



Legislative Newsletter

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

June 30, 2009

81st Texas Legislature

Volume 20, No. 13

Mary Finch, Advocacy Vice President

Scherel Carver, Editor

This is our final wrap-up of the 81st Texas Legislative session. The special session starting July 1 does not call for any legislation that the League has advocated for or against this year (see Transportation input for analysis.)

Two interesting studies were created by the passage of HB498 and HB497 this session. One, HB498, is a study on the prevention of wrongful convictions (see Criminal Justice input.) The other, HB497, is a study of the effects on health care infrastructure if state Medicaid programs are abolished or a severe reduction in federal matching money were to occur (see Health Care for Older Texans.)

A very big thank you to all Program Chairs that worked so very hard during the session to keep up with their League Program legislation. If you know one of them please take the time to tell them how much we League members appreciate their hard work for the League. Lastly, a special thank you to all our members who took the time to read our Newsletter and to respond to our action alerts. You are a very big part of the Leagues’ advocating efforts.

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

Government

EDUCATION/PUBLIC SCHOOL FINANCE Nan Clayton (Austin) nanclayton@yahoo.com

Governor Vetoes Prekindergarten Bill

Governor Perry vetoed [HB 130](#) by **Rep. Diane Patrick** and **Sen. Zaffirini**, which would have created a grant program allowing certain districts to expand their half-day pre-K programs to full-day, enhanced programs. The bill had strong support from the League and a broad coalition of groups, including Raise Your Hand Texas.

The bill had passed both chambers by large margins. The final version included a significant reduction in funding, along with other changes from the original proposal. In his veto, Perry said a similar program already exists and asked that the \$25 million appropriated for the program be used to bolster current half-day pre-K programs. A veto campaign targeted to the governor opposed the value of pre-K in general and the creation of an additional program.

Some Education Bills That Became Law

The following bills listed, which became law June 22, include education bills the League has monitored and those that were listed in previous issues of the *Legislative Newsletter*—about 120 in all. Most of the new laws are consistent with League positions.

Notable bills becoming law that the League has monitored closely include [HB 3646](#) by **Rep. Hochberg**, the major school finance bill this session, with new money allocated through [SB 1](#), by **Sen. Ogden**, the state’s biennial budget bill; and [HB 3](#) by **Rep. Eissler**, the proposed overhaul of the public school accountability system, which embraces a companion, [SB 3](#), by **Sen. Shapiro**. (For more information, see Volume 20, No. 12, of the *Legislative Newsletter*.)

It is important to note that certain bills were included as part of other bills. One example is [HB 2262](#) by **Rep. Eissler**, which eliminates the “65% rule”—a 2005 Executive Order that required school districts to

devote 65% of their operating budgets to classroom instruction. It was included in HB 3.

Also of note is a bill that became law, [HB 4294](#) by **Rep. Branch**, which the League did not track. It gives school districts the option to buy electronic textbooks and instructional technology approved by the commissioner of education. The bill, which had support from the business community, puts the power to screen these materials in the hands of the commissioner, rather than the State Board of Education (SBOE), which reviews texts. A veto campaign centered on the SBOE's perceived loss of power. In signing the bill, Gov. Perry issued an Executive Order supporting the SBOE's role in the electronic textbook approval process.

From Bill to Law:

[SB 1 \(Ogden\)](#) Signed 6/19/09 with line-item veto. Establishes the state budget for 2010-2011. Among the many important funding issues in this bill are those that affect schools—for example, whether school districts will get the relief they need to keep up with inflation and whether money is allocated for teacher pay raises.

[HB 3646 \(Hochberg\)](#) Signed 6/19/09. Relates to public school finance and programs.

[HB 3 \(Eissler\)](#) 6/19/09, effective immediately. Re-vamps the Texas accountability system with a broad spectrum of revisions. Some include recognizing student growth in achievement and using a three-year rolling average of student progress; phasing in a new standard for college readiness and adding 10 new college-readiness indicators; and allowing campuses to earn distinction for excellence in a variety of areas, including growth in student achievement, closing the gaps, academic excellence, and workforce readiness.

[HB 136 \(Villarreal\)](#) 6/19/09, effective 9/1/09. Provides notification to parents of eligible children of the availability of prekindergarten classes.

[HB 635 \(Guillen\)](#) 6/19/09, effective immediately. Authorizes the Texas Education Agency to seek, accept, and distribute grants that are available for the benefit of public elementary and secondary education.

