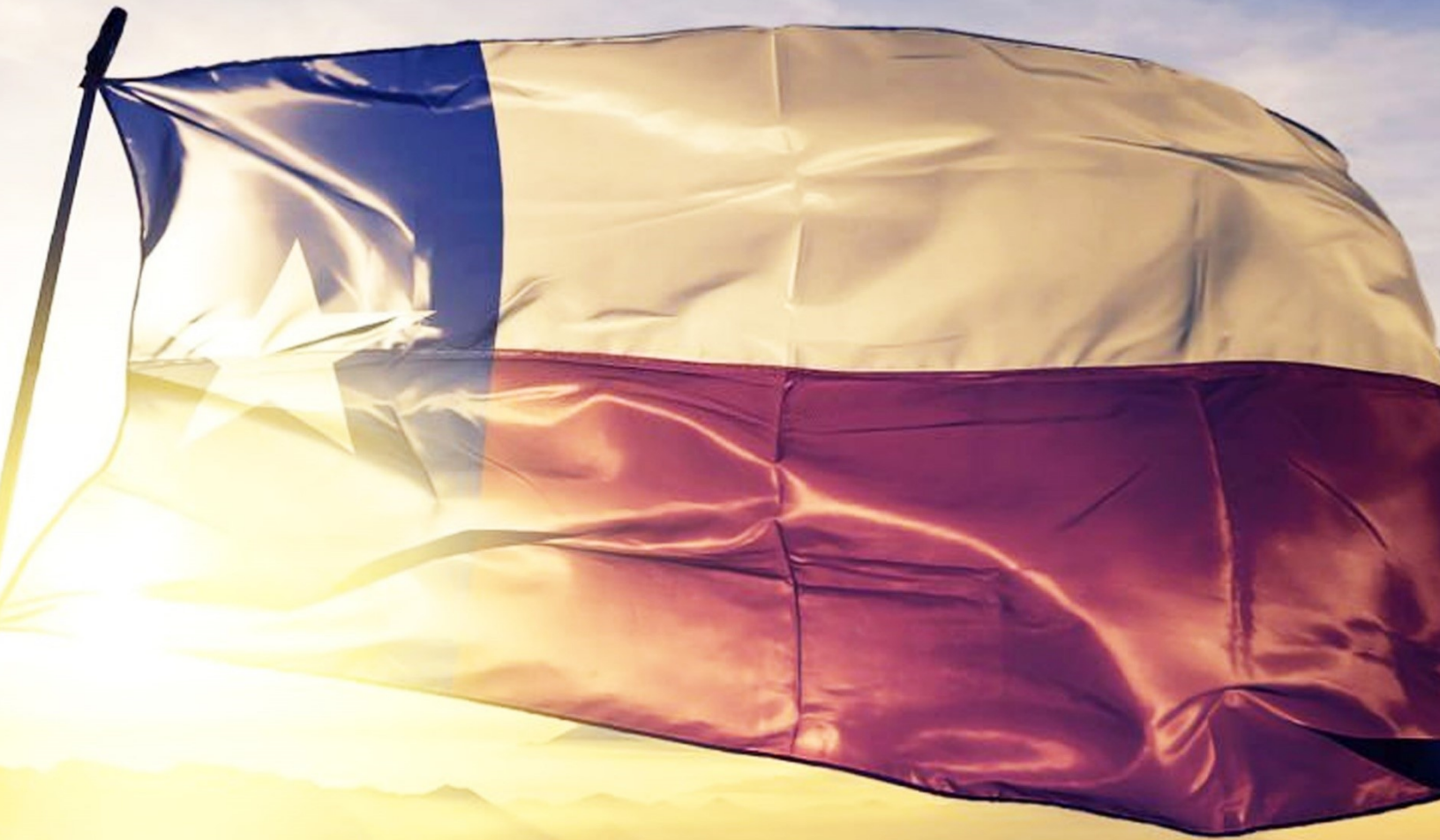




Texas Public Policy
Foundation

Liberty Action Agenda

88th Texas Legislative Session



www.texaspolicy.com

Liberty Action Agenda

The Liberty Action Agenda is a set of critical reforms that must be made to promote and defend liberty, personal responsibility, and free enterprise in Texas. To ensure the flourishing of Texans during the next quarter-century, we must work now toward these bold policy proposals that embody the Texas ideal.

