



Legislative Newsletter

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

February 6, 2009

81st Texas Legislature

Volume 20, No. 2

Mary Finch, Advocacy Vice President

Scherel Carver, Editor

The Texas Legislature is getting started slowly this session because of the Speakers race in the House, internal rule changes in both the House and Senate, and a week's recess for the Presidential Inauguration in Washington D.C. Committee assignments are usually available around the end of January but are not expected before the first week in February at the earliest. Input for this second Legislative Newsletter is being collected before these committee assignments are made, so none of the bills previously reported in the first newsletter have been assigned to a committee. **When You Go To Austin: A Guide to the 81st Legislature** will not be published until all the committee assignments have been made.

Bonnie Leitch, Program Chair for Financing State Government, says to expect more finance bills as the legislature begins its business in earnest. The \$9.1 billion drop in revenue because of the national recession might be balanced by a combination of the \$2 billion surplus from 2007 budget and \$9.1 billion for the rainy day fund.

The League signed onto several coalition agreements this fall. Two Child Health agreements are printed in full at the end of this newsletter.

Plan to come to Austin for **Lobby Day March 9**. We will lobby on redistricting, county authority, and a moratorium on the death penalty. A special League showing of *Iron-Jawed Angels* will be held at the Thompson Center on the University of Texas campus Sunday night March 8. See you there!

HOW TO WRITE TO GOVERNMENTS OFFICIALS

Remember, one person can make a difference!



Remember to:

- Write legibly; type if possible.
- Be courteous and responsible.
- Be sure you are writing to an elected official who can help solve your problem.
- Write to your representative or official, not one from another district unless you are communicating with members of a committee holding hearings on your issue.

- Address your elected official properly:

State Senator

The Honorable (full name)
Texas Senate
P.O. Box 12068
Austin, TX 78711-2068

Dear Senator (last name):

State Representative

The Honorable (full name)
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768-2910

Dear Mr., Mrs., Ms (last name)

More Helpful Tips for Writing to Elected Officials

- Personalize your letter. Form letters are not very persuasive.
- Know the issue and make your point in one page.
- Identify a bill by both number and popular name if possible.
- Write to say you approve of actions, not just to complain or oppose.

Bills Tracked in the 81st Texas Legislature by LWV-Texas

AIR QUALITY Laura Blackburn (Bay Area) laura2blackburn@yahoo.com

More bills have been filed in the air quality area. My hope is that there is more interest in this subject!

SB 136 (Ellis) SUPPORT Titled the **Texas Global Warming Solutions Act**, this comprehensive bill

has the Texas Commission on Environmental Quality (TCEQ) measure “carbon dioxide equivalents,” where other global warming gases such as methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride are measured in terms of the carbon dioxide by weight that would produce the same amount of global warming. The TCEQ is to determine the amount of these greenhouse gas emissions in Texas in 1990 and approve a statewide greenhouse gas emissions limit that must be met by 2023. A report of these amounts is due to the legislature by January 1, 2011. The TCEQ is to consult with other states, the federal government, and other nations to identify the most effective strategies and methods for reducing greenhouse gases. A system of “market-based declining annual aggregate emissions” is one strategy that may be considered. Senator Ellis has done it again in leading the way for energy conservation, alternative sources of energy, and now methodologies for combating global warming.

HB 650 (Rodriguez) SUPPORT This bill modifies the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program to add an incentive to replace existing high-emission vehicles with an alternative fuel motor vehicle. The assistance to a regular vehicle is \$3,000 whereas the assistance for an alternative fuel motor vehicle is \$3500. In addition, alternative transportation options such as a bicycle, electric bicycle, motor scooter or passes for use on public transit may qualify for assistance.

HB 657 (Villarreal) SUPPORT – This bill changes the requirement for state agencies to purchase low-emissions vehicles from 10% of their total fleet to 50%.

HB 769 (Hernandez) SUPPORT – This is a companion bill to **SB 171 (Gallegos)**. It requires the TCEQ to set “effects screening levels” so that the cancer risk is no larger than one chance in 100,000. It includes determining effects screening levels of pollutants in isolation “or in conjunction

with air contaminants from other sources.” While we would prefer to see the risk at one in 1,000,000, looking at the total effects is a wonderful step forward!

HB 776 (Strama) SUPPORT This companion to **SB 119 (Ellis)** requires the state to use the California low-emission vehicle program. There is much more enthusiasm for this bill this session, particularly since President Obama is allowing California to set the more stringent standards it has been asking for.

