



# Legislative Newsletter

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

February 20, 2009

81<sup>st</sup> Texas Legislature

Volume 20, No. 3

Mary Finch, Advocacy Vice President

Scherel Carver, Editor

## House Committee Members Named, Judicial Selection Press Conference Held

Things are starting to pick up at the Capitol. House Committee members were assigned last week and bills are being assigned to committees. A copy of **When You Go to Austin** is contained in this Newsletter. Local Leagues can pick up copies of this publication, **Legislative Priorities**, and **We Support** at Lobby Day, March 9. Local Leagues, please request your orders early by email to the state office. [lwvtexas@lwvtexas.org](mailto:lwvtexas@lwvtexas.org) These are free if picked up. There is a charge if ordered by mail.

Members of the new select committee on **Federal Economic-Stabilization Funds** are included in this Newsletter. **Public Education** and **Higher Education** Committee members are also included.

Maxine Barkan, Judicial Selection Program chair, took part in a press conference this last week. Read about the press conference and Senator Duncan's bill in Maxine's Judicial Selection section. Her testimony and a link to the *Austin American Statesmen* editorial appearing the following day can be found at the end of this Newsletter.

**See you at Lobby Day, March 9!** (Registration is not required for Lobby Day (10:00a.m.) but an RSVP will help to prepare handouts.)

## When You Go to Austin: A Guide to the 81<sup>st</sup> Texas Legislature

To download a copy of the new *When You Go to Austin*, [click here](#).

## Progress of Bills in the 81<sup>st</sup> Texas Legislature Deemed a Priority by LWV-Texas

**AIR QUALITY** Laura Blackburn (Seabrook, LWV-Houston) [laura2blackburn@yahoo.com](mailto:laura2blackburn@yahoo.com)

A number of Senate bills that we support have been assigned to the Natural Resources Committee and have passed first reading in the Senate. They include:

- **SB 16 (Averitt)** Relating to air quality and energy efficiency (see below.)
- **SB 119 (Ellis)** California Low Emission Vehicle Program for Texas
- **SB 132 (Ellis)** Vehicle Emissions Labels
- **SB 136 (Ellis)** Texas Global Warming Solutions Act
- **SB 171 (Gallegos)** Effects Screening Levels
- **SB 173 (Gallegos)** Monitoring Major Sources

**SB 16 (Averitt) SUPPORT** Senator Averitt is chair of the Natural Resources Committee. He has written this omnibus bill relating to both air quality and energy efficiency. The air quality provisions make real gains for Texas: (1) supporting advanced "clean energy" projects, including sequestration of carbon dioxide (2) new technology grants, including those relating to reducing oxides of nitrogen (3) establishing a greenhouse gas registry, and (4) considering the cumulative effects of expected emissions when granting permits. The only bills that passed last session relating to air quality were those written by Senator Averitt. So we have hope that this one will actually pass!

**SB 763 (Watson) SUPPORT** This bill changes the requirement for state agencies to purchase low-emission vehicles from 10% of their total fleet to 50%. It is the companion bill to **HB 657 (Villarreal) SUPPORT**

**HB 721 (Howard) SUPPORT** This bill relates to the TCEQ requiring "best available control technology" when issuing permits. It also requires taking into consideration the cumulative effects of emissions when issuing permits.

**CAMPAIGN FINANCE REFORM** -Maxine Barkan (Austin Area) [mbarkan@austin.rr.com](mailto:mbarkan@austin.rr.com)

**SB 613 (Shapleigh) SUPPORT** Would clarify what constitutes administrative expenses for corpora-

tions or unions. Campaign contributions for express advocacy advertising was a major issue in the last session because such contributions were also being used by political parties to pay for administrative expenses such as office space, phones, utilities, office supplies and equipment, among a number of other administrative expenses. Although there is supposed to be legislation against such use, the Texas Ethics Commission said the law was vague and needed clarification by the legislature. Sen. Shapleigh's bill would do just that. The bill has not yet been assigned a committee.

However, several bills have been assigned to the State Affairs Committee.