- 1. Put parents in control of their child's education.** Parents should be the ultimate decision maker when it comes to the best education for their child. To empower parents, Texas should make school curriculums transparent and demand school officials treat parents' legitimate concerns with respect. Texas must hold its education system accountable for the quality of the education it provides and remove the barriers that limit where parents can choose to send their kids to school.
- 2. Eliminate property taxes.** Texas can eliminate property taxes by phasing in a buydown using surplus state revenue and redesigning the system to raise revenue with a broader sales tax base.
- 3. Lower spending.** The state budget should not grow faster than Texans' ability to pay for it. Texas should limit the total budget to a maximum of population growth plus inflation so that we can keep spending in check and return excess funds to taxpayers.
- 4. Prohibit tax dollars from funding lobbyists.** The Texas Legislature should ban the practice to ensure that Texans do not fund the special interests that work against the taxpayers' interests.
- 5. Secure the integrity of election results.** Texas should continue to improve its system for collecting and counting votes to ensure only legal votes are accepted, fundamental democratic rights are protected, and violations of election law are fully prosecuted.
- 6. Better serve children and families within the foster system.** Ensuring that no Texas child enters foster care without a safe, supportive home to go to will require the legislature to reform standards governing the licensing and oversight of community-based foster care service providers.
- 7. Guarantee Texas has access to reliable, affordable energy.** Texas can secure the reliability of the electric grid by codifying a strong "firming requirement" that requires electric generators to guarantee a certain amount of power. Texas should protect ratepayers by exercising sole regulatory authority over greenhouse gas emissions to preempt municipal overreach and protect Texans' pocketbooks from activist city councils.
- 8. Protect constitutional rights and improve public safety.** To keep Texas a beacon of freedom, the state should raise the burden of proof in civil asset forfeiture proceedings, respect individual rights in grand jury proceedings, and allow judges the ability to deny bail when there is a serious threat to the public.
- 9. Conduct state agency efficiency audits.** Efficiency audits are deep investigations that determine whether taxpayer dollars spent by the agency are achieving desired outcomes. Texas should require that every state agency undergo a regular efficiency audit to improve services provided to Texans while reducing waste and saving taxpayer dollars.
- 10. Give patients pricing information prior to scheduled services.** Texas should make it mandatory for medical providers to give patients the price for non-emergency procedures and treatments before performing them.



Next Generation Texas

Results-Based K-12, Higher Education, and Workforce Development Solutions

The Next Generation Texas campaign agenda focuses on preparing Texans to become self-sufficient, prosperous citizens through access to a quality education, abundant job opportunities, and skills development and training.

- **Put parents in control of their child's education.** Parents should be the ultimate decision maker when it comes to the best education for their child. To empower parents, Texas should make school curriculums transparent and demand school officials treat parents' legitimate concerns with respect. Texas must hold its education system accountable for the quality of the education it provides and remove the barriers that limit where parents can choose to send their kids to school.
- **Expand charter schools.** Charter schools offer educational alternatives to students and professional alternatives to teachers, raise the academic achievement of surrounding schools, and effectively educate students from a diverse array of backgrounds. Texas should increase the number of qualified new charter school operators and expand educational models that are serving students well.
- **Align funding for technical training with career outcomes.** Texas should get better value for the money it spends on career and technical education by retooling the programs to incentivize outcomes-based funding.
- **Improve college affordability.** Texas should ensure that students have access to a high-quality and affordable post secondary education through specific reforms, such as implementing transparency measures to allow for more informed decision making, reducing administrative bloat, and holding colleges accountable for overpriced degrees and certificates.
- **Create a civics elective.** Texas should allow interested high school students access to a course on America's founding and the values that truly developed our country.
- **Improve higher education accreditation.** The current accreditation system fails to provide meaningful information to the public, fails to enforce adequate college quality, and suppresses innovation in higher education. The country and Texas should transition to a system that provides students and parents with more reliable information about college quality and provides colleges with better incentives to pursue continuous improvement.



