



THE LEAGUE
OF WOMEN VOTERS® OF TEXAS



Legislative Newsletter

A "capitol" idea for keeping up with the latest news from Austin.

June 5, 2009

81st Texas Legislature

Volume 20, No. 12

Mary Finch, Advocacy Vice President

Scherel Carver, Editor

SINE DIE has come and gone. Your Program Chairs have been scrambling to not only find out what bills passed, but what parts of dead bills were amended onto other bills that did pass. It has been a frantic time. Anne Roussos, who has been writing the Education input for the newsletter, spent hours on this one tracking down what went where. She was not alone this week but the number of education bills and issues in this session was formidable.

Note that many Program Chairs thanked members of the Capitol Corps in this newsletter. The Capitol Corps did yeoman's work this session.

Hard work paid off for the Elections team. Voter ID was defeated again this session. Unfortunately, hard work did not pay off for the Redistricting team. Senator Wentworth's bill never passed the Senate.

Scherel Carver has done an excellent job with the newsletter this year. We appreciate all your good comments and suggestions about our new look.

Take the time to read all the input in this newsletter, and appreciate the work our volunteer members put into the League.

The next and final newsletter for the 81st regular Legislative session will appear toward the end of the month after the Governor's final date to sign bills.

Progress of Bills in the 81st Texas Legislature Deemed a Priority by LWV-Texas

Government

EDUCATION/PUBLIC SCHOOL FINANCE Anne Roussos roussos@swbell.net Nan Clayton nanclayton@yahoo.com

On the Way to Becoming Law

Headed for law this session are all the most notable education bills the League has been monitoring closely. During recent months, the League has gone on record in support or opposition to 33 education bills. An Action Alert was sent on May 6 in support of HB 130 to provide an enhanced, high-quality, optional, full-day prekindergarten program.

Public School Finance

HB 3646 by Rep. Hochberg, the major school finance bill this session, was passed unanimously by both the House and the Senate on June 1. The bill would pro-

vide \$1.9 billion in new money to schools through the state's primary funding formulas. The new money was allocated to public education in SB 1, the state's biennial budget bill, sponsored by Sen. Ogden. The League has twice gone on record in support of this bill that will relieve some of the pressures of the current system and will benefit school districts across the state.

Some of the provisions in this bill, which may have been filed initially as separate bills, would:

- Provide a one-time, across-the-board payment of at least \$800 for teachers and for full-time speech pa-

thologists, librarians, counselors, and nurses, which applies to open-enrollment charters and the Windham School District. School districts must provide the payment on top of any local salary increase an individual is scheduled to receive.

- Set the basic student allotment at \$4,765.
- Provide every district an increase in the basic allotment of at least \$120 per weighted student in average daily attendance (WADA).
- Improve equity. For high-wealth districts, reduce or eliminate recapture payments (the “Robin Hood” requirement that requires the richest school districts to transfer money to the state or another district). For low-wealth districts and others disadvantaged by current funding rules, allocate a proportionately larger share of new funding.
- Tie guaranteed funding levels to rising average statewide property values, building in a kind of “cost-of-living” escalator.
- Allow school boards to set their tax rates for the coming school year based on an early estimate of taxable value of property, providing more time for developing budgets.
- Provide increased funding and facilitate district access to courses provided through the Virtual School Network.
- Create a special education grant program.
- Provide a \$50 allotment per average daily attendance for students enrolled in certain career and technical education courses.
- Provide for district compliance with the School Bus Seat Belt program as money is available from the Texas Education Agency.
- Establish an interim study on education funding formulas.

Accountability

[HB 3](#) by Rep. Eissler, the proposed overhaul of the public school accountability system, progressed toward law after unanimous passage of the conference committee report by both the Senate and the House on May 31. The bill embraces a companion, SB 3 by Sen. Shapiro. Both sponsors have worked tirelessly as chairs of the education committees since the 2007 Legislature called for a joint, select committee to study the accountability system.

The League did not go on record in support of either HB 3 or SB 3 because they did not reduce significantly the emphasis on high-stakes testing; neither did they address adequately the punitive sanctions that are causing closure and staff reassignment at

low-performing schools—often those in large, urban districts.

Some of the provisions in this bill, which may have been filed initially as separate bills, follow:

- **Grade advancement and the Texas Assessment of Knowledge and Skills (TAKS):** require grade 3 students to be promoted, based on a variety of factors, but maintain current promotion requirements based on TAKS performance and input from a Grade Advancement Committee for grades 5 and 8; require district to consider a student’s grades, performance on state tests, and teacher recommendations before promoting any student in grades 3-8; mandate accelerated instruction at every grade level 3-8 to students who fail any TAKS test.
- **Sanctions and interventions:** allows a one-year waiver of alternative management, repurposing, and closure if significant progress is demonstrated; gives the commissioner some new discretion; prohibits name changes for campuses that are closed; provides more provisions that target areas in need of improvement.
- **Dropout exemptions:** excludes specific groups of students from being counted as dropouts for situations largely beyond districts’ control (for example, students completing a court-ordered GED program, or those previously reported as dropouts).
- **Rigor:** adds a requirement that students must pass English III and Algebra II (college readiness) to graduate under the Recommended or Advanced high school programs.
- **College readiness:** phases in a new standard for college readiness for graduation, and as the basis for accountability ratings, along with the existing passing standard; adds 10 new college-readiness indicators—also referred to as “hurdles” or “trip wires”—to account for the five subgroups of students in reading and math. Another 10 indicators will be added as standards are developed for social studies and science.
- **Accountability indicators:** allows student growth to count toward meeting the passing and college-readiness standards; allows districts to meet the standard or use a three-year rolling average; provides districts a safety valve in meeting accountability indicators so long as the exceptions to meeting the standard are atypical and not persistent.
- **Campus and district recognition:** allows campuses to earn distinctions for outstanding academic achievement in the core subject areas, growth in student achievement, closing the gaps, fine arts, physical education, 21st Century workforce devel-

opment, and second-language learning; allows districts and campuses to earn Recognized and Exemplary designations for higher percentages of students meeting postsecondary readiness standards.