**SB 306** and **307 (Shapleigh)** and companion bill **HB 478 (Heflin)** relate to political advertising.

**SB246 (Shapleigh)** the Clean Elections Act, as well as **SB 143 (Ellis)** similar to Sen. Shapleigh's bill. The League supports these bills.

**HB 105 (Strama)** The Texas Fairness Campaign, has been assigned to the House Elections Committee.

#### **CAPITAL PUNISHMENT**

Marjorie Loehlin (Austin)  
[mloehlin@att.net](mailto:mloehlin@att.net)

No action on these bills since pre-filing.

**HJR 24 (Naishat) SUPPORT** Provide for ability of the Governor 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** Bill is similar to HB 788.

#### **CHILD ABUSE & NEGLECT**

Carol Pino (Wimberley)  
[cpino@hughes.net](mailto:cpino@hughes.net)

Of the 4 bills previously mentioned, **HB 579** is awaiting to be assigned to a committee

**HB 188** and **SB 277** have been referred to the Health and Human Services Committee

**HB 639/SB 89** has been referred to the Criminal Justice Committee. The League can not Support or Oppose these bills until the phrase restricting child abuse and neglect to "in their families and homes" is removed from our program position. See agenda for Statewide Meeting on March 9.

Two other bills referred to the Health and Human Services Committee that would aid in preventing child abuse are as follows:

**SB 67 (Nelson) SUPPORT** would require background and history check requirements for operators and employees of residential child care facilities and agencies serving children.

**SB 81 (Nelson) SUPPORT** would require background and history checks for a provider of unregulated self-arranged child care funded wholly or in part from money received under the Child Care and Development Block Grant Act of 1990.

**EARLY CHILDHOOD** Marlene Lobberecht (Houston Area)  
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The following Senate bills have moved to assigned committees:

**SB 21 (Zaffirini)** Education Committee

**SB 49 (Zaffirini)** Education Committee

**SB 59 (Zaffirini)** Health & Human Services Committee

**SB 67 (Nelson)** Health & Human Services Committee

**SB 68 (Nelson)** Health & Human Services Committee

**SB 81 (Nelson)** Health & Human Services Committee

**SB 95 (Van de Putte et al.)** State Affairs

**SB 122 (Ellis)** Education Committee

**SB 156 (Ellis)** Education Committee

**SB 282 (Nelson)** Education Committee

**CHILD HEALTH** Susan Majors (Richardson) [majorssusan@gmail.com](mailto:majorssusan@gmail.com)

A number of bills have been filed directly related to the League's three part priority for child health advocacy.

#### **(1) 12-Month Eligibility**

**SB 23 (Zaffirini), HB 843 (Martinez), HB 647 (Dukes) and SB 349 (Shapleigh) SUPPORT** These identical companion bills call for 12-month continuous eligibility for Children's Medicaid.

#### **(2) Income Eligibility for CHIP**

Several bills with varying details call for allowing participation in CHIP for children in families whose income is at a higher level than the currently allowed 200% of the Federal Poverty Level. We will **SUPPORT** bills with that outcome.

**HB 787 (Cohen)** Extends eligibility for CHIP to 300% FPL.

**HB 676 (Eiland)** Extends eligibility for CHIP to 300% FPL.

**HB 862 (Naishtat)** Extends eligibility for CHIP to 300% FPL with full-cost buy-in above 300%.

**SB 577 (Shapleigh)** Provides eligibility for the buy-in program on a sliding scale at 200-300% FPL and at full-cost over 300% FPL.

**HB 743 (Dukes)** extends eligibility for CHIP to 300% FPL and allows full-cost buy-in for parents at up to 300% FPL.

#### **(3) Outreach and Enrollment**

**HB 745 (Dukes) SUPPORT** Directs HHSC to develop plans to improve outreach and streamline enrollment for CHIP and Children's Medicaid and to implement those plans.

#### **HB 584 (Dukes) SUPPORT**

Combines features of all three parts of the priority as follows: 12 month continuous eligibility for Children's

Medicaid; CHIP eligibility to 300% FPL and full-cost buy-in for parents to 300% FPL, as in HB 743; outreach and streamlining, as in HB 745.