Government For The People

Accountability and Transparency in Government

The Government for the People campaign agenda seeks to strengthen the rights of individuals and families, while eliminating the ability of government to harm citizens through an abuse of power.

- **Pass a conservative Texas budget.** The state budget should not grow faster than Texans' ability to pay for it. Texas should limit the total budget to a maximum of population growth plus inflation so that we can keep spending in check and return excess funds to taxpayers.
- **Eliminate property taxes.** Texans will never truly know the peace of mind that comes with owning their own home until we eliminate property taxes. These taxes discourage homeownership and even push middle-class families out of their homes. Texas can eliminate property taxes by phasing in a buydown using surplus state revenue and redesigning the system to raise revenue with a broader sales tax base.
- **Secure the integrity of election results.** Texas should continue to improve its system for collecting and counting votes to ensure only legal votes are accepted, fundamental democratic rights are protected, and violations of election law are fully prosecuted.
- **Restrict local spending increases.** Local governments spend too much. Their excesses are driving taxes higher and increasing the cost of living. Taxpayers need help. To instill fiscal discipline, the statehouse should require cities and counties to limit their spending to population growth plus inflation.
- **Sunset special purpose districts.** Part of Texas' property tax problem is that there are simply too many governmental entities. To stop the proliferation of obscure unaccountable governments, the Texas Sunset Commission should conduct a comprehensive review of existing special purpose districts and require certain new special purpose districts to be periodically reauthorized by a public election.
- **Prohibit tax dollars from funding lobbyists.** Local governments spend tax dollars to hire lobbyists to advocate for higher taxes, more spending, and greater regulatory authority. The Texas Legislature should ban the practice to ensure that Texans do not fund the special interests that work against the taxpayers' interests.
- **Reform extraterritorial jurisdictions (ETJ).** Texans who live in an ETJ are governed by people they didn't elect and subject to regulations they didn't approve. Texas should reform ETJs to make them consistent with principles respecting property rights.



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- **Allow areas to disannex from local governments.** Texas should empower citizens to disannex themselves from a city to ensure their local government is held accountable for representing and serving its entire constituency.
- **Conduct city and county efficiency audits.** Texas should require all cities and counties to conduct periodic efficiency audits looking for waste, fraud, and abuse in their budgets and operations.
- **Conduct comprehensive emergency powers reform.** The COVID-19 pandemic saw an aggressive expansion of government control over the lives of American citizens. Texas was not immune to the trend as government officials sought to expand emergency powers to cover a multitude of restrictive measures despite said overreach failing to pass state constitutional muster. What Texans need is a responsible government who protects the liberty of its citizens rather than curb their freedoms through the expansion of emergency powers.
- **End daylight saving time.** Daylight Saving Time (DST) is an antiquated system created during wartime to support the war effort. Since the adoption of the Uniform Time Act of 1966, states are only allowed to opt-out of DST and revert to standard time. Switching clocks twice a year have little benefit toward productivity and may be a leading cause for certain health-related problems. Texas should return to Standard Time.
- **Protect the right of employees to negotiate for benefits.** City governments are interfering with the ability of employees to negotiate for the employment benefits that work best for them by imposing one-size-fits-all mandates. The Texas Legislature should move to prohibit local governments from denying employees the freedom to determine their own employment benefits packages.
- **Improve Accountability with Open Public Records.** Access to information is a cornerstone of democratic society and allows the public to hold government officials accountable. The Texas Legislature must take additional steps to ensure that Texans have full and complete access to public information, with minimal exception, and know how public officials are conducting business and spending tax dollars.
- **Define Success in Homelessness.** Texas should better define success with regard to its homeless policies so citizens and public officials can hold agencies responsible for the growing problem in across the state.
- **Create a Homeless-Family Definition.** Texas should require that agencies include all homeless families in the annual homeless count and are thus eligible for publicly-funded programs.