HB 826 (Gattis) SUPPORT Similar to **SB 457 (Gallegos)**, this bill requires the TCEQ to ensure that the amount of penalties for air pollution is at least equal to the value of any economic benefit gained by the violator through the violation. Once again, this addition to the law has long been advocated by environmental groups.

HB 798 (Lucio III) SUPPORT This bill forbids homeowner associations from enforcing deed restrictions that prohibit or restrict a property owner from installing a solar device on the roof or in a fenced yard or patio.

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

HB 105 (Strama) SUPPORT, HB 391 (Villarreal) SUPPORT, SB 246 (Shapleigh), SB 143 (Ellis) SUPPORT, and HB 251 (Berman) SUPPORT were reported in LNL #1 are still awaiting assignments to the appropriate committees. Meanwhile, three additional campaign finance bills have been filed.

SB 306 (Shapleigh) SUPPORT would make express political advertising more transparent and accountable. The candidate must indicate that it is political advertising and clearly state in writing that he or she has approved the communication. In addition, on TV there must be a clear, full-screen view of the candidate making the statement or accompanied by an identifying photograph. If there is a

statement in writing it must be not less than four seconds and clearly legible. These conditions are not spelled out in the current statute.

HB 478 (Heflin) SUPPORT and SB 307 (Shapleigh) SUPPORT Along the same lines, these bills would require automated political telephone solicitation on behalf of a candidate to identify the person sponsoring the call, who paid for it, and the name of the person authorizing the call. Again the caller must have written approval from the candidate or the candidate’s representative. In either bill the conditions do not apply to those who are volunteers and not paid.

CAPITAL PUNISHMENT

Marjorie Loehlin (Austin)
mloehlin@att.net

No action has been taken on any of the following bills listed and pending assignment to committee.

HJR 24 (Naishtat) SUPPORT Provide the Governor the ability to order a moratorium on executions.

HB 788 (Thompson) SUPPORT A bill to establish a commission to investigate and prevent wrongful convictions.

HB 498 (McClendon) SUPPORT Very similar to 788 above.

HB 682 (Farrarr) NEUTRAL A bill that essentially would repeal the death penalty.

While it seems that LWV-TX should support such a bill because of the National League’s position against Capital Punishment, LWV-TX still mentions the death penalty in our official position, explaining why our comment is neutral.

Texas has long had the unenviable lead in the nation in its number of executions.

The LWV-TX does not have a position to support or oppose the following bills related to issues of Capital Punishment.

HB 11 **Pena** Prohibits the joint trial of two or more defendants in a capital case.

HB 297 **Dutton** Repeals the death penalty.

HB 298 **Dutton** Disallows certain testimony in capitol case.

HB 304 **Dutton** Prohibits a sentence of death if conviction based on "Law of Parties" statute.

HB 498 **McClendon** Create an Innocence Commission to review post-conviction exonerations.

HB 682 **Farrar** Repeal death penalty.

SB 115 **Ellis, Companion HB 498** Create an Innocence Commission

CHILD ABUSE & NEGLECT

Carol Pino (Wimberley)
cpino@hughes.net

Listed are four bills that have been filed which address this area:

HB 639 **(Thompson)** **SB 89** **(Van dePutte)** **SUPPORT**: Relating to the prosecution, punishment, and prevention of offenses involving trafficking of persons or certain forced or sex-based labor or services, law enforcement training related to the trafficking of persons, and the creation of the trafficking of persons investigation and prosecution account in the general revenue fund.

SB 277 **(Nelson)** **SUPPORT** Relating to the Department of Family and Protective Services, including protective services and investigations of alleged abuse, neglect, or exploitation for certain adults who are elderly or disabled. Provides for criminal penalty.

HB 579 **(Hughes)** **SUPPORT** Relating to the admissibility in certain proceedings of certain hearsay statements made by a young child or disabled individual.

HB 188 **(Alonzo)** **SUPPORT** Awaiting assignment to committee.

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

LWV-Texas is a member of the *Texas Early Childhood Education Coalition*, which supports as priority bills, **HB 130** and companion **SB 21**, relating to full-day high quality pre-k programs. Joint Authors were secured 1/27/09. Representative Rob Eissler, Representative Rafael Anchia, Representative Jim Pitts, and Representative Senfronia Thompson have been added as Joint Authors of House Bill 130. Senator Kirk Watson and Senator Jeff Wentworth have recently signed on as Co-authors of Senate Bill 21.