Other bills have been filed that would result in improved access to health coverage for children.

**HB 1080 (Turner, Chris)**

**SUPPORT** Restores the exemption of child support payments from income in determining CHIP eligibility.

**SJR 21 (Watson) SUPPORT** Calls for an amendment to the Texas Constitution to ensure that the state receives maximum federal funding available for CHIP.

**CRIMINAL JUSTICE** Susan Smith (Amarillo) [tornado4@suddenlink.net](mailto:tornado4@suddenlink.net)

**HB 498 & HB 788** No further action. Call for creation of a Texas Innocence Commission.

A promising development: During a recent State of the Judiciary speech to the joint session of the 81st Legislature, Chief Justice Wallace Jefferson of the Texas Supreme Court asked lawmakers to create a commission to examine wrongful convictions.

**DRUG LAWS AND POLICIES**

Elaine Talariski (San Antonio) [etalariski@earthlink.net](mailto:etalariski@earthlink.net)

**SB 188 (Duell/Van de Putte) SUPPORT** Clean needle and syringe exchange program aimed at preventing transmission of blood borne communicable diseases. Feb. 10 Referred to Health and Human Services

**HB 164 (Naishat) SUPPORT** Change in Health and Safety code to decriminalize medical use of marijuana when prescribed by a licensed physician. Feb. 12 Referred to Public Health

**EDUCATION/PUBLIC**

**SCHOOL FINANCE** Nan Clayton (Austin) [nanclayton@yahoo.com](mailto:nanclayton@yahoo.com)

Rosters of the recently appointed House Public Education Committee

and Higher Education Committee are listed at the end of this newsletter. Bills that LWV-Texas supports or opposes are listed here. For a list of bills that we are watching, see separate report on Education at end of newsletter.

**Accountability Rating System**

The League is monitoring several new fronts in education as a result of the 2007 study on testing and accountability. Promoting changes in the state's accountability rating system to make it less punitive is a new state priority. Bills are expected to result from recommendations by the Joint Select Committee on Public School Accountability that was appointed last session. The League testified at one of the public hearings held around the state.

**State Board of Education** The LWV-Texas also is monitoring many other bills involving the State Board of Education, where the League has also testified concerning proposed changes in the state's standardized curriculum, also a new focus. These changes will affect textbooks and the state's standardized assessments. Also of interest are bills to help students improve achievement and performance on standardized testing and to enhance the learning environment for teachers in this age of high-stakes testing.

**Funding Public Schools** A long-standing area of concern is adequate state funding for public schools. The League opposes all proposals for voucher programs because they drain funds from public schools. Recent reports indicate that this Legislature may take up reforms to public school finance, in light of the budget problems schools face with rising costs and a state funding freeze at 2006 levels. In addition, local revenues are capped at a rate that can be increased only through local elections. Close scrutiny must be paid to any proposal that would lower the revenues that public schools collect, including efforts to increase homestead exemptions. What happens at the state level

is also affected by decisions on federal education aid, for example, in the American Recovery and Reinvestment Act of 2009.

**Higher Education** It should be noted that the League cannot advocate on higher education because we do not have a position on it.

**HB 41 (Corte) OPPOSE** Creating a voucher pilot program for certain children.

**HB 131 (Chisum) SUPPORT** A GED recipient would not be considered a "dropout" or truant for state accountability purposes. (This definition of "dropout" conflicts with the No Child Left Behind definition.)

**HB 154 (Olivo) SUPPORT** Provides an alternative path to graduation and getting a diploma for students who have met curriculum requirements but have failed to achieve the required cumulative score on tests.

**HB 262 (Berman) OPPOSE** Gathers information on the citizenship status of students. Each school district and open-enrollment charter school must determine the citizenship status of each student at the time of the student's initial enrollment in the district or school. This information would then be entered in the school's Public Education Information Management System (PEIMS) report.

**HB 541 (Raymond) OPPOSE** Eliminates modified TAKS tests for special education students, and all students would either take the regular TAKS and end-of-course (EOC) exams without modifications, or they would be exempted.