Right For Families

- **Reform foster care licensing and regulation.** Texas foster children are again sleeping in offices and hotel rooms because the state lacks a sufficient number of homes for them. This is due, in part, to the overregulation of nonprofit and charitable organizations that recruit and support foster homes. Ensuring that no Texas child enters foster care without a safe, supportive home to go to will require the legislature to reform standards governing the licensing and oversight of community-based foster care service providers.
- **Expand community-based care.** Texas is in the midst of transforming its foster care system by giving greater responsibility for caring for children to local private and nonprofit charitable organizations. Regions of the state operating under this new community-driven model are already outperforming the old, state-run system. Creating a safer, more responsive foster care system requires Texas to continue expanding this proven community-driven model to every region of the state.
- **Require a guilty verdict before listing individuals in the central registry.** The child abuse and neglect central registry is a government-run database of individuals believed to have abused or neglected a child. Although listing on the registry carries severe penalties, including the denial of employment opportunities, a person can be listed based solely on an accusation and without ever being found guilty in a court of law. Texas must reform its child abuse and neglect central registry by prohibiting the listing of individuals prior to a court hearing determining their guilt or innocence.
- **Expand access to family reunification services.** Families involved with the child protection system are required to complete services as a precondition of being reunited with their children. Currently, families can only access services through providers who have contracts with the state, which limits the availability of services and makes it more difficult for parents working to do the right thing for their children. Texas can increase the availability and quality of services by providing families with greater choice and flexibility in obtaining required services from a provider of their choice who best meets their unique needs.
- **End hidden foster care.** Under Texas law, the state may only remove a child from his or her family with a court order. However, the state frequently gets around this requirement by coercing scared parents into so-called “voluntary” agreements using thinly-veiled threats to take their children away. It is unknown exactly how many children every year are temporarily removed from their families in this way due to a lack of clear data, but it is estimated that the number of children in the “hidden foster care” system is equivalent to the number in the formal system. Texas should protect parents’ due process rights, end the coercive nature of so-called “voluntary” agreements, and require more transparency, reporting and data on these arrangements.



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- **Reform CPS reporting laws.** False reports of child abuse and neglect cause harm to innocent families and waste valuable resources that should be focused on protecting children. Texas can reduce the number of false and malicious reports by repealing laws that allow for anonymous reporting. Professionals who are legally required to report suspicions of child abuse or neglect should receive training on alternatives to filing a CPS report and permitted to refer struggling families to community service providers who can help rather than CPS.
- **Define “best interest of the child”.** In every case involving children, courts are required to make decisions based on the “best interest of the child” standard. Texas statutes lack a clear definition of this term, however, leading to ambiguity and inconsistency in outcomes. The Texas Legislature should address this problem by providing a clear, overarching definition of “best interest of the child” for courts to apply.
- **Grant adoptees access to original birth certificates.** Adult adoptees in Texas lack access to their original birth certificates unless they can successfully petition a judge in their birth county to grant them access. There are many reasons adoptees would want to obtain their original birth certificate, including understanding their origins, connecting with family, and learning vital information about family medical history. Only 9 states allow adult adoptees unrestricted access to their original birth records, while the rest have varying levels of restrictions.
- **Assess the impact of unaccompanied migrant children in foster care.** Reports indicate that the recent influx of unaccompanied migrant children at the Southern Border is contributing to a reduction in available placements for domestic foster children. TPPF will determine the extent of impact the border crisis is having on the Texas foster care system and propose reforms to ensure that no Texas foster child is denied a safe, stable placement.
- **Protect children from gender modification.** The performance of gender-modification procedures on children (minors under the age of 18), including surgical procedures as well as the prescription of puberty-blocking medications and cross-sex hormones, is harmful to children and should be prohibited by the State of Texas. Recognizing that this is a complex issue impacting vulnerable children and their families, the state should focus its efforts on curtailing medical practices.