HB 130 **(Patrick)** Amends the Texas Education Code and 1) authorizes the operation of half and/or full day prekindergarten program, and 2) establishes criteria for class sizes, staffing, and curriculum, and, 3) authorizes the formation of partnerships between school districts and community providers to provide a percentage of the services offered by the expanded pre K program and establishes exceptions to the community partnerships, and 4) defines criteria for eligibility of community partners, and 5) requires a written contractual agreement between the school district and community providers, and 6) delineates criteria for minimum funding for community providers, and 7) establishes annual reporting standards, and 8) establishes duties of the commissioner and authorizes the commissioner to adopt rules needed to implement the program, and 9) delineates restrictions of funding for the program, and 10) establishes a funded requirement for an annual evaluation of the enhanced pre K program. This bill also amends the Texas Education Code authorizing eligibility of enhanced pre K students for school funding and establishing criteria for calculating funding for eligible students. Companion to **SB 21** **(Zaffirini, et al)**

Bills below have not moved and wait to be assigned to a committee:

SB 49 **(Zaffirini)**

SB 56 **(Zaffirini)**

SB 59 **(Zaffirini)**

SB 67 **(Nelson)**

SB 68 **(Nelson)**

SB 81 **(Nelson)**

SB 95 **(Van de Putte et al.)**, **HB 217** **(Menendez)**

SB 122 **(Ellis)**

SB 156 **(Ellis)**, **HB 326** **(Raymond)**

SB 282 **(Nelson)**

SB 382 **(Van de Putte et al.)** **HB 429** **(King, Susan)**

HB 130 **(Patrick)** & companion **SB 21** **(Zaffirini et al.)**

HB 136 **(Villarreal)**

HB 161 **(Deshotel)**

HB 188 **(Alonzo)**

HB 275 **(Rodriguez)**

HB 316 **(Raymond)**

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

Legislative priorities of the two CHIP coalitions that the League signed on to before the session are printed in full at the bottom of the newsletter.

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

HB 498 **(McClendon)** **SUPPORT** Filed /No further action.

HB 788 **(Thompson)** **SUPPORT** A bill almost identical to HB498 regarding the creation of a Texas Innocence Commission. Primary differences between the two bills pertain to just who would be designated to appoint members to the proposed nine-member commission. This particular bill would mandate that a member from the Forensic Science community be included, which would definitely give substance to a case review.

Hats off to the **WOMEN** legislators who started this process!

MEDICAID Reed Bilz (Tarrant County) rbilz@charter.net

Still following [SB 30](#), [SB 37](#), and [SB 302](#). Committee assignments have not been made yet. Bills will not be assigned to a specific committee until committee assignments are made.

[SB 286 \(Nelson\)](#) **SUPPORT** Relating to a health passport for Medicaid recipients. Since the commission charged with implementing this bill, as written, will bear the cost, the League will support this bill.

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

After the passing of a huge reform bill last session, legislative activity will either focus on fine-tuning those reforms or start from scratch. The Texas Sunset Advisory Commission released a staff report recommending consolidation of the Texas Youth Commission and the Texas Juvenile Probation Commission under a single umbrella agency, proposed to be called the Texas Juvenile Justice department. Both the TYC and TJPC disagree with this recommendation. Several legislators also would like to see if the 2007 reforms will work before reorganizing the commissions.

Several bills have been filed to address issues not covered by the 2007 legislation. Because budget concerns will be legislators' overriding concern, we should be selective in advocating for programs that will add to the state budget or result in unfunded mandates to local governments. We all know that these programs are necessary and will save money in the long run, but we will be forced this session to focus on those that will be most effective and efficient. As the session continues, it will become clearer where to spend our political capital.

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

[SBI 88 \(Duell/ Van de Putte\)](#) **SUPPORT** Clean needle and syringe exchange program. No action. Awaiting assignment to committee.

[HB 164 \(Naishat\)](#) **SUPPORT** Medical use of marihuana. No action. Awaiting assignment to committee.

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

Last issue I reported that the Senate had changed their 2/3's rule to 3/5 expressly for any vote on a Voter I.D. bill, meaning that a Voter ID bill could pass with 16 votes instead of 21. When the House adopted their rules, they did not change the 2/3's rule and it will still take a 2/3 vote to pass a Voter I.D. bill in the House.

Voter I.D. Bills

[HB 125 \(Brown, Betty\)](#) **OPPOSE** Waiting for committee assignment

[SB 362 \(Fraser, Estes\)](#) **OPPOSE** Waiting for committee assignment

[HB 373 \(Anderson\)](#) **OPPOSE** Waiting for committee assignment

Bills on Direct Recording Electronic (DRE) Voting Machines

[HB638 \(Leibowitz\)](#) **WATCHING** This bill says that a DRE has to have machine certification and must create an auditable paper record. We will watch this bill closely.

[SB 245 \(Shapleigh\)](#) **SUPPORT** This bill is very complete as it spells our standards for the use of DRE's in elections. It does require a paper record.

[HB 112 \(Pena\)](#) **SUPPORT** This bill requires that a DRE be certified, there must be a paper audit trail and notes that a paper record is not a ballot.

Bills relating to registration of voters at a polling place

[SB 140 \(Ellis\)](#) **WATCHING** This allows a person to vote in the precinct of the person's residence if, on the day the person offers to vote, the

person: (1) submits a voter registration application (2) produces specific proof of identification.

[HB 627 \(Anchia\)](#) **WATCHING** This allows a voter to vote a provisional ballot if the voter registrar determines the applicant is eligible.

[HB 245 \(Alonzo\)](#) **WATCHING** A person would be eligible to vote in the precinct of the person's residence if, on the day the person offers to vote, the person submits a voter registration application that complies with the law.

[HB 157 \(Chavez\)](#) **WATCHING** The wording in this bill is the same as in HB 245.

ENERGY Penny Miller pmiller737@aol.com

[HB 25 \(Liebowitz\)](#) **SUPPORT** Forbids property owners' associations from restricting solar energy devices.

[HB 237 \(Rodriguez\)](#) **SUPPORT** Allows margin tax deductions for renewable energy devices.

[HB 238 \(Rodriguez\)](#) **SUPPORT** Exempts from sales tax renewable energy devices purchased by utility retail customers.

[HB 239 \(Rodriguez\)](#) **SUPPORT** Requires the state energy conservation office to conduct a study to determine how the state may produce 25% of electric requirements using renewable technologies by January 1, 2025.

[HB 280 \(Anchia\)](#) **SUPPORT** Requires electric utilities to provide energy efficiency incentives for residential and commercial customers to achieve higher standards of energy efficiency.

[HB 278 \(Anchia\)](#) **SUPPORT** Requires electrical utilities to provide incentives for customers to increase use of distributed power sources (goals for use the same as SB 427).

[HB 303 \(Dutton\)](#) Exempts from certain taxes the labor used to install personal property that helps a building earn LEEDS certification.

HB 346 (Straus) SUPPORT Provides that owners of Energy Star certified facilities to receive a refund of certain sales taxes on remodels and repairs.

HB 366 (Anderson) SUPPORT This legislation would establish a task force to look at the state's long-term electric generation needs, to include required infrastructure and technology.

HB 431 (Lucio III) SUPPORT Requires certain new construction or remodeling of state buildings to meet the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) standards.

HB 650 (Rodriguez) SUPPORT This bill allows funds that would be used to assist low-income individuals to replace vehicles that cannot be economically repaired to pass emissions testing to be used instead to purchase a bike or mass-transit passes rather than a replacement vehicle.

HB 798 (Lucio III) SUPPORT Restricts homeowners' associations from limiting a homeowner's ability to install solar devices.

SB 380 (Van de Putte)

SB 120 (Ellis) SUPPORT Reduces sales tax and use tax for hybrid and plug-in vehicles.

SB 127 (Ellis) SUPPORT Requires certain state buildings to be constructed or renovated to achieve certification under high-performance building standards.

SB 128 (Ellis) SUPPORT Provides for franchise tax credit for certain investments in sustainable commercial building projects.

Bills Being Studied: HB 303, SB 130, SB 133, SB 211, SB 267, SB 429

SB 600 and SB 601: DO NOT SUPPORT Watching their progress.

EQUAL OPPORTUNITY/INCOME

ASSISTANCE Mildred Derrough Pope mderrpope@yahoo.com

Things are moving slowly in the Legislature.

The League is following **HB 32, HB 33, and HB 34, (all Liebowitz)**. No activity, but will continue to watch with interest.

HB 131 Committee report printed and distributed.

HB 156, HB 248, HB 480, HB492 SUPPORT All waiting committee assignments.

New to our list **HB 697, HB 785 and HB 7895**

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

Expect more finance bills as the legislature begins its business in earnest. The \$9.1 billion drop in revenue because of the national recession might be balanced by a combination of the \$2 billion surplus from 2007 budget and \$9.1 billion for the rainy day fund. There has been recent talk of the possibility of state-sponsored gambling to raise revenue. Speaker Straus has proposed new rules that would make the Finance Committee of the House more diverse and independent of the Speaker. Governor Rick Perry hinted that he might favor the state's 2003 solution: do nothing. We continue to support HB 133 and SB 402 but believe significant legislation will come later.

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

Some States such as Illinois, New Jersey, Massachusetts, and Washington seek an integrated path for undocumented immigrants rather than a punitive one.

They focus on teaching English, job and citizenship training, as well as access to services including education, health care, and public safety. The new LWWUS immigration position

calls for fair and just treatment for all people in the United States. Thus far, Texas is one of the States with more integrative than punitive laws. However, of the 21 immigration bills currently filed in the 81st Texas Legislature, almost all are punitive in nature. If these hostile bills pass, Texas can forget the slogan "Texas Friendly".

HB 256 (Berman) OPPOSE Relating to birth records of children born in this State, it would give Texas the right to determine citizenship, a usurpation of the Fourteenth Amendment of the U S Constitution which grants birthright citizenship.

HB 244 (Alonzo) SUPPORT Relating to regulation of residential tenancies by local government, it prohibits a political subdivision from requiring landlords to refuse to rent to tenants who cannot prove they are legally in the US.

HB 262 (Berman) OPPOSE Relating to information regarding the citizenship status of students, this bill would require guardians or parents to produce evidence, which could incriminate them.

HB 261 (Berman) OPPOSE Relating to enforcement of immigration laws, it would require enforcement personnel of all State agencies to become de-facto federal immigration officers.

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

No bill has surfaced yet on Judicial Selection, although it has been promised. In the meantime, we have been working on educating the public about the importance of a fair, impartial, and independent judiciary, especially when millions of Americans go through a court system every year. LWWUS President Mary G. Wilson suggests focusing on public education. In addition to LWW-TEF, several local Leagues received grants to promote judicial independence, and as Program Chair for Judicial Selection, I have given talks the latest one sponsored by the League of

Women Voters of Marshall/Harrison County.

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

SB315 (Wentworth) SUPPORT
Creation of a nine member bipartisan commission of non-elected officials to only draw boundaries for Congressional U. S. House of Representatives. No action. Awaiting assignment to committee.

HB 104 (Strama) Neither SUPPORT nor OPPOSE This bill is under study by LWV-TX before taking further action. The bill would not take effect until a constitutional amendment is approved by the voters.

HJR 19 Strama (Texas Constitutional Amendment) Neither Support or Oppose The proposed amendment includes the commission size and method of appointment. The commission would be authorized by the legislature to redraw the boundaries that include the Texas House, Texas Senate, and Judicial Districts into a redistricting plan. This amendment, along with **HB 104**, is under study by LWV-TX before taking further action.

No action has been taken on the bill or amendment since pre-filing.

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

LWV-Texas has joined the **Education Works Coalition**, an initiative working to ensure that Texas schools teach sexual health with a medically accurate and balanced approach – teaching abstinence along with facts about contraception and responsible decision making. The Coalition

believes that Texas schools fail to give young people the complete and accurate information they need to stay healthy, putting Texas teens at risk, as evidenced by statistics:

- Texas has the highest rate of births and repeat births to teenagers in the nation;
- Approximately 1 in 4 teen girls has a sexually transmitted disease
- 60% of mothers who have a child before they turn 18 fail to graduate from high school.

The Coalition's agenda is encompassed in **HB 741 (Castro)** and companion bill **SB 515 (Ellis) SUPPORT**. The measure would require public schools where sex education is taught to provide medically accurate and effective information, while also stressing that abstinence is the only 100% sure way to avoid STI's and pregnancy. The bill also aims to strengthen parent-teen communication about sexual health by giving strategies to foster effective communication among family members and to help teens develop healthy life skills, such as goal-setting.

League support of Education Works and **HB 741/SB 515** is based on the LWVUS position Meeting Basic Human Needs and its subheads Preventing and Reducing Poverty ("LWVUS supports policies and programs designed to decrease teen pregnancy...") and Access to Health Care ("LWVUS believes that access to health care includes...health and sex education programs...")