[HB 709 \(Rose\)](#) Signed 6/19/09. Relates to the award of stipends to nationally-certificated classroom teachers under the educator excellence programs program.

[HB 772 \(Howard\)](#) 5/27/09, effective 9/1/09. Requires the State Board of Education to broadcast over the Internet live video and audio of each open meeting held by the board.

[HB 1297 \(Hochberg\)](#) Signed 6/19/09. Provides optional, flexible school-day-program courses offered by school districts to enable students to earn course credit under certain circumstances.

[HB 1423 \(Guillen\)](#) 6/19/09, effective immediately. Allows public junior colleges to apply for an open enrollment charter school on its campus or in the same county. The school program must be under the supervision of an experienced faculty member and must be designed to meet specific, measurable goals.

[HB 2263 \(Eissler\)](#) Signed 6/19/09. Extends the high school innovation grant initiative to middle and junior high schools.

[HB 2480 \(Hochberg\)](#) 6/19/09, effective immediately. Relates to school district agreements with junior colleges for courses for joint high school and junior college credit.

[HB 3643 \(Aycock\)](#) 6/19/09, effective immediately. Amends the section of the Education Code on pre-kindergarten by expanding the definitions of "child" and "parent" to include stepchildren and stepparents.

[SB 300 \(Dan Patrick\)](#) Signed 6/19/09. Eliminates certain mandates on school districts—for example, concerning emergency evacuation training and energy plans.

[SB 451 \(Van de Putte\)](#) Signed 6/19/09. Requires districts to provide regular education teachers with professional development in teaching students with disabilities.

[SB 939 \(Watson\)](#) 6/19/09, effective immediately. Relates to the capability of the Public Education Information Management System (PEIMS) to provide information regarding public school students placed in foster care.

[SB 2258 \(Zaffirini\)](#) 6/19/09, effective immediately. Relates to intensive summer programs for public school students and to college readiness programs at public institutions of higher education.

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

As speculated, there will be a special session beginning July 1. Governor Perry has stated that issues like Voter ID will not be addressed in this special session.

[HB 1457 \(Hochberg\)](#) **SUPPORT** was vetoed by Governor Perry on June 19th.

This bill required the SOS to develop a system for accepting voter registration applications when the information provided does not match the identifying in-

formation in the records of the DPS or other state agencies. We saw this as a way to correct unintended clerical errors on a voter registration application.

The governor said that this would put the responsibility for correcting any mistakes in the wrong hands. He

said that the SOS is in no position to determine where the error occurred; this is best done at the county level where voter applications are received.

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

No news since the last Newsletter.

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

The four bills noted in LNL #12 that were passed by both houses were finally signed by the governor. In Election Committee hearings, the League signed in favor of all four bills. Two bills relate to Texas Ethics Commission reforms: **HB 3216** standardizes the forms for filing complaints, and **HB 3218** requires immediate notification to the filer of a complaint. They are effective immediately. These bills were filed by **(Naishtat & Zaffirini)**.

SB 1152 (Hinojosa & Zaffirini) will prohibit contributions to candidates in state buildings. This reform had support from Reps. Anchia and Marquez. It will be effective September 1, 2009.

HB 4060 (T. Smith) will limit the time a judicial candidate can accept contributions even if there is no opponent. Sen. Wentworth was a sponsor. It will be effective September 1, 2009.

REDISTRICTING Elaine Talarski (San Antonio) etalarski@earthlink.net

None of the bills LWV-Texas supported on Redistricting made it out of the Legislature.

Many thanks to the members across the state for supporting the efforts to improve the redistricting process.

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

For better AND worse, "status quo" is an appropriate summation of the 81st Legislative Session in this program area.

On the "better" side, no anti-choice bills were passed, thanks in part to unrelated procedural maneuvers. Measures **opposed** by LWV-TX that came close to passage included **HB 36 (Corte)/SB 182 (Patrick)** (would have required ultrasound prior to abortion); **HB 109 (Phillips)/SB 1098 (Carona)** (would have authorized Choose Life" license plates whose purchase would fund unregulated, unlicensed pregnancy centers); **HB 3796 (Morrison)/SB 2571 (Shapiro)** (would have placed burdensome new reporting requirements on women seeking and physicians performing abortions, under the guise of protecting women from "coerced" abortions).

On the "worse" side, efforts to improve sex education in public schools and to expand low income women's access to preventive family planning and other health care services were ultimately unsuccessful.