Life:Powered

Promoting Affordable, Reliable Energy

Life:Powered is a project of the Texas Public Policy Foundation to ensure that Americans continue to benefit from abundant, reliable, affordable, and clean energy.

- **Prohibit municipal regulation of greenhouse gases.** Urban municipalities in Texas are pursuing “climate action plans” that increase cost of living and create a patchwork quilt of arbitrary regulations — but don’t deliver any of the promised environmental benefits. The State of Texas should have sole regulatory authority over greenhouse gas emissions to preempt municipal overreach, restore regulatory certainty, and protect Texans’ pocketbooks from activist city councils.
- **Prohibit energy discrimination in insurance.** Progressive activists are bullying businesses and governments to divest from fossil fuels as well as other industries deemed politically incorrect, threatening the future of the energy producers that power our state and nation. While insurers, as private businesses, should have the flexibility to evaluate prospective customers based on potential risks and long-term costs, they should not be permitted to collude to deny entire industries of capital based on political whims. Texas should prohibit insurance companies from discriminating against companies that produce, refine, or transport energy, agriculture, and/or forestry products.
- **Strengthen fiduciary duty for pensions.** Progressive activists are bullying businesses and governments to divest from fossil fuels and other industries deemed politically incorrect by exploiting the growing popularity of environmental, social, and governance (ESG) investing practices, which are used by corporations to show social responsibility. ESG campaigns are designed to deprive industries of capital and redirect it to politically favored causes. State pensions that utilize ESG investing practices place the financial future of state employees, teachers, and first responders in jeopardy. Texas should prohibit state-operated pensions from considering ESG criteria in their investment decisions, making return on investment the sole criteria for investment decisions.
- **Counteract federal renewable energy subsidies.** Much of the imbalance in Texas’ electric market that led to the February 2021 blackouts — overreliance on unreliable renewable energy and shrinking capacity of reliable thermal generation — is due to market-distorting subsidies from the federal government. While all forms of energy are subsidized to some degree, wind and solar receive vastly larger sums per unit of electricity generated than fossil fuels. This imbalance has



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led to overinvesting in unreliable generation and underinvesting in reliability, a major contributor to the February blackouts. Texas should charge the Public Utility Commission and ERCOT to eliminate or compensate for any distortion in electricity pricing caused by federal tax credits.

- **Require grid reliability.** Texas should codify a strong “firming requirement,” requiring all electric generators to guarantee a certain amount of power to the grid during peak periods, to ensure that intermittent generators like wind and solar no longer threaten Texans’ access to electricity.
- **Allow corporate property tax breaks to expire.** In the last legislative session, Texas legislators chose not to renew wasteful and ineffective corporate property tax breaks under Chapter 313 of the Texas Tax Code, which benefitted manufacturing and renewable energy projects and almost uniformly failed to provide the promised economic development benefits. This provision expires on December 31, 2022, and Texas should not create a new program in its place that only favors politically-connected large businesses. The Texas Legislature should instead focus on property tax relief for all Texans.
- **End climate-related financial discrimination.** Texas ended energy discrimination by prohibiting companies that divest from, boycott, or sanction fossil fuel companies from doing business with the State of Texas. Texas should expand these provisions to industries similarly targeted by climate activists — and similarly critical to Texans’ lives and livelihoods — including petrochemicals, agriculture, mining, and forestry.