**HB 642 (Zerwas) SUPPORT** Requires the Texas Education Agency to prepare a report on public education mandates. The report must identify each public education mandate individually and provide such information as the law authorizing the mandate; whether the mandate is fully funded, partially funded, or unfunded; whether the funding for the mandate, if any, is provided by state funds, fed-

eral funds, or a combination of state and federal funds; and an estimate of any cost required to be paid by the state or the school districts, if applicable.

**HB 674 (Villarreal) SUPPORT** Creates a county task force to study collaborative methods for public education cost savings in certain counties. The County Task Force on Public Education Efficiencies and this act would be abolished on September 1, 2011.

**HB 710 (Rose) SUPPORT** Places the State Board of Education under periodic review by the Sunset Advisory Commission.

**HB 716 (Riddle) OPPOSE** Relates to a school choice program for certain students with disabilities.

**HB 772 (Howard) SUPPORT** Requires the State Board of Education to broadcast over the Internet live video and audio of each open meeting held by the board.

**HB 828 (Hochberg) SUPPORT** Authorizes grants to districts for high-cost special education services.

**HB 915 (Dutton) OPPOSE** Evaluates the delivery of library resources under the public school accountability system. Additional criteria in the rules for rating a school district under this section would require consideration of the effectiveness of the district's delivery of resources from school libraries.

**HB 1025 (Edwards) SUPPORT** Requires the State Board of Education to ensure that the career and technology education curriculum offered at the high school level includes essential knowledge and skills specifically designed to prepare students to enter the workforce.

**HB 1051 (Farrar) SUPPORT** Relates to public school accountability for bilingual education and English as a second language and other special language programs. This subsection applies only to a school district that is required to offer bilingual education

or special language programs. During each school year after a district student is transferred out of the district's bilingual education or special language program, the district shall provide information in the district's Public Education Information Management System (PEIMS).

**HB 1085 (Edwards) SUPPORT** Establishes an after-school pilot program offered by school districts to middle and junior high school students and their parents to prepare students for postsecondary education and training.

**HB 1102 (Vo) SUPPORT** Relates to requirements for the Recommended and Advanced public high school programs. Establishes a career and technology curriculum that is designed to prepare students for obtaining a license, certificate, or credential in a business or industry. Students would take three courses in math, three courses in science, and four courses in the other two subjects of the foundation curriculum. The fourth year of math and science would be specialized courses related to the career track. This track would be available, along with the track that requires completing four courses in each of the four subjects of the foundation curriculum.

**SB 21 (Zaffirini) HB 130 (Diane Patrick) SUPPORT** Provide districts with additional funding to expand the class day for pre-kindergarten children currently eligible under state law. For each pre-kindergarten student in average daily attendance in an enhanced program provided by a community provider, the school district will reimburse that community provider in an amount not less than the amount of the district's adjusted basic allotment. The eligible community provider must supply all school facilities, teachers, personnel, and supplies.

**SB 38 (Zaffirini) SUPPORT** This bill relates to consideration of school district disciplinary placement information for accountability purposes. It

would require information on the percent of students who are put in in-school suspension, suspension, a disciplinary alternative education program, are expelled, or are put in a juvenile justice program. The information must be classified by whether the action was discretionary or mandatory, and by status as a student in a special education program.

**SB 444 (Wentworth) SUPPORT** Sales price disclosure on property.

**SB 100 (Lucio) SUPPORT** Establishes professional development institutes for teachers and paraprofessionals who teach students with disabilities.

**SB 122 (Ellis) SUPPORT** Relates to the availability of free pre-kindergarten programs in public schools. A district must offer pre-kindergarten classes if the district identifies 15 or more children who are eligible under Subsection (b) and are at least four years of age. A school district may offer pre-kindergarten classes if the district identifies 15 or more eligible children who are at least three years of age.

**SB 183 (Williams) HB 716 (Riddle) OPPOSE** Relates to a school choice program for certain students with disabilities in kindergarten through grade 12.

**SB 451 (Van de Putte) SUPPORT** Requires districts to provide regular education teachers with professional development in teaching students with disabilities.

**ELECTION LAWS** Barbara Weinstein (Dallas)  
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As expected, Voter ID bills appear to be on the FAST TRACK. Our first Voter ID bill is referred to committee:

**SB 362 (Fraser) OPPOSE** Relating to requiring a voter to present proof of identification. Introduced in Senate and referred to committee on Senate Committee of the Whole.

Fraser's voter ID bill is being referred to the Committee of the Whole. What does this mean? This bill can not be heard on the senate floor until around March 13th per Senate rules. Technically, Dewhurst could post notice and hear the bill in the Committee of the Whole anytime, he just needs to post 24 hour notice.

Strategically, it does not make sense for him to push it through now and then have to wait until the 13th to actually hear it on the floor. Smart thing would be for him to announce the hearing at the beginning of March and then have the bill hit the floor around the 13th so when everything blows up, it blows up at one time.

Currently, the Senate is in the process of working with attorneys to make sure they have everything on record during debate in regards to potential litigation and DOJ clearance. They are all watching it very closely.

**HB 125 (Brown) OPPOSE** as well as **HB 373 (Anderson) OPPOSE** were assigned to the House Elections Committee. We are watching to see when they are put on the Agenda for a Hearing and will be there when they are. The author of HB 125, Betty Brown, serves on the House Elections Committee.

**SB 118 (Ellis) WATCHING** Relating to the registration of voters at a polling place during early voting by personal appearance and related procedures.

**ENERGY** Penny Miller  
[pmiller737@aol.com](mailto:pmiller737@aol.com)

None of the bills reported on in the last newsletter have had action taken on them.

**HB 1114 (Hamilton) SUPPORT** This interesting new bill provides price support incentives to encourage generation of electricity with agricul-

tural residues, forest wood waste, urban wood waste, storm-generated biomass debris and energy-dedicated crops. Note: While the League is neutral on the last item (energy-dedicated crops), the other parts seem to offer good alternatives to putting biomass in the landfills.

**EQUAL OPPORTUNITY/INCOME ASSISTANCE** Mildred Derrough  
Pope [mderrpope@yahoo.com](mailto:mderrpope@yahoo.com)

**HB 32 and HB 33** These companion bills have been referred to Business & Industry.

**HB 34** was referred to State Affairs.

The following bills have shown no activity **HB 156, 248, 480, 492, 522, 697, 785, and 795.**

**FINANCING STATE GOVERNMENT** Bonnie Leitch  
(New Braunsfels)  
[bleitch@earthlink.net](mailto:bleitch@earthlink.net)

Major recent developments in state finance involve the federal recovery package and the Rainy Day Fund. Texas' part of the American Recovery and Reinvestment Act is \$5.3 billion.

Although there is some talk of declining the stimulus money because of federal requirements and the fact that it is "one-time money," LWV-Texas supports accepting the funds. The federal requirements seem minimal and good policy, and the funds should be seen as what they are: federal money that helps in a temporary economic downturn.

We also feel that accepting the federal funds is preferable to the 2.5% across-the-board cut for state agencies.

We also support using the Rainy Day Fund for two reasons. The present shortfall is exactly why the fund was established following the 1986 revenue disaster. Continued automatic deposits will restore its balance in the near future and not affect the state's credit rating.

Another event that promises to be of importance is the appointment of Representative Jim Pitts, (R) Waxahachie, as Chair of the powerful House Appropriations Committee. He has deep experience, having been chair before his ouster for political reasons.

We continue to support **HB 133**, which was read for the first time and referred to the Ways and Means Committee.

**HAZARDOUS WASTE** Melanie Barnes (Lubbock)  
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**SB 338 (Van De Putte) SUPPORT** Requires businesses to maintain recycling bins for plastic grocery bags onsite, as well as offer customers reasonably priced reusable bags. The aim of this legislation is to promote using reusable bags and recycling of plastic bags to reduce the amount of plastic that ends up sitting in landfills. The bill was referred to Business and Commerce and was read for the first time on Feb. 11, 2009.

**HEALTH CARE SYSTEM FOR OLDER TEXANS** Maria Johnson  
(Austin Area)  
[mmjohnson6@hotmail.com](mailto:mmjohnson6@hotmail.com)

The following bills have been filed: **SB 810 (Wendy) and HB 158 (Chavez) SUPPORT** These companion bills request an increase in the personal needs allowance to \$75 a month for residents in long term care facilities.

**SB 805 (Nelson) SUPPORT** The bill provides for incentive payments for certain nursing facilities under the medical assistance program.

**HB 108 (Herrero) SUPPORT** The bill provides for posting certain information about nursing homes and related institutions on the Department of Aging and Disabilities Services website.

**IMMIGRATION** Millie Whittington  
(Houston Area) [milliekbw@aol.com](mailto:milliekbw@aol.com)

Most of the immigration bills filed to date in the 81<sup>st</sup> Texas Legislature

sound as if they would fit under a recent *New York Times* editorial headline, "The Nativists are Restless."

**SB 358 (Patrick) OPPOSE** This bill facilitates all local governments in reporting immigration status of citizens, enforcing state and federal law. Failure to comply would deny state grant funds to be distributed to local entities.

**HB 49 (Riddle) OPPOSE** Relating to the creation of the offense of criminal trespass by illegal aliens. It focuses on reasonable suspicion if someone "**may have** or is committing a crime."

**HB 48 (Riddle) SUPPORT** Relates to the suspension of certain licenses held by employers for knowingly employing persons not in the US lawfully—order is final if no hearing is requested.

**JUDICIAL SELECTION** Maxine Barkan (Austin Area)  
[mbarkan@austin.rr.com](mailto:mbarkan@austin.rr.com)

A press conference was held February 11 at the State Capitol to discuss the problems we face with partisan judicial elections in Texas. The date was chosen to coincide with Chief Justice Wallace Jefferson's third biennial State of the Judiciary calling on the legislature to support some form of nonpartisan selection of judges. Representing the League, I was one of four presenters that included Executive Director of Texas for Public Justice Craig McDonald, Texas President of the AFL-CIO Becky Moeller, and Alex Winslow, Executive Director of Texas Watch. Common Cause was invited but had no speaker.

All presenters stated that the Texas Judicial System is at risk or even broken. Special interests are contributing millions to candidates and political parties to try to influence judicial decisions. Judges should be able to be independent and impartial, and to uphold the law. The League presented our view that the best solution would be to adopt the nonparti-

san appointment/retention or merit system.

Shortly after the press conference, Chief Justice Jefferson, in his address to the Legislature, presented a very strong position for the legislature to adopt a merit selection system for judges and justices. Although he did not know it, he used some of the language we used in our presentations!

**The text of the League's presentation is at the end of the newsletter.**

**SB 782 (Duncan) SUPPORT** The day of the press conference Rep. Duncan filed a bill that supports an appointment/retention system to select all appellate court judges. Although the bill does not include a commission, the League can support it. There always will be an opportunity to present our preference for a commission, especially since the Chief Justice is in support of that method. **Stay tuned.**

**JUVENILE JUSTICE** Jayne Krawietz (Midland)  
[jkrawietz@suddenlink.net](mailto:jkrawietz@suddenlink.net)

Many of the bills filed thus far seek to amend the Education Code and the Family Code. The League's Juvenile Justice position specifically calls for prevention programs as the best way to address problems of juvenile crime. The following bills address prevention.

**HB 368 (Anderson) SUPPORT** **School violence prevention and intervention programs** This bill would allow creation of site-based school discipline policy committees on school campuses, which would establish and approve policies regarding goals and methods for violence prevention and intervention, and would apply to the 2009-2010 school year.

**HB 539 (Raymond) SUPPORT** **Drug and alcohol screening for youth entering juvenile justice detention facilities** This bill would allow screening for chemical dependency if the juvenile court

orders youth to be examined by a mental health professional to determine whether the child has a mental illness, and allow the court to order this examination when the child is initially detained in a facility operated by the Texas Youth Commission, a pre-adjudication secure detention facility, or a post-adjudication secure correctional facility.

**HB 552 (Madden) SB 453 (West) SUPPORT** **Grants for prevention programs for at-risk students**

These companion bills would allocate grants to school districts to conduct youth violence prