mail-in ballot fraud
- Extending maternal mortality task force

### State Library Budget

In more positive, library related news, the Texas State Library and Archives Commission budget fared well. While the TSLAC state general revenue appropriation was reduced by 4.9%, the overall agency budget increased 1.5% to approximately \$66 million.

This increase was due in part to the \$1 million appropriated for the TSLAC **broadband initiative**. TexShare and TexQuest will be funded at basically the same level in the next biennium as they are currently.



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We owe a big THANK YOU to Rep. Oscar Longoria, vice chair of Appropriations; and Rep. Toni Rose, member of the Appropriations committee, for their support of the broadband request.

The Legislature also passed **SB 196** which requires school districts with more than 10,000 students to notify parents if they do not have a full time librarian, school counselor or nurse on campus during instructional hours. Sen. Sylvia Garcia was the Senate sponsor and Rep. Garnet Coleman sponsored the bill in the House, and we appreciate their support of school libraries.

**SB 810**, which seeks to encourage increased use of Open Educational Resources at the college and university level also passed and has been sent to the Governor for signature.

**TCEA's** four digital education bills, which TLA supported, were attached to other bills and passed. SB 1481 and SB 1484 were added to SB 810, SB 1483 and SB 1484 were added to HB 3526, and HB 4064 was added to SB 1839. We will continue to work with TCEA on issues of mutual interest during the interim.

## Mixed Results for Library Bills

### PASSED

**SB 196** by Sen. Sylvia Garcia: Relating to the notification requirement if a public school, including an open-enrollment charter school, does not have a nurse, school counselor, or librarian assigned to the school during instructional hours was amended in the House to exempt school districts and charter schools with under 10,000 students from the requirement. The bill passed and was sent to the Governor.

While we were disappointed that this amendment was added, it was the only way the bill could pass this session. Similar bills had been filed over the past decade and always failed in the House due to opposition from those representing areas with small school districts. Passage of this bill is a win, but it is also a starting point for further discussions and action on this issue.

**SB 810** by Sen. Lois Kolkhorst: Relating to the use of open educational resources. This bill establishes a grant program administered by the Board of Higher Education to encourage faculty to adopt and develop courses that use only open educational resources; requires institutions of higher education to include whether textbooks are open educational resources, and provide a searchable list of courses and sections of courses that require or recommend only open educational resources. The Senate amended the bill to require the Higher Education Coordinating Board to conduct the study instead of TSLAC. The bill, as amended, was passed and sent to the Governor.

**HB 1021** by Rep. John Smithee: Relating to the authorized use of county law library funds authorizes county commissioners' courts to establish, maintain, and operate with other counties a joint free county law library, and clarifies that county law library funds can be used to establish and maintain a self-help center to provide resources to residents representing themselves in legal matters. The bill was passed by the House but did not move in the Senate. Rep. Smithee attached the bill as a floor amendment to SB 1911. The bill was passed and sent to the Governor.



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## DID NOT PASS

**SB 902** by Sen. Brian Birdwell: relating to a prohibition on the adoption of certain library standards by the Texas State Library and Archives Commission would have prohibited the State Library from requiring public libraries to meet minimum accreditation standards related to local operating expenditures, collections based on publication dates, hours of operation, and the number or classification of library employees.

**SB 1364** by Sen. Borris Miles: Relating to the dissemination of information about historically underutilized businesses and the expansion of the small business development center network directed the Governor's Office of Small Business Assistance to promote the establishment of small business development centers at accessible locations, including public libraries, in areas of the state with the fewest number of historically underutilized businesses.

**HB 1032** by Rep. Senfronia Thompson: Relating to the adoption of the Uniform Electronic Legal Material Act (UELMA). The House committee passed the bill and it was on House calendar; however, it was not heard. The sponsor attached the bill as an amendment to HB 2305 which passed the House. In the Senate Business and Commerce Committee, the bill was amended to remove the fiscal note which removed the UELMA text since it included a \$152,000 fiscal note for implementation, effectively killing UELMA for this session.

**HB 2024** by Rep. Yvonne Davis: Relating to the publication of an image that depicts an individual without the individual's consent; imposing a civil penalty would have prohibited the publication of an unauthorized image on the Internet, and required a business entity that owns or operates a website and received a request from an individual depicted in an unauthorized image, to remove that image, to comply or face penalties. This bill died without a hearing.

**SB 803** by Sen. Kel Seliger required the Higher Education Coordinating Board to conduct a study on the feasibility of requiring certain researchers to make research papers available to the public. The study would consider the feasibility of requiring researchers to submit an electronic copy of an original research paper that is accepted for publication in a peer-reviewed journal to a state agency. The bill passed the Senate. The House committee added an amendment expanding the study to include the impact this would have on journal publishers' ability to recover financial investments, their ability to exercise copyright protections, and the impact on the publishing industry and jobs in the state. The committee passed the bill as amended, but it was never heard on the House floor.

## Federal Library Funding

### President Trump's Budget Cuts Library Funding

The President released his FY 2018 Budget submission to Congress and, as he proposed in his budget outline released earlier this year, funding for the Institute of Museum and Library Services (IMLS) is decimated.

The IMLS budget is cut by 90% which effectively would eliminate the agency. The Administration's justification for elimination is: *"IMLS provides funding to museums and libraries across the country through formula and competitive grant awards. IMLS provides \$156 million in formula funds to State Library Administrative Agencies and administers several smaller competitive grant programs for libraries and museums that fund activities such as scholarships for librarian training and digital resources to support educational, employment, and other training opportunities. IMLS's funding supplements local, State, and private funds, which provide the vast majority of funding to museums and libraries. Furthermore, given that IMLS primarily supports discrete, short-term projects as opposed to operation-sustaining funds, it is unlikely the elimination of IMLS would result in the closure of a significant number of libraries and museums."*



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The Department of Education overall budget is reduced 13.5% and several key programs are drastically reduced or eliminated all together:

- Innovative Approaches to Literacy - eliminated
- 21st Century Community Learning Centers - eliminated
- Student Financial Assistance Supplemental Educational Opportunity Grants - eliminated
- Student Financial Assistance Federal Work Study - reduced 49.4%
- Public Service Loan Forgiveness - eliminated
- Title IV Part A - Student Support and Academic Enrichment Grants - eliminated

There is some good news, Congress is unlikely to follow the President's recommendations, with many on Capitol Hill noting that the President's budget is "DOA." However, some members of Congress can be expected to use this budget as justification to seek cuts in many of these programs, even if those cuts aren't as deep as the President's request.

We are at the very beginning of the federal Appropriations process; but the more members of Congress we can reach early on and demonstrate the value and importance of libraries, the more likely they are to oppose eliminating IMLS and library funding.

This summer is a perfect time to invite your members of Congress, and their staff to visit your library and participate in programming or events. Congress is in recess July 1 - 9 and in August. The TLA [Advocacy Primer](#) has a great deal of information to help you get started.



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