Right On Crime

Texans' Voice for Public Safety

- **Raise the burden of proof in civil asset forfeiture proceedings.** Current civil asset forfeiture laws allow law enforcement to seize an arrested individual's assets without proving a crime was actually committed. Once useful, this practice now endangers individual rights and the integrity of law enforcement. Texas should raise the burden of proof in these proceedings to help improve police-community relations and protect individual rights.
- **Prohibit arrests for non-jailable offenses.** Texas should improve public safety and protect taxpayers by allowing law enforcement to focus on higher risk individuals instead of wasting critical time and money on booking and holding individuals for minor offenses.
- **Protect constitutional rights in grand jury proceedings.** Grand jury proceedings are ripe for abuse and inconsistent outcomes, and very few of the same constitutional protections afforded to an individual post-indictment are provided at the grand jury. To prevent unnecessary criminal charges, Texas should allow counsel in the grand jury room, require full transcription of proceedings, and limit prosecutors' ability to resubmit failed cases with no new evidence.
- **Limit the application of the "Law of Parties" doctrine.** The law of parties allows courts to convict individuals of crimes they neither committed nor intended for anyone else to commit. Texas should limit its application, particularly in murder cases and capital murder cases where the rule allows juries to convict an individual of a crime that is more serious than they contemplated and carries the state's severest punishments.
- **Provide juvenile offenders a "Second Look" and a meaningful opportunity to re-enter society.** Texas has the harshest parole eligibility guidelines for juvenile offenders in the nation, though young people are likely to be rehabilitated long before their current parole eligibility date. Texas should lower the time to parole eligibility for juvenile offenders to save taxpayer dollars while continuing to protect public safety.
- **Remove governmental barriers to reentering the workforce.** Any type of criminal record can hinder an individual's ability to obtain employment, housing, and education—leading to long-lasting instability. Texas should improve eligibility and access to criminal record relief, particularly by leveraging modern technology to automate the process for those already entitled to an expunged or sealed record.



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- **Improve no-knock warrant procedures to protect law enforcement and the community.** It has been suggested that warrants authorizing the use of a no-knock entry conflict with ‘stand your ground laws and the Texan philosophy that homeowners have a right to defend their property against intrusion. Texas should protect law enforcement and the community by limiting the issuance of these warrants to limited circumstances and improving no-knock procedures.
- **Raise the age of the juvenile court jurisdiction to improve public safety.** Texas currently prosecutes 17-year-old offenders in the adult criminal court and houses them in adult correctional facilities—despite evidence showing the juvenile system is the most effective venue to punish youthful offenders. Texas should raise the age of the juvenile court jurisdiction in Texas from 17 to 18 to reduce re-offending by placing youth in the most appropriate setting.
- **Allow judges the ability to deny bail when there is a serious threat to public safety.** Despite recent reforms, dangerous criminals can still be released on bail—even for violent crimes such as murder—because judges are prohibited from denying them bail. Texas must prioritize public safety by passing a constitutional amendment to allow judges the option to deny bail in these serious, high-risk cases.



Alliance For Opportunity

- **Conduct independent state agency efficiency audits.** Independent efficiency audits are in-depth investigations that determine whether taxpayer dollars spent by an agency are achieving desired outcomes. Texas should require that every state agency undergo a regular efficiency audit to improve services provided to Texans while reducing waste and saving taxpayer dollars.
- **Rely on community-based organizations for safety-net program case management.** Government-run safety-net programs isolate and overshadow productive and successful community support systems for those in need. Texas should decentralize the current government-run system that lacks incentives to achieve successful outcomes and move responsibility for providing individualized case management services to community-based nonprofit organizations.
- **Create an empowerment account pilot program.** Safety-net programs are designed to make recipients dependent on government benefits and do nothing to help the vulnerable take steps to become self-sufficient. Alternatively, Texas should pursue an empowerment account pilot program (similar to a Health Savings Account) to provide funding for approved items and help develop good financial habits. Recipients would have access to community-based case managers, financial literacy tools, and opportunities to improve their situation through work, training, or education and savings.
- **Improve data collection to align career skills with employer needs.** Texas should encourage employers to voluntarily help improve unemployment data reporting to the state so policymakers and the marketplace can better align career and technical education and workforce training to the needs of Texas' employers.
- **Approve paid apprenticeships and work-based learning.** Apprenticeships are a proven pathway to success in many professions and can help many students discover their unique gifts. Texas should expand access to career and technical education for high school students, which will provide them with in-demand skills for high-wage professions, whether they plan to attend college after graduation or not.
- **Make occupational licensing reasonable.** Already-skilled workers should not have to require a permission slip to work. Texas should ensure that having a degree, training, or skill set is sufficient to let the public decide which service providers to choose.
- **Expedite driver's licenses for the formerly incarcerated.** When exiting incarceration, an expired driver's license is a significant barrier to earning gainful employment, particularly in rural communities that lack robust public transportation systems. By removing unnecessary