Prekindergarten

HB 130 by Rep. Patrick and Sen. Zaffirini was passed by both the House and the Senate and is on its way to the governor. Funding for the plan to offer an enhanced, optional, quality, full-day kindergarten program has been scaled back significantly since it was filed. However, the bill is an important step in helping more young learners get on a successful track to achievement.

Now, the bill creates a new competitive grant program for districts seeking to offer a full-day prekindergarten program for students currently eligible to attend a public school prekindergarten program under Texas Law. To be eligible, districts are required to: meet a class-size limit of 22 children with an 11-to-1 child-to-staff ratio; meet teacher certification requirements; follow the state's prekindergarten guidelines; use at least 20% of grant funds to contract with eligible community providers; and report to the Texas Education Agency on student achievement. The Legislative Budget Board will report on the effectiveness of the program in 2012 and 2016.

State Board of Education

HB 772 by Rep. Donna Howard, which would require the State Board of Education (SBOE) to broadcast its meetings over the Internet, was signed by the gover-

nor on May 27. It takes effect in **September 2009**. The League went on record in support of this bill. Other bills concerning the SBOE died.

In other SBOE action, the Senate rejected the nomination of Don Mc Leroy to serve as chair of the SBOE. The nomination, which failed to get a two-thirds majority, failed on a 19-11 vote. Perry had appointed McLeroy in July 2007 and reappointed him to another two-year term in February 2009. The governor must now appoint a new chair, who will preside over revisions to the social studies curriculum and adoption of language arts and possibly science textbooks in the next two years.

Update on Other Bills

Charter Schools

SB 1830 by Sen. Patrick, which would have increased the cap on charter schools the State Board of Education could grant without providing adequate quality control, appears to have died. An attempt to seek passage through another vehicle, HB 3220, failed at the 11th hour on a point of order.

English Learners

None of the bills introduced this session to address academic achievement and dropout problems among English learners appear to have passed. Last summer, U. S. District Judge William Wayne Justice ruled that Texas had not complied with the federal Equal Education Opportunities Act. There were hopes that the Legislature would address these issues. Now the case is moving forward in the 5th U.S. Circuit Court of Appeals.

ELECTION LAWS Barbara Weinstein (Dallas) gewwendt@swbell.net

Election Laws and the 81st Texas Legislature

From the opening of the Legislature when the rules were changed to help pass Voter ID to the 5 days just before the end of the session when we all learned a new term of "chubbing" (intended to put obstacles in the way of voting for a bill), Voter ID became a symbol of partisan politics.

Voter ID Bill

SB 362 (Fraser) OPPOSE The Voter ID Bill is dead for this session. There is lots of speculation, but no one knows for sure right now if there will be a special session where this would be considered. Stay tuned. We'll let you know when something happens. LWVTX sponsored two press conferences on this issue and participated in a third about Voter ID—the first when LWVUS President Mary Wilson was here and the second when we introduced a two-page statement of

Principles for Non-Partisan Voter Reform. This paper was developed by the Election Coalition that we have worked with this session and last. I hope LWVTX can move forward using these Principles as we continue to work to increase voter turnout in Texas. **Please take a minute and [click here](#) to read the two-page press release.**

It was interesting that the bills regarding rules about DRE's and same-day registration were introduced but never voted out of committee.

Also bills relating to procedures for voting—from applying for a driver's license to canceling voter registrations—were assigned to the Elections Committee but were never voted on, or were "left pending in Committee."

SB 1310 Super Precincts One Bill SB 1310, allowing counties to have Super Precincts, was added as an amendment to **HB 719** and passed. This Amendment

would allow a limit of five locations in Texas for combining precincts. Our preference would have been to have this a pilot program merely to collect data before being allowed all over the state. The limit of five locations makes it somewhat OK in our eyes.

HB 536 (Anchia/etal) SUPPORT An Enrolled version of HB 536 (Anchia/etal) was signed by the Governor May 23 and will become effective **September 1**. This bill says that the submission of a federal postcard application constitutes an application for registration at the voting residence address stated on the application. This is intended for registering to vote when out of the country temporarily.

HB 551 (Madden) SUPPORT Was passed and sent to the Governor for his signature on May 26. If signed, it becomes law on **September 1**. This will allow the application by federal postcard for registering

to vote to be accepted if sent by electronic transmission or by mail.

HB 1448 (Allen) SUPPORT Was passed and sent to the Governor for his signature on May 31. If signed it becomes law on 9/1/09. This cleared up details on required voter registration information.

HJR39 (Allen) SUPPORT You may remember that we supported HJR39 by Allen. This was a symbolic stand against the poll tax. Most states passed this 45 years ago when they ratified the constitutional amendment banning poll taxes. Now Texas has officially approved the 24th Amendment.