Other recently-filed measures that would advance reproductive health services and choices for women and girls in Texas include:

HB 680 (Farrar) SUPPORT Would exempt women seeking an abortion from the waiting period and informed

consent requirements enacted in previous legislative sessions when the pregnancy results from incest or sexual assault.

HB 684 (Farrar) SUPPORT Would similarly exempt women from the informed consent and waiting period requirements when the fetus is determined to have a severe and irreversible abnormality.

HB 891 (Villarreal) and companion bill **SB 592 (Van de Putte) SUPPORT** Would allow an unmarried, minor parent 16 years and older to consent to medical treatment and services related to contraception (excluding abortion and emergency contraception on which existing restrictions would remain applicable).

HB 893 (Villarreal) and **SB 593 (Van de Putte) SUPPORT** Would expand coverage under the Texas child health plan program to include access to family planning services to enrolled minors 16 years and older (again excluding abortion and emergency contraception – see above).

STATE/LOCAL RELATIONS

Karen Rankin
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County Authority
SB 578 (Wentworth) Neutral Relating to the authority of a county to regulate land development after a local option election.

While this bill is a good first step toward sensible development, it does not include density limits, an element most advocates agree is essential for land-use planning.

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TEXAS CHIP COALITION

for healthy babies and children



Children's Health Care Principles for 81st Texas Legislature

Texas has the fastest growing child population in the country, with about 7 million children and teens under age 19 in 2007. **As of July 2008, 2.3 million Texas children—about one-third of all our kids—are covered by Medicaid or the Child Health Insurance Program (CHIP). Another 1.5 million Texas children are uninsured, and nearly half these children already qualify for Medicaid or CHIP—but are not enrolled.**

According to the Institute of Medicine, uninsured children are less likely to receive preventive health care, and more likely to go without needed care and rely upon the emergency room for routine care. Uninsured children are more likely to miss school—and their parents to miss work—resulting in lost revenue to Texas schools and lower productivity for our employers. Our high uninsured numbers drive up the cost of health insurance for insured Texans, and raise local taxes for all of us.

The Texas CHIP Coalition believes that every child in Texas:

- Deserves the opportunity to be born healthy, and to grow up as healthy as possible,
- Needs the foundation that good prenatal and maternity care provide,
- Should have comprehensive health insurance coverage, and
- Needs a “medical home”: a physician or health care provider who serves the physical, mental and developmental health care needs of a growing child through a continuous and ongoing relationship.

To achieve these goals, the Texas CHIP Coalition outlines the following principles.

Improve and Simplify Enrollment systems: a Shared Responsibility of Parents and the State

Parents are responsible for enrolling, renewing, and paying premiums on time. The state is responsible for (1) giving clear instructions so parents can submit a complete application on the first try; (2) processing applications and renewals promptly and accurately; (3) eliminating gaps in coverage when kids move between the two programs; and (4) delivering prompt, accurate, and effective help if problems do come up.

- **Turn-around time for applications and renewals in both public and private components of the CHIP and Medicaid eligibility systems should meet or exceed federal and state standards; staffing numbers and computer systems must be adequate to make this possible.**
- **Eligibility system performance improvements must give high priority to speedy Medicaid and CHIP enrollment.** Louisiana Medicaid/CHIP averages eight (8) working days to enroll a child and three (3) working days for pregnant women. Texas can do it, too!
- **Implement 12 months of continuous eligibility for children in Medicaid, as we have for CHIP.** This is the one step most likely to reach and retain eligible uninsured children, and would also dramatically cut the workload for our state eligibility staff and boost their performance.

Improve Outreach and Application Assistance

Parents who want to be responsible for their children's health still need help understanding what is available, how to enroll children, and how to access care. Ongoing outreach programs are vital to connecting children with a medical home and keeping them healthy. Community-based organizations (CBOs), schools, health providers, and health plans can all play important roles in helping

families submit documents correctly the first time, speeding enrollment and eliminating time spent requesting more documents.

- **Double the amount allocated—and spent—for outreach and marketing.** Texas CBOs are now asked to serve twice as many Texans and multiple safety net programs (not just children's health insurance), but the dollars budgeted for their 2008-2009 work are below the investment in the first years of CHIP when the target population was much smaller. A modest investment in outreach and assistance will reduce state staffing costs and support the modernization of Texas eligibility systems.
- **Build a Robust Partnership for Statewide Outreach.** This partnership will invite stakeholders of every kind to help connect children with medical homes, providing an ongoing system of communication and training among all the parties that work with families. This partnership should:
 - ensure that problems in enrollment systems are quickly identified and fixed;
 - support awareness of and access to other critical HHSC programs for prenatal care, women's health, and cancer prevention and treatment;
 - pursue new performance goals to cut "procedural denials"—children denied care due to paperwork errors, not financial ineligibility—to the lowest possible level;
 - share and replicate across the state successful Texas community- and school-based outreach programs.

Affordable Health Care for Every Texas Child

Employer-sponsored insurance (ESI) is unavailable or unaffordable for many working families. According to TDI studies, private health insurance coverage for a family now averages about \$12,000 per year, and premiums since 2000 have grown far faster than family incomes—or the income cap for CHIP. In Texas and nationwide, the majority of newly-uninsured children are in families above the CHIP upper limit of 200% of poverty.

- **Texas should ensure that there is an affordable insurance option for every child at every family income level.** Parents just above the CHIP limit need to be able to buy quality coverage at premiums they can afford. Expanded Medicaid buy-in coverage for children with disabilities, improved coverage in the high-risk pool, and private market reforms that increase the availability and affordability of coverage should all be pursued.
- **The CHIP Coalition continues to support reasonable premiums, enrollment fees and co-payments that are proportionate to families' ability to pay.**

Strengthen Health Care Systems for Children and Mothers

Insurance coverage is only the first step toward medical homes and good health for Texas children. The Texas CHIP Coalition supports the following Legislative goals:

- **Eliminate waiting lists for medical and family support services from the Children With Special Health Care Needs program.**
- **Invest in a community-based behavioral health infrastructure that meets the needs of Texas infants, toddlers, and children.**
- **Develop a systematic approach to supporting the transition of children with chronic illness and/or disability from pediatric to adult medicine, addressing the changes in program eligibility and benefits so that the specialized care they need remains available.**
- **Ensure that pregnant women and new mothers have early access to prenatal care and the services they need to have a healthy baby, support healthy early childhood development, and ensure future healthy babies.** Smoking cessation, oral health care, mental health, and substance abuse services for pregnant women, and intensive outreach to women in Texas Medicaid and CHIP Perinatal after delivery can help improve the health of Texas babies.

- **Begin applying annual inflation increases to Medicaid and CHIP provider payment rates, and implement a plan to bring rates up to Medicare levels.** More Texas physicians and dentists accept new Medicaid children as the result of the Legislature's 2007 fee increases for the Frew lawsuit. Still, many physicians, dentists, and mental health providers turn away Medicaid and CHIP patients because of inadequate pay—well below Medicare and commercial insurance rates.
 - **Assess whether current CHIP dental coverage meets children's real-world treatment needs, and identify solutions to improve access to needed care if not.** CHIP now limits dental treatments from \$280 to \$565 per year, depending on how long a child has been continuously enrolled. Solutions are needed for the modest number of children who need additional care.
 - **Plan for and invest in strategies to ensure an adequate health workforce of physicians, nurses, and other health care professionals.** Texas has a shortage of both primary care and subspecialists, ranking the state 43rd in terms of physician supply. Texas should reinvest state funding in Medicaid Graduate Medical Education so that more Texas medical school graduates can stay in the state. Texas also has a critical nursing shortage, but turned away 8,000 applicants to Texas' nursing schools in 2007 due to lack of nursing faculty. The legislature should fund nursing education so Texas can double the number of nursing graduates by 2013.
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TEXAS FINISH LINE CAMPAIGN:

We Can Make Affordable Health Insurance Available for Every Texas Child

The Texas Finish Line Campaign wants Texas to cross the finish line to secure access to affordable, comprehensive health coverage for all Texas children. **Texas can do this right now through wise investments in the Children's Health Insurance Program (CHIP) and Children's Medicaid, programs that deliver the preventive care children need, while saving money for *all* Texans. Right now, we all shoulder the cost of uninsured patients, through higher local taxes and skyrocketing private insurance premiums. Insuring children brings those costs down and millions of our federal tax dollars back home to Texas. That's why the chambers of commerce from Texas' largest cities support the goal of providing Texas children cost-effective health coverage through CHIP and Children's Medicaid.**

Children's Health Insurance by the Numbers

- \$100 Cost of treating a child's mild asthma attack in a doctor's office
- \$7,300 Cost of treating a child's severe asthma attack in an emergency room when lack of insurance meant she had no access to earlier treatment
- 13% The portion of Texans' private health insurance premiums that is directly attributed to the cost of the uninsured
- 1 in 5 Number of Texas children without health insurance
- 9 in 10 Number of uninsured Texas children who have one or more working parent

Sources: Harris County Hospital District; U.S. Census; Families USA

Around 1.5 million Texas children lack insurance, giving our state the nation's highest rate of children without health coverage. Almost 90% of these children have *at least* one working parent. The average cost of employer-sponsored family health insurance in Texas is \$1,000 dollars per month—a sum clearly out of reach for a growing number of families.

In 2009, the Texas Legislature can get our state across the finish line and provide access to affordable health insurance for all Texas children by taking the following two steps.

Step One: Clear the bureaucratic hurdles that keep eligible children from receiving health coverage.

About 750,000 Texas children, half of our uninsured youth, qualify for—but are not enrolled in—CHIP or Children's Medicaid. Our strained enrollment system cannot support the task of connecting these children with the insurance they need and that the state has promised them. A few changes can cut through the red tape and get us halfway to the finish line.

- Texas needs enough qualified staff and a computer system that works, so errors and long delays don't block coverage for children whose parents play by the rules.

Although federal law requires Medicaid applications to be processed within 45 days, Texas families frequently wait three months or longer due to backlogs in the state system. Parents spend long hours resubmitting application after application, resending lost paperwork, and filing appeals when their children are wrongfully denied coverage. To make the system work as intended, Texas must hire and train staff and improve slow computer systems.

- We can cut the state’s workload significantly, relieve backlogs, reduce the number of uninsured children, and improve access to care—all by reenrolling kids in Children’s Medicaid once, not twice, a year. **Twelve-month coverage for Children’s Medicaid would lift a significant burden off the eligibility system, by cutting the number of renewals eligibility workers must process from 3.8 million to 1.9 million per year. The current six-month renewal cycle for Children’s Medicaid doubles the chances than an uninsured child will fall through the cracks. Twelve-month coverage, the most effective way to reach eligible children, is a model that CHIP already uses and what has been proven to work for children and Texas.**
- Texas can improve how it spreads the word about children’s insurance options by focusing outreach where children are: in schools and local communities. **Texas should double its existing outreach efforts, so that community-based organizations, whose budgets have shrunk while their workload more than doubled, have the resources they need to let families know about CHIP and Children’s Medicaid for their children. We should take to scale successful outreach models found in Houston, Austin, Dallas and the Rio Grande Valley which partner with hospitals, school districts, and others to identify uninsured children. Finally, we should coordinate stakeholders throughout the state to foster exchange and promote best practices for connecting children with health insurance.**

Step Two: Finish the race to provide all children access to health insurance by addressing the challenges of families without health insurance options.

An estimated 500,000 uninsured children in Texas live in families who earn too much to qualify for CHIP, but many still don’t earn enough to afford private coverage. For these families, the expense of private health insurance for their children amounts to 15-30% of their salary. With private health insurance costs rising, these children in middle-class families represent the fastest-growing segment of the uninsured child population.

Left with no options, families are requesting pay cuts in order to qualify their children for CHIP. A raise or promotion isn’t attractive to families if it means the loss of their children’s CHIP health coverage and a private alternative that amounts to 30% of their income.

- We can provide access to affordable coverage for these families by allowing them to purchase CHIP coverage for their children, paying a premium that increases as their income rises.

Families just above the eligibility limit want to pay for their children’s health coverage and would pay if given an affordable option. The current cliff-like cutoff for CHIP income eligibility creates a disincentive for economic advancement. We need a system that encourages parents to keep working hard without sacrificing their children’s health, thereby helping them transition to the cost of private coverage.

- Families between 200%-300% of the federal poverty level (two working parents in a family of four, earning between \$42,400-\$63,600 a year) should have the chance to buy CHIP coverage for their children, paying a sliding scale premium that increases with their income.
- Those earning more than 300% of the federal poverty level and without access to affordable coverage though their jobs would pay a premium equal to the state’s full cost of insuring their children.

The Texas Finish Line Campaign is coordinated by the Children’s Defense Fund of Texas, the Center for Public Policy Priorities and Texans Care For Children, in partnership with business, community, faith, and health care leaders from throughout the state. The campaign’s goal is for every Texas child to have access to comprehensive and affordable health insurance.