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restrictions from the driver's license renewal process, Texas can help these individuals achieve successful re-entry, promote stability, and decrease long-term government dependence.

- **Approve waivers to spur innovation and economic growth.** Some state regulations have proven ineffective at their stated purpose of protecting the public and serve mostly to restrict economic innovation and participation in the marketplace. Texas should approve programs, sometimes referred to as a "regulatory sandbox," that waive the customary burdensome rules to promote the entrepreneurial spirit for creating new ideas, products, and business models.



Right On Healthcare

Making Health Care Affordable and Accessible

Right on Health Care is an initiative to ensure every American is in charge of their own individual or family medical decisions. When the insurance companies and the government are in control, the result is always higher costs, less access, lower quality, and worse results. ROH seeks to develop an effective system that prioritizes the needs of patients.

- **Allow doctors to provide drugs directly to patients.** Texas should directly provide medications to patients in order to cut down wait times at pharmacies, improve patient health by increasing adherence rates, and lower costs by reducing the use of emergency care if they've had an adverse reaction.
- **Create association health plans.** Texas should allow individuals and small groups to form an association for the purpose of aggregating lives and spreading risk for a large group plan. Large group plans enjoy lower rates and better benefits due to the distributed risk and these benefits may be enjoyed by independent contractors and gig workers alike that choose to form an association.
- **Approve licensure reciprocity for physicians and nurses.** Texas already has more than twenty health care license reciprocity laws that allow for an increase in certain providers. Allowing out of state physicians to practice in Texas will open up options for patients to get the kind of care they want and need, particularly in light of strained facilities due to COVID.
- **Give patients pricing information prior to scheduled services.** Patients rightly believe that receiving pricing information before they make health care decisions will lead to lower costs and better care and avoid surprise billing. Quick access to services, like COVID testing, helps get patients healthier sooner, but patients need to know that exorbitant bills aren't waiting for them after being treated. Texas should make it mandatory for medical providers to give patients the price for non-emergency procedures and treatments before performing them.
- **Protect payment funding freedom.** Texas should ensure that a patient has the right to obtain funding for payment in whatever manner they choose. A healthcare provider may not prohibit an uninsured or cash pay patient from seeking funds from any third party that is not an insurance company or a health plan in exchange for a discount.
- **Strengthen patients' rights in third-party negotiations.** Texas should guarantee that a patient has the right to timely authorization of a third party to negotiate bills. A healthcare professional must, within 5 business days of a patient's written request, authorize a designated third party to discuss an account or negotiate a bill on behalf of the patient. A healthcare provider may not



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send or threaten to send to collections a bill that is under negotiation with the patient or an authorized third party.

- **Approve licensure for assistant physician.** Texas should allow medical school graduates that did not match with a residency to practice and be reimbursed at the level of a Physician's Assistant under a collaborative agreement, and may only practice in medically underserved rural or urban areas.
- **1332 waiver implementation.** Texas should request a 1332 waiver, a component of the Affordable Care Act, that allows states to take control of their exchange and design the offerings with more flexibility consistent with the needs of the state.