In the interest of space, I have chosen not to list all bill numbers. If you want history on a bill that you are interested in, please email me and I will get back to you. gewwendt@swbell.net

FINANCING STATE GOVERNMENT Bonnie Leitch (New Braunsfels) bleitch@earthlink.net

When the House adjourned at 6 pm on the last day of the legislative session, one would assume it had completed its work. Critical legislation, however, was not passed, including sunset provisions to fund five key state agencies.

Another critical finance deadline had already passed, as the Senate Republicans succeeded in blocking passage of **SB 1569**, which would have allowed the state to accept \$555 million in federal stimulus money rejected by Governor Perry. The only question now is whether Perry will call an emergency session.

CAMPAIGN FINANCE REFORM Maxine Barkan (Austin Area) mbarkan@austin.rr.com

Campaign Finance Reforms Passed

HB 3218 (Naishtat & Zaffirini) a Texas Ethics Commission reform bill passed the Senate on third reading with amendments. Rep. Naishtat objected to the amendments and asked for a Conference Committee. The Senate and House agreed to the Conference Committee Report and the bill **passed**.

HB 3216 (Naishtat & Zaffirini) Another Ethics Commission bill, HB 3216 **passed both houses** after the House concurred with Senate amendments.

SB 1152 (Hinojosa, et. al), combined with **HB 1359 (Anchia)** The bills passed both houses but Rep. Anchia requested a conference committee to negotiate differences. **The bill passed** after the House agreed with the Conference Committee report.

HB 756 (Martinez Fischer, et. al.) A Conference Committee report for HB 756, similar to **SB 1152**, was accepted by the House and sent to the Senate where no action was reported.

HB 4060 (T. Smith & Leibowitz) Passed both houses after the House concurred with the Senate amendment. This bill limits the time when judicial

candidates can accept contributions even if there is no opponent. So far, **four campaign finance reform bills passed both houses and have been enrolled**. They are minor legislation but are steps in the right direction. Several more comprehensive CFR bills were not scheduled for hearings in either the House or the Senate committees.

Update on the Failed HB 2511 (T. Smith, et. al.)

HB 2511 (T. Smith, et. al.) The bill was narrowly passed by the House and sent to the Senate State Affairs Committee where it remained. This was an important bill that the news media promoted in editorials. The bill would define administrative expenses and put such funds in a separate account. Corporations and unions cannot use campaign contributions for political activity but can for clerical and office expenses for primary elections and or party convention expenses. In the past, campaign funds were commingled with administrative funds for political activity and caused legal action, some of which is still ongoing. This legislation would have prevented such use of campaign contributions.

REDISTRICTING Elaine Talariski (San Antonio) etalariski@earthlink.net

No bills regarding Redistricting passed this legislative session.

SB 315 (Wentworth) The League supported SB 315. It was placed on the Senate intent calendar again on

May 26 but the bill did not pass the Senate. Failure of this bill to pass is disappointing. Many thanks to the local Leagues who responded to the action alert supporting the bill.

A big thank you to Dee Brock for her initiative in providing materials to encourage Local Leagues

to educate their local communities on the importance of this issue.

[HB104](#) and [HJ 19](#) (Strama) SUPPORTED These bills were left pending in committee.

[HJR 90](#) (Pena) and [HJR 135](#) (Ritter) SUPPORTED by LWV-TX, but were not considered in committee.

REPRODUCTIVE CHOICE/WOMEN'S HEALTH Julie Lowenberg (Dallas) jmlowenberg@sbcglobal.net

Sex Education

On May 20, several lawmakers made a final push to improve sex education in Texas classrooms during debate on **[SB 283](#)**, an education-related bill. The amendments proposed by Reps. Castro, Villarreal, and Strama were drawn from bills filed earlier in the session and described in previous LNL's:

- **[HB 741](#) (Castro) SUPPORT**, the **Education Works** measure
- **[HB 1694](#) (Strama) SUPPORT**, the **Prevention Works** measure
- **[HB 1567](#) (Villarreal) SUPPORT**

The proposed amendments would have required that information on sexuality taught in Texas schools be medically accurate; that schools notify parents whether they teach sexuality education, and if they do, provide detailed information about its content; and would have prohibited schools from discouraging use of contraceptives.

Unfortunately, the bill sponsor in the House, Rep. Mark Shelton—who, ironically, is a doctor—chose not to accept these amendments. They were then withdrawn after a point of order ruled they were unrelated to the subject of the bill. The bill pertained to School Health Advisory Councils (SHACs), locally appointed councils whose function (among others) is to recommend sexuality education curricula to their school boards.

Although their efforts ultimately proved futile, heartfelt thanks to Mary Finch and several local League presidents who made calls to key legislators urging their

support of the amendments. (These calls were made while your Reproductive Choice/Women's Health Program Chair was "out of pocket" on vacation; I really appreciate your stepping in at a crucial time.) Thanks as well to the Representatives mentioned above for their valiant efforts to improve sex education.

Causes for Hooray:

[SB 182](#) (Patrick) OPPOSE, the "ultrasound" measure, appears to have been among those bills that died in the House during the "stall" over Voter ID. And the "Choose Life" license plates measure **OPPOSED** by LWV-TX, originally filed in companion bills **[HB 109](#) (Phillips)** and **[SB 1098](#) (Carona)**, which was, as reported in LNL #10, added onto **[HB 3097](#)**, an unrelated transportation bill in the House, also appears to have died.

Budget Rider 56 (Deuell) OPPOSE Unfortunately, Sen. Deuell's Budget Rider 56 that diverts \$20 millions of federal Family Planning Funds away from a number of women's health clinics in Texas is included in the Budget. Tune in to the "Wrap Up" Newsletter later in June for more information on this issue.

Requiem

All other previously reported bills in this program area, both good and bad, have apparently "died"—with the caveat that, in the waning hours of the session, some might have been "resurrected" by being "copied and pasted" onto viable bills concerning what was deemed to be related subject matter. Any such "revivals" will be reported in the "Wrap Up" Newsletter.

TEXAS CONSTITUTIONAL REVISION Sandy Ashby (The Woodlands) marieashby7@comcast.net

No activity in this area during the session.

STATE/LOCAL RELATIONS Karen Rankin (Austin) karenrankin@austin.rr.com

County Authority

After proponents of increased authority for land-use management in fast-growing counties in the Hill Country spent two years reaching consensus and working for sensible change, House bills in this session made it as far as the Calendars Committee, but stalled there without going to the floor for a full vote.

The bills meeting this fate were **[HB 3265](#) (Rose, et al) SUPPORT**, which applied to Hill Country counties, and **[HB 4175](#) (Bolton, et al) SUPPORT**, which applied to counties over 800,000 and was championed by Travis County. None of the corresponding Senate bills were heard in committee.

[HB 2275](#) (Raymond, et al) SUPPORT The only county authority bill to make it to the governor's desk applies to border and distressed areas, **[HB 2275](#)** (Raymond, et al) SUPPORT. This bill establishes a commission to simplify regulations in these areas and eliminate conflicting regulations.

County authority bills regulating noise levels and others pertaining to specific areas (Bois D'Arc Creek Reservoir, Aransas County, certain counties around military facilities) appear to be dead.

Administration of Justice

CAPITAL PUNISHMENT

No bills calling for a commission to study Capital Punishment in Texas made it to the floor of the Senate or House this session. **[HB2267](#)** requiring separate prosecution of capital felony charges against two or more defendants and an individual

considered a party to a crime not being eligible for a capital punishment judgment went on the Senate calendar but did not get onto the Senate floor for a vote.

CRIMINAL JUSTICE Susan Smith (Amarillo) tornado4@suddenlink.net

[HB 498](#) Originally designed to establish a Texas Innocence Commission, **[HB 498](#)** was recaptioned to establish an advisory panel to assist with a study to prevent wrongful convictions. The bill passed the Senate on May 27, signed on June 1 by the House and Senate, and sent to the Governor.

[SB 1948](#) Was recaptioned to address a study regarding a supervised reentry program for certain inmates nearing their date of discharge from TDC/ Passed the House on May 27 and has been sent to the Governor.

[HB 3439](#) Was left pending in the House.

[HB 788](#) Was left pending in the House.

DRUG LAWS AND POLICIES Elaine Talarski (San Antonio) etalarski@earthlink.net

[SB 188](#) (Duell / Van de Putte) SUPPORTED **[SB 188](#)** in the House was placed on the General Calendar May 21. It was never brought to a vote in the House.

[HB 164](#) (Naishtat/ Coleman) SUPPORTED The bill did not leave committee.

JUVENILE JUSTICE Jayne Krawietz (Midland) jkrawietz@suddenlink.net

Little has changed since the last newsletter.

[SB 1020](#) (Hinojosa) SUPPORT As reported in LNL #11, the House and Senate apparently reached agreement regarding **Texas Youth Commission**, resulting in a reduced budget of \$210 million a year and a reduction in staffing from 4300 to 3700, both in response to the reduced TYC population since the last session. The offenders not sent to TYC facilities will remain in programs in their own communities. The

agreement approved \$48 million for new community-based programs.

[CSHB 3689](#) (McLendon) As reported in LNL 11, **[CSHB 3689](#)**, relating to the functions and continuation of the Texas Youth Commission and the Texas Juvenile Probation Commission and to the functions of the Office of Independent Ombudsman for the Texas Youth Commission, was passed and sent to the Governor.

JUDICIAL SELECTION Maxine Barkan (Austin Area) mbarkan@austin.rr.com

Given the delays in the legislative process, time ran out for any consideration of either of the following bills this session.

[HB 3995](#) (Hunter) SUPPORT Supported by the League, **[HB 3995](#)** seems to have been a victim of the delaying tactics during the House considerations of the Local and Consent Calendar items. It did not make it to the House floor.

[SB 2226](#) and **[SJR 44](#) (Duncan)** I reported in LNL #11 that **[SB 2226](#)** and **[SJR 44](#)** were scheduled to be on the Senate calendar May 18, but, according to the Senator's office, that did not happen. However, the Senate calendar for May 28 and May 31 had both bills scheduled for floor debate but no action was reported. Even though the League could not fully support this bill, at least it was a step in the right direction.

Social Policy/Human Resources

CHILD ABUSE & NEGLECT Carol Pino (Wimberley) cpino@hughes.net and Betty Williamson (Austin)

The Legislature was still in session at 11:00 PM June 1, so conclusions may come at a later date. Disappointingly, several bills did not make it through the process; however, later on June 1 we were still getting conclusions and it looked somewhat better. Depending how late they worked, they could have had more ready for the Governor late on June 1. We may not have the full account in this newsletter, so results will have to wait for the final tally in the final legislative report later this month.

SB 89 (Van de Putte) SUPPORT Bill relates to prosecution, punishment, and prevention for trafficking for certain forced or sex-based labor or services. The bill has not been voted on by the House.

SB 67 (Nelson) SUPPORT Bill relates to criminal history checks for those working with children in agencies. No action was taken in committee by May 19th

SB 1411 (West) WATCHING Bill has to do with financial assistance programs for children in conservatorship of DFPS. Bill placed on general state calendar May 21 but has not been voted on by House.

SB 1064 (Watson) WATCHING Bill relating to DFPS having access to records of children being investi-

gated. Placed on general state calendar May 23 but has not been voted on in House.

SB 1646 (Van de Putte) WATCHING This bill would create the Council of Children and Families and the Children Behavioral Health Council. Bill was signed in the house June 1 and sent to the Governor.

SB 277 (Nelson) SUPPORT Bill concerns DRPS investigations of abuse of disabled children and providing criminal penalties to perpetrators. Bill placed on general state calendar May 23, but was not voted on by the House.

HB 1041 (Parker) SUPPORT Bill relates to school districts policies on addressing sexual abuse. House reported the bill enrolled June 1, meaning the bill is being prepared for a final and official copy of the bill then to be sent to presiding officers of both House and Senate before being sent to Governor. The bill was signed by the House and Senate.

SB 2080 (Uresti) SUPPORT Bill relates to creating a Task Force whose task would be to form a strategy for reducing child abuse and neglect and improving child welfare. The Senate adopted the conference committee report June 1. The bill was signed by both the House and Senate and sent to the Governor.

CHILD HEALTH CARE Susan Majors (Richardson) majorssusan@gmail.com

At the beginning of the 81st Legislative Session hopes were high that there might be much needed legislation to improve and expand health care coverage for children in Texas. The need was clear and evident because approximately 1.5 million children in the state are without health insurance. Public opinion research indicated that a strong majority of Texans favors helping children get affordable, comprehensive health insurance. Many individuals and groups were willing to step forward in support. Effective coalitions led by outstanding professional advocates came together. There was some crossing of usual ideological and political lines for the sake of children. Many legislators filed or added their names to CHIP and Children's Medicaid bills.

More than fifty bills intended to allow better health insurance coverage for children through CHIP and Children's Medicaid were filed in the House or Senate. LWV-TX actively supported a long list of those bills.

Some of the bills never moved forward because of duplication; however as the session progressed, it

was legislative maneuvering that kept CHIP and Children's Medicaid from achieving much needed expansion and improvement.

SB 841 (Averitt) HB 1329 (Rose) SUPPORT Expectation in early days was that Senator Averitt's SB 841, along with its companion **HB 1329 (Rose)** or a similar survivor **HB 2962 (Coleman) SUPPORT**, might find its way to adoption. The bill in its original form called for the expansion of CHIP to families with incomes greater than 200% of the Federal Poverty Level (FPL). It allowed a sliding scale buy-in to 300% FPL and a full-cost buy-in above 300% FPL. Although it would have required limited initial expenditure by the state, the full-cost buy-in was eliminated in an amended version. As the session drew to a close, SB 841 and then its remnant provided much in the way of hope and drama.

Buy-in bills passed out of committee in both House and Senate, only to be blocked in Calendar Committee. Their features were amended onto another bill, **SB 2080**, a measure to reduce child abuse and neglect and improve child welfare. Slow-down strategies

by both parties in the House over the voter ID bill ensnared and delayed other legislation, including consideration of CHIP. On Sunday, the next-to-last day, the Senate passed a CHIP buy-in. The House adjourned at midnight without voting on the legislation. When the House reconvened on Monday morning for the final day of the 81st Legislature, advocates still

hoped their efforts could make a difference. Nevertheless, the CHIP buy-in, lacking a necessary 2/3 vote to suspend rules, **failed Monday afternoon**. Sadly, because opposition repeatedly managed to keep buy-in measures from coming up for a vote, they died.

EARLY CHILDHOOD Marlene Lobberecht (Houston Area) marlene@lobberecht.com

Bills signed or to be signed by the Governor:

SB 68 (Nelson) SUPPORT Sent to the Governor. Requires the Department of Family and Protective Services (DFPS), before adopting minimum standards for school-age programs, to convene a temporary work group to advise DFPS regarding the proposed standards.

SB 90 (Van de Putte et al.) Signed by the Governor and **effective immediately**. Relating to adoption of the Interstate Compact on Educational Opportunity for Military Children.

SB 95 (Van de Putte et al.) SUPPORT Signed by the Governor relating to prohibiting the sale or use of unsafe children's products; providing a civil penalty.

SB 282 (Nelson) SUPPORT Sent to the Governor. Relating to funding grant programs to provide nutrition education to children contingent upon a fiscal appropriation, the Committee Substitute (Swinford) provides a legal basis for an appropriation of funds to implement the provisions of the bill; Department of Agriculture may solicit and accept gifts, grants, and donations from any public or private source.

SB 1646 (Van de Putte) Sent to the Governor. The Committee Substitute differs from the original by requiring the Council on Children and Families, among other duties, to identify methods to ensure that children and youth receive appropriate assessment, diagnoses, and intervention services, rather than to ensure that all children and youth receive those services. No significant fiscal implication to the State is anticipated.

HB 130 (Patrick) SUPPORT Sent to the Governor. The pre-k bill passed the Senate with amendments late May 27th by a vote of 26 to 0. Additional credit goes to Senator Zaffirini, Senator D. Patrick, Senator Duncan, and Representative Patrick for amending the bill to serve potentially twice as many children in the 2009-2010 school year, giving priority to districts with pre-k programs in 2008-09 and achieving above-average student performance. However, the amendments deleted a preference in the original House bill for school districts with a high percentage of economically disadvantaged students.