Some of these efforts were encompassed in the **Education Works** bills **HB 741 (Castro)/SB 515 (Ellis)** and the **Prevention Works** bills **HB 1694 (Strama)/SB 1100 (Watson)**, strongly **supported** by

LWV-TX. Kudos to **Representatives Castro, Villarreal, and Strama** who tried but failed, during the frantic waning days of the session, to attach amendments to an education-related bill that would have required information taught in sex education courses to be medically accurate.

And, also for the "worse," once again, as in prior sessions, provisions included in the state **Budget OPPOSED** by LWV-TX will impede women's access to preventive health care:

- **Rider 56** diverts \$20 million from expert family planning health care providers such as Planned Parenthood and gives it to Federally Qualified Health Centers (FQHCs) that don't have the capacity to see large numbers of family planning patients. Since the Rider was enacted in 2005, some 70,700 fewer such patients have been served. A bright spot: New language was added requiring funds not spent by FQHCs to go back to family planning providers who can use them.
- The **"Alternatives to Abortion"** program was also renewed, with increased funding that is directed to Crisis Pregnancy Centers—organizations that provide no medical services and do nothing to help women prevent unintended pregnancies.

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

No legislative activity in this area.

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

HB 2275 (Raymond, et al) was signed by Governor Perry on June 19th and is effective immediately. This bill applies to border and distressed areas, and estab-

lishes a commission to simplify regulations in these areas and eliminate conflicting regulations.

Administration of Justice

CAPITAL PUNISHMENT

None of the bills the League supported reached the Governor's desk.

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

HB 498, establishing an advisory panel to assist with a study regarding the prevention of wrongful convictions, was signed into law on 6/19/09 by the Governor and will go into effect on September 1, 2009. This is a

huge step forward for Texas in assuring citizens have an honest, fair, and responsible criminal justice system in place.

DRUG LAWS AND POLICIES Elaine Talariski (San Antonio) etalariski@earthlink.net

None of the bills advocated by LWV-Texas made it out of committee in the final Legislative session.

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

During this session, legislators attempted to combine the TYC and TJPC into one agency but ended up keeping them separate, with some adjustments allowing reforms from the last session to continue to unfold. The two major bills addressing this reform are as follows:

HB 3689 (McLendon) **The final version of this bill that was signed by the Governor includes:**

- Plans to create a continuity of care for juveniles with mental health issues.
- Direction on a two-year juvenile justice strategic plan jointly developed by the agencies,
- Giving TJPC authority to regulate nonsecure juvenile facilities,
- Data collection requirements for local juvenile board programs, including outcomes and risk/needs assessments,
- Requirements for how the Ombudsman and TYC should work together,
- Authorization for TJPC to open a residential treatment center at the Peavy Switch facility in East Texas,

- Quarterly reports on abuse and neglect in facilities,
- Changes to TJPC's governing Commission, and
- Sunset Review of TYC and TJPC to begin again immediately.

The Legislature also made policy decisions in the TYC and TJPC budgets, including cessation of funding for the West Texas State School (the site of the 2007 sex-abuse scandal) and the Victory Field Correctional Academy after 2010. Also, TJPC was given \$26 million in 2010 and \$24 million in 2011 to fund community corrections programs in counties that divert youth from TYC.

SB 58 (Zaffirini) This was signed by the Governor and requires TJPC to participate in and assist counties with the creation and maintenance of the Juvenile Justice Case Management System (JJCMS). TJPC would also be responsible for the collection and maintenance of all information related to juvenile offenders and offenses.

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 Betty Williamson (Austin Area) bettybettybetty@austin.rr.com

for Carol Pino (Wimberley) cpino@hughes.net

It appears that the special session July 1 will not do anything for the children for whom we have been advocating.

[HB 1041](#) Relating to school district policies addressing sexual abuse of children and establishment of a state strategy to reduce child abuse and neglect and improve child welfare. 6/19/2009 Signed by the Governor.

[SB 2080](#) Relating to treating and reducing child abuse and neglect and improving child welfare, including providing assistance for adoptive parents and foster care providers. 6/19/2009 Signed by the Governor.

[SB89 \(Van de Putte\) SUPPORT](#) Bill related to prosecution, punishment, and prevention for trafficking of certain forced or sex-based labor or services. This bill failed to receive a House vote, as did [HB 639 \(Thompson\)](#), which was a companion bill.

[SB67 \(Nelson\) SUPPORT](#) Bill related to criminal history checks for those working with children or agencies. No action was taken in the Human Services Committee.