HB 130 is a mere shadow of its original self. The program has been reduced to a pilot effort that will use \$25 million to reach 4% of children eligible for state pre-k services. The bill, backed by a wide coalition of child advocates, would give grants to school districts that commit to provide full-day, enhanced-quality pre-k programs for eligible students. The programs would have to meet curriculum requirements, satisfy a 22-to-1 pupil-teacher ratio (and an 11-to-1 pupil-to-adult ratio) in each preschool classroom, teachers would have to be appropriately certified, and a partnership between school districts and community providers created with at least 20 percent of the grant funds.

The substitute bill may make it difficult for major urban districts to qualify for grant eligibility. A teacher-certification standard has been modified for the benefit of private preschools that lack qualified teachers, providing extra time to qualify. The teacher-quality standard was amended to allow private preschools 3 years to obtain full teacher certification while receiving a share of districts' grant funding for this program.

HB 136 (Villarreal) SUPPORT Sent to the Governor. Regarding pre-kindergarten programs parent notification strategies implemented by a school district.

HB 1240 (Villarreal) SUPPORT Sent to the Governor. Relating to information required to be provided to parents of an infant.

Expired bills:

SB 56 (Zaffirini) SUPPORT Regarding preparation of child impact statements.

SB 59 (Zaffirini) SUPPORT Relating to the qualifications for training providers for child-care employees/operators facilities.

SB 67 (Nelson) SUPPORT Relating to the imposition of requirements for criminal history checks on operators/employees of certain facilities and agencies serving children, the elderly, or persons who are disabled. Amendment states duty on a governmental entity is not mandatory without a specific fiscal appropriation.

SB 81 (Nelson) SUPPORT Regarding the Texas Workforce Commission providing payments to a provider of unregulated self-arranged child care pending a background and criminal history check.

[SB 1613 \(Lucio\)](#) WATCHING Relating to establishing an Early Childhood Behavioral Consultation Grant Program.

[SB 1730 \(West\)](#) SUPPORT Relating to a minimum increase of training hours for child care staff and directors.

[HB 161 \(Deshotel\)](#) SUPPORT Relating to block grant funding for certain Texas Workforce Commission training and employment.

Early education advocates truly have gone the distance through the extensive support you and fellow advocates in Texans Care for Children and Texas

Early Childhood Education Coalition built behind HB 130 and other legislation. After the Senate Committee vote, Senator Zaffirini and Representative Patrick were informed that more than 18,000 emails, letters, and faxes were sent to our fellow Texas Legislators in favor of optional full-day, high-quality pre-k.

The entire legislative process has been one of intense listening, compromise, and bi-partisan engagement. A profound thank you to assisting Capital Corp members, local League members answering Action Alerts and personal e-mail requests to call a specific legislator for support.

EQUAL OPPORTUNITY/INCOME ASSISTANCE Mildred Derrough Pope mderrpope@yahoo.com

Lost in the Shuffle

Many of the Bills we supported seem to have gotten lost in the shuffle. For example, companion bills (**Leibowitz**) [HB32](#) Relating to employee discrimination, **HB33** Relating to employers not covered by workers' compensation insurance and [HB 34](#) Relating to workers' compensation coverage.

Also left hanging were:

[HB 248 \(Alonzo\)](#) Relating to the rights of Texas voters.

[HB 522 \(Giddings\)](#) Relating to preparation academies in certain school districts.

One of our hopefuls that did not make it, **[HB 1627 \(Naishtat et al.\)](#)** Relating to Low-Income Home Energy Assistance Program payments to assist food stamp recipients.

Success

Our big victory was **[HB 1637 \(Turner, Chris et al\)](#)** Senate Sponsor: Ellis. Relating to normal weekly hours of work under the shared work unemployment compensation program. HB 1637 went to the Governor on May 9, was signed by the Governor and is effective immediately. Hooray!!

HEALTH CARE SYSTEM FOR OLDER TEXANS Maria Johnson (Austin Area) mmjohnson6@hotmail.com

The Legislative session has ended with no major budget cuts for senior health care. The stimulus package is partially responsible for the lack of cuts.

The following bills are scheduled for signing by the Governor:

[HB 497 \(Zerwas\)](#) Will create a state-wide study to determine the effect on the health care infrastructure in Texas if the state Medicaid program were abolished or a severe reduction in federal matching money under the program were to occur.

[HB 802 \(Davis, Johns\)](#) Creates a lifespan respite services program.

[HB 2191 \(Veasey\)](#) Prohibits contact between an employee of a facility that serves the elderly or disabled person and a patient or resident of the facility until their criminal history has been verified.

[SB 705 \(Nelson\)](#) Streamlines Medicaid-consolidated waiver programs for long term care. Information is provided on the Internet.

[HB 610 \(Naishtat\)](#) Creates a Legislative Committee on Aging to study and make recommendations to the Legislature. One of the studies includes health care.

The following bills are effective as follows:

[HB 1081 \(Herrero\)](#) Requires the posting of information regarding nursing homes and related institutions to be posted on the DADS website. It is to be effective on **September 1**.

[SB 37 \(Zaffirini\)](#) Effective **immediately**. It creates a home-based and community based support services under the Medicaid program to persons who are deaf-blind with multiple disabilities.

IMMIGRATION Millie Whittington (Houston Area) milliekbw@aol.com

The Dead Zone

Like growing old, watching the 81st Texas Legislature “ain’t for sissies.” In this session a few immigration bills proposed comprehensive reform. They all were relegated to what the *Houston Chronicle* calls the Dead Zone.

Several humanitarian bills are dead.

HB 639 (Thompson) SUPPORT and **SB 89 (Van de Putte) SUPPORT** Both related to helping protect legal and illegal immigrants from human trafficking and forced sex-based labor. Neither ever got to the floor.

Three bills helping refugees and asylees also are dead. Too bad.

SB 1818 (Van de Putte) SUPPORT

HB 3360 (Villareal) SUPPORT

HB 1263 (Jackson) SUPPORT

Passed & Sent to the Governor

SB 390 (Patrick) NEUTRAL Passed in the House on May 27. It relates to confidentiality of certain information under the public information law and in local tax appraisal records regarding federal law enforcement officers. LWV now recognizes that this bill does not conflict with our national position on immigration.

MEDICAID Lynda Ender (Dallas) LEnder@theseniorsource.org

The following bills PASSED the House & Senate!!!

SB 37 (Zaffirini) SB 37 relates to providing home- and community-based support services under the Medicaid program to persons who are deaf-blind with multiple disabilities. Signed by the Governor and effective immediately.

SB 78 (Nelson) Relating to promoting awareness and education about the purchase and availability of health coverage.

SB 531 (Patrick) SB 531 would coordinate the process for filing claims submitted for payment from the Medicaid program.

SB 705 (Nelson) This bill would streamline the administration of and delivery of services through Section 1915(c) Medicaid waiver programs and lists streamlining initiatives.

HB 1081 (Herrero) The bill would require the posting of certain information regarding nursing homes and related institutions on the Department of Aging and

Disability Services website. Signed by the Governor and effective September 1, 2009.

HB 1487 (Pitts) This bill is relating to the alignment of certain Medicaid procedures regarding written orders for diabetic equipment and supplies with comparable Medicare written order procedures.

The following bills DID NOT make it.

SB 286 (Nelson) So-called “Medicaid passport”

HB 852 (Todd Smith) Nonpayment of hospitals for certain preventable adverse conditions.

HB 1186 (Homer) Assisted living facility that ceases to accept Medicaid may not discharge resident if residing the day before facility ceases to accept.

Bills in LIMBO!! Although suspense was building at the end, it is doubtful that any maneuvers would be successful to pass these four!

SB 7, SB 287, SB 288.

SERVICES FOR THE SERIOUSLY MENTALLY ILL Molly Van Ort (Dallas) mnvo@sbcglobal.net

Please refer to the chart at end of newsletter, a report from the coalition Texans Care for Children, for a comprehensive update on bills related to children’s mental health.

Natural Resources

AIR QUALITY Laura Blackburn (Seabrook, LWV-Houston) laura2blackburn@yahoo.com

During the 2007 Legislative Session only one bill relating to air quality was passed. This Legislative Session three passed! Though our primary bill had to be added to another as an amendment to be passed, we can still claim a modest success!

House

HB 1796 (Chisum) WATCH! The reason this bill is important to us now is that it included parts of SB 16, the omnibus environmental bill that did not pass. (See SB 16 below.) HB 1796 went to conference, where parts of SB 16 were added. It then passed the Sen-

ate, was signed by the House on June 2, and enrolled.

Senate

SB 16 (Averitt) SUPPORT This was the omnibus bill relating to the enhancement of air quality, including the capture and storage of carbon dioxide and development of a greenhouse gas registry, the development of technologies for emissions reduction, and the improvement of energy efficiency in buildings, vehicles, and appliances. It was passed by the Senate after a substitute bill was offered and a number of amendments added. It was then sent to the House where a substitute bill was offered and it was then placed on the Major State Calendar on May 23. When it became obvious that the bill was not going to pass, Senator Averitt placed sections of the bill in HB 1796 by Chisum, which related to the offshore geologic storage of carbon dioxide.

The portions that were added include:

- TERP extension through August 31, 2019 (Texas Emissions Reduction Plan)
- Department of Agriculture, TCEQ, PUC and RRC required to collaborate in the federal government

process for developing federal reporting requirements on greenhouse gas and the federal greenhouse gas registry requirements.

- A program for new technologies for emissions control which requires "best available control technology" as defined by the federal Clean Air Act instead of TCEQ! (A major gain.)

NOT included in the floor amendment were building energy codes, idling of motor vehicles, maximum weight for vehicles with idle reduction systems, housing partnership program rebates, and an online emissions database.

Kudos to Senator Averitt for working so hard to get SB 16 passed and to salvage as much as he could.

SB 184 (Watson) SUPPORT This bill relates to "no regrets" strategies on reduction of greenhouse gas emissions, to be prepared by TCEQ by December 31, 2009. It was sent to the Governor on June 1.

SB 1472 (Gallegos) SUPPORT This bill requires a permit applicant or the applicant's designated representative to attend a public meeting on the permit application. So they can't just "skip out!" SB 1472 was sent to the Governor on June 1.

ENERGY Linda Hanratty (Tarrant County) lswenson@yahoo.com and Penny Miller pmiller737@aol.com

Energy Report

The House and Senate considered a lot of good proposals to provide incentives for renewable energy, but in the end they all remained unapproved, including the 16 bills we followed.

HB 469 (King) NEUTRAL One energy-related bill that did pass was HB 469 by Rep. Phil King. It will provide \$300 million in incentives to support construction of coal fired electric plants that will seek to cap-

ture and sequester a portion of the plants' carbon dioxide.

Tarrant County Gas Wells

The Tarrant County League of Women Voters was allowed to follow and support certain bills that would have increased regulation on gas wells and gas pipelines in Tarrant County.

Not unexpectedly, none of the bills we supported passed.

HAZARDOUS WASTE

SB 338 (Van de Putte) SUPPORTED Supported by LWV-TX, SB 338 was in the House but was not placed on the calendar for a vote.

HB 1867 (Anchia) SUPPORTED Identical to SB 338, HB 1867 was left pending in committee.

LAND USE Karen Haschke (Austin Area) karenhaschke@sbcglobal.net

No eminent domain bills went anywhere, including the one the governor defeated the last session, which was expected to pass this time.

The following never got out of committee

HB 1195 (Dukes) Relating to the issuance of a permit for a municipal solid waste landfill located near certain municipalities. Referred to Environmental Regulations Committee.

HB 4 (Orr) Relating to eminent domain, including certain limitations, procedures, and standards relating to the use of eminent domain. Referred to Land & Resource Management Committee

HB1119 (Bolton) Relating to authorizing certain populous counties to adopt county planning regulations; providing criminal and civil penalties. Referred to Land & Resource Management Committee.

Out of Committee

HB722 (Howard) Relating to an independent review of a proposed facility to supply drinking water requested by certain municipalities and other local governments. Passed out of Urban Affairs Committee 9 - 0, 2 Absent.

Never got out of committee

SB1226 (Fraser) Relating to the authority of certain counties to regulate the location of wind energy electric generating facilities. Died in Business and Commerce Committee

SB1227 (Fraser) Relating to the location of wind energy electric generating facilities. Died in Business and Commerce Committee.

TRANSPORTATION Edith Jones (Tarrant County) edithsjones@hotmail.com

TXDOT Funding At last check, the bills that authorized the operating funding for the Department of Transportation and four other state agencies did not pass.

Local Option for Transportation Did not pass, despite much pressure from large metropolitan areas but will be back in the next session.

Others included sobriety checkpoints in roadblocks in large cities and counties by the police.

HB 55 (Branch) Bills forbids drivers from using cell phones while driving through school zones. Passed both the House and Senate and sent to the Governor.

Passed—Seat Belt Law

Bills that did pass include the requirement that children under age 8 must be secured in a booster seat when riding in a passenger vehicle. Current age limit is 4. Became law without governor's signature.

Water Mary Vogelson (Dallas) mmev@swbell.net

No report.

Texans Care for Children – Children’s Mental Health Bills Status: May 31, 2009

Bill	Passed One Chamber?	Status	Notes
SB 1646 (Van de Putte) Council on Children and Families	Yes	Senate concurred with House amendment 5/29/09	Language from HB 620 by Davis was removed (Children’s Behavioral Council)
SB 1824 (Lucio) Special Needs Taskforce	Yes	Passed House on Local Calendar 5/27/09	Language also included in HB 2196 by Truitt via Senate amendment (5/13/09); HB 2196 passed following conference committee.
HB 3689 (McClendon) JJ Sunset Bill – provisions for Continuity of Care – JJ System originally in SB 1286 (West)	Yes	Conference committee report filed 5/30/09	
HB 1629 (Naishtat) Dually Committed Youth - DFPS/TYC	Yes	Signed by Governor 5/23/09	Effectively immediately
HB 1630 (Naishtat) Medicaid Eligibility & Enrollment upon Discharge from JJ facility	Yes	Sent to Governor 5/25/09	Requires Memoranda of Understanding between TYC, TJPC and HHSC to facilitate Medicaid/CHIP eligibility and enrollment prior to discharge
HB 4451 (McReynolds) TCOOMMI Services for youth coming out of TYC	Yes	House concurred to Senate amendments 5/29/09	Senate substitute includes authorizing TYC to petition the juvenile court which ordered a youth committed to TYC to transfer the youth to an inpatient mental health facility. Time spent in an inpatient mental health facility would be credited to the term of the youth’s commitment to TYC.

HB 620 (Davis, John) Children's Behavioral Health Council	Yes	Language from HB 620 rolled into, then removed, from SB 1646	Language removed from SB 1646 due to fiscal note. Senate concurred with House amendment removing HB 620 language from SB 1646.
HB 1232 (Mendez) Companion SB 1197 by Van de Putte Bexar County behavioral health intervention pilot project	Yes	House concurred to Senate amendments; Sent to Governor 5/26/09	Senate amendments related to: <ul style="list-style-type: none"> • parental consent to information sharing and services, • informing parents about complaint procedures, • prohibiting targeting or negatively impacting minorities • not authorizing implementation of school-based mental health screening.
HB 2196 (Truitt) HHSC workgroup to promote integration of health and behavioral health services	Yes	Conference committee report adopted by House and Senate 5/30/09	HB 2196 by Truitt amended on 5/13/09 on the Senate floor to include provisions contained in SB 1824 (Taskforce on Children with Special Needs).
SB 84 & SB 85 (Nelson) Suicide prevention program for public high schools	No	Never received a hearing	
SB 1344 (Watson) Public School Alcohol Awareness Program	Yes	Sent to Governor 5/29/09	Requires the State Board of Education to adopt essential knowledge & skills for the enrichment curriculum addressing binge drinking & alcohol poisoning. Requires TEA to compile list of evidence-based alcohol awareness programs, schools district must choose a program to use in the district's middle school, junior high school, and high school health curriculum