[SB1411 \(Nelson\) WATCH](#) Bill to do with financial assistance programs for children in conservatorship of DFPS. Failed to receive a House vote.

[SB1064 \(Watson\) WATCH](#) Bill related to DFPS having access to records of children being investigated.

Passed the Senate but failed to be voted on by the House.

[SB1440](#) was the original bill and failed in the house, but in the last days (**Rose**) reintroduced the bill as an amendment to SB1440, which became [SB1064](#), and it passed the House. However an organization known as the Free Market Foundation, along with two or three other organizations, sent a letter to Governor Perry they drafted as a legal analysis asking him to veto the bill. The bill was vetoed.

[SB 1646 \(Van de Putte\) WATCH](#) This bill would have created the Council of Children and Families and the Children Behavioral Health Council. The bill was signed in the House on 6/1 and was signed by the Governor on 6/19.

[SB 277 \(Nelson\) SUPPORT](#) Bill having to do with DRPS investigations of abuse of disabled children and providing criminal penalties to perpetrators. Bill failed to receive a House vote.

[HB 1041 \(Parker\) SUPPORT](#) Bill relates to school districts policies on addressing sexual abuse. Signed by Governor 6/19.

[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. Signed by the Governor 6/19.

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

Texas has the largest number and the highest percentage of uninsured children in the United States. The 81st Session of the Texas Legislature had the opportunity to significantly reduce the number by passing proposed legislation.

Among the bills that were filed were measures to extend the eligibility for Children's Medicaid from a period of 6 months to a period of 12 months. The twice-yearly applications process doubles the chances that an eligible child could be denied coverage and dou-

bles the workload for the stressed state enrollment system.

Measures to allow children in families living at above the current limit of 200% of the Federal Poverty Level (FPL) to buy into the CHIP program could have provided affordable insurance to as many as 80,000 children, while even more could have been covered with a full-cost buy-in for some families with higher incomes. Measures to improve the intake system and increase support for community outreach could have ended unwarranted barriers and brought numerous

eligible children into both CHIP and Children's Medicaid. Other proposals had the potential to make asset tests less stringent or to require the state to meet standards that would allow Federal tax dollars to flow back to Texas.

In spite of strong support not just from families, advocates, and the general public, but also from many lawmakers from both parties, none of the measures above became law. Instead, they were waylaid by the legislative process. Inevitably, the number of bills was narrowed. Most never went beyond consideration in committees. However, some that were overwhelmingly passed by a committee died because they were prevented from being placed on the calendar.

The last surviving hope, [SB 841 \(Averitt\) SUPPORT](#), made its way to almost the last gavel. It was denied a vote because its only chance to move forward at that point required two-thirds approval. The Legislature adjourned without addressing many pressing health coverage needs of Texas children.

One measure to extend insurance coverage to some children made its way through the 2009 legislative

process early. [SB 187 \(Deuell\) SUPPORT](#) allows a Medicaid buy-in for certain children with disabilities in families up to 300% FPL. The Governor signed it into law in the middle of May.

Special Session A month after adjournment, LWV-TX joined other members of the Texas Finish Line Campaign as a signer of a letter to Governor Perry. The letter urged him to "add the CHIP buy-in bill to the call for a Special Session." In spite of the Governor's past opposition to the expansion of CHIP, the substantial list of coalition members reminded him that meeting the needs of uninsured children is "the will of the majority of Texans" and should not be left as "unfinished business."

Child health advocates are now looking toward national health care reform. It is possible that this reform will require states to have 12 months coverage for children on Medicaid and to cover CHIP up to 250% FPL.

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

Bills signed or allowed to become law by the Governor:

[SB 68 \(Nelson\) SUPPORT](#) Allowed to become law by the Governor; requires the Department of Family and Protective Services (DFPS), before adopting school-age program minimum standards, 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 and providing a civil penalty.

[SB 282 \(Nelson\) SUPPORT](#) Allowed to become law by the Governor. Relating to funding grant programs to provide nutrition education to children contingent upon a fiscal appropriation. The Committee Substituted (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 572 \(Shapiro\)](#) Allowed to become law by the Governor; "Jacob's Law" was filed in response to the death of a young child who died after being left in a

van by a child care worker on a summer day. SB 572 calls for an expansion of the training hours specifically related to the safe transport of children under the age of nine. The legislation mandates two hours of annual training for an owner, operator, or employee of a child care facility.

[SB 1646 \(Van de Putte\)](#) Allowed to become law by 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 136 \(Villarreal\) SUPPORT](#) Allowed to become law by the Governor. Regarding parent-notification strategies about prekindergarten programs implemented by a school district.

[HB 1240 \(Villarreal\) SUPPORT](#) Signed by the Governor and effective 9/1/09 Relating to information required to be provided to parents of an infant.

Bill vetoed by the Governor:

[HB 130 \(Patrick\) SUPPORT](#) Vetoed by the Governor with the following statement:

"I, Rick Perry, Governor of Texas, do hereby disapprove of and veto HB 130 due to the following

objections: House Bill No. 130 would create a grant program to enable eligible school districts to implement or continue full-day pre-kindergarten programs. Eligibility would be limited to districts whose third grade students have scored above the state average on the reading portion of the Texas Assessment of Knowledge and Skills (TAKS) for the past three years. Of those eligible districts, any previous recipients of pre-kindergarten grant funding from the Texas Education Agency (TEA) would receive funding priority.

With limited state resources dedicated to pre-kindergarten, grant money should be directed to districts with the greatest academic need. State funding should also be directed to programs demonstrating the most efficiency, thereby benefiting the largest number of Texas students.”

The current Pre-k program does not address curriculum quality, pupil-teacher ratio, measurement of program outcomes, future funding beyond two years, community collaborations, or teacher training. It does not accommodate the optional full-day Pre-K program to meet the needs of children and working parents needing a full day program to afford participation.

Good expired bills continue to make an impact! **Texas Child Care Licensing** is initiating a review of the current Minimum Standards (2003, revised 2007) for center-based and home-based day care operations. The review process will include an online survey providing an opportunity to give specific suggestions for clarifying or improving the regulations. The surveys are open from June 15 to July 31 on the DFPS website. You may **click on the following two**

links to complete the surveys; your input is requested and valued. All you need is your e-mail address and password (if you wish to create one).

- **Evaluation/Survey of Residential Child Care Minimum Standards**
(http://www.dfps.state.tx.us/Child_Care/Residential_Child_Care_Licensing/default.asp)
- **Evaluation/Survey of Day Care Minimum Standards**
(http://www.dfps.state.tx.us/Child_Care/Special_Announcements/2009-06-15_survey.asp)

Relating to the child care licensing regulation revisions, information received from TECEC is that the following expired bill contents may become state agency policy as regulations are rewritten this year:

- **SB 59 (Zaffirini)** Relating to the training provider qualifications for child-care employees/operators facilities.
- **SB 1730 (West)** Relating to a minimum training, to include 16 hours pre-service; 17 hours annual staff training, and 30 hours annual for directors.

On another expired bill, a possible pilot project will be created through an agency if outside funding can be obtained to fund what was planned in **SB 1613 (Lucio)**, relating to establishing an Early Childhood Behavioral Consultation Grant Program.

Again, thanks to you early education advocates! You have gone the distance this legislative session. Over 20,000 emails, letters, and faxes were sent to Texas Legislators regarding early childhood issues. The entire legislative process has been one of listening, compromise, and bi-partisan engagement.

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

No change from the last Newsletter.

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 no cuts. **The following bills were signed by the Governor:**

HB 497 (Zerwas) which would create a state-wide study to determine the effect on the health care of the infrastructure in Texas if the state Medicaid program is abolished or a severe reduction in federal matching money under the program occurs. The Governor added a signing statement which in brief said that he was concerned about the health care needs of Texans and the need to reform Medicaid. This is a study that the League should carefully watch because it also affects other League programs such as Health

Care for the Medically Indigent and Services for the Mentally Ill.

HB 802 (Davis, Johns) which creates a lifespan respite services program.

HB 2191 (Veasey) which 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) which 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 were effective without the governor's signing:

HB 1081 (Herrero) requires the posting of information regarding nursing homes and related institutions

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

Were the members of the 81st Texas Legislature unfriendly to comprehensive immigration reform? Did they fail to adopt initiatives that would help assimilate all immigrants? Yes! According to the ACLU of Texas, of the 100+ immigration bills filed, over 60 of them were anti-immigrant bills.

to be posted on the DADS website. It is to be effective on 9/1/09.

SB 37 (Zaffirini) is 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.

Except for a few bills like opposition to human trafficking, the legislators did nothing to pass integrative bills. And nothing from our state legislators is not enough.

MEDICAID Lynda Ender (Dallas) LEnder@theseniorsource.org

The Appropriations Bill is all important for Medicaid followers.

The Community Based Alternatives (CBA) program received additional \$15 million (\$3.7 million for FY 2010, \$11.3 million for FY 2011) to fund an additional 430 slots by the end of FY 2010, and 861 slots by the end of FY 2011.

In addition, \$58.5 million total funds (\$28.8 million for FY 2010, \$29.7 for FY 2011) were appropriated to fund a \$.80 per hour wage increase for attendants as a result of the July 2009 minimum wage increase.

It is confirmed that the Governor did not veto the following bills; therefore, they will become law.

SB 37 (Zaffirini)

SB 78 (Nelson)

SB 531 (Patrick)

SB 705 (Nelson)

HB 1081 (Herrero)

HB 1487 (Pitts)

In the last report, I spoke of several bills that were in limbo. SB 7, SB 287 and SB 288 were all authored by Senator Jane Nelson, and she was skillfully trying to find bills that were appropriate to amend with the intent of all three bills. She was not successful with SB 287 or SB 288.

SB 7 was sliced, diced and parts were tossed into the following bills:

SB 870 got Sec. 1, the obesity pilot

HB 1218 got Sec. 4, the electronic exchange; Sec. 6, quality-based hospital payments and part of Sec. 9, nursing home pay for performance (no funding)

SB 531 got Sec. 7, third party health insurance

SB 203 got Sec. 8, preventable adverse event reporting and Sec. 10, preventable adverse event reimbursement

Quite a Session Salad!!

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

No report filed.

Natural Resources

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

The three air quality bills that were sent to the governor were all signed on June 19! They were:

HB 1796 (Chisum) SUPPORT This is the bill to which Senator Avery attached major portions on SB 16:

- 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 greenhouse gas reporting requirements and the federal greenhouse gas registry requirements.

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

SB 284 (Watson) SUPPORT SB 284 relates to "no regrets" reduction strategies for greenhouse gas emissions, to be prepared by TCEQ by December 31, 2009.

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.

This session certainly shows a positive increase over the single bill Governor Perry signed in this area after the 2007 Legislative Session. However, as far as substance goes, it's about even!

ENERGY Penny Miller pmiller737@aol.com

The last Newsletter said it all, "**Not unexpectedly, none of the bills we supported passed.**"

HAZARDOUS WASTE

Although **SB 338** sponsored by Senator **Van de Putte** made it out of the Senate to the House, it did not make it out of the Legislature at the end of the session.

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

No report filed.

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

Senator John Carona did an excellent job in trying to get transportation issues addressed in this legislative session. Unfortunately, the House did not follow through and no significant transportation issues passed. Why? What I hear is that the legislators heard only from elected officials and the nay-sayers and not enough from citizens who will be affected with air quality problems and gridlock in their areas. We need to do a better job in activating our members to lobby.

Transportation proponents did not get the message across that we wish to have the opportunity to decide and VOTE ourselves on transportation solutions for our own areas. Coalitions are already gearing up for a major push starting now for the next legislative session. The governor even had to call a special session to get TxDot funded for the biennium. Our state position on transportation is a strong position and is easy to explain.

On to 2011!!!!

Additional information on the July 1 special session

I don't know if the three items set out for the special session will pass or not, but I assume # 1 will with no difficulty.

#1 is the reauthorization for funding for five agencies which are in Sunset Review and would go out of

business if not renewed this session. (Department of Transportation and Department of Insurance are two of the major ones)

2 authorizes the extension of the time needed for comprehensive development agreements with public or private entities to build toll roads. 2007 put a moratorium on these agreements. Deadlines are approaching for some of these projects previously approved and this will extend the time.

#3 is much more complicated. The first part would allow the Texas Transportation Commission to sell up to \$5 billion in bonds approved by the voters in 2007. The money would be used to improve the highway system. The problem is that TxDOT has so little cash on hand that it might not be able to pay the interest on that much bonded debt.

The second part is very complicated. It would take \$1 billion of the proceeds from bond sales and create the Texas Transportation Revolving Fund which would let public entities in the state build more toll roads. While this was approved by the Senate during regular session, the House did not debate or vote on this part.

The created fund could package up the debts owed to it for its toll road and help sell it as securities in the private investment market. Does the last federal bailout of banks ring a bell here?

Of course, other legislators are trying to add

other bills to the agenda--probably won't make it,
but one never knows.

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No report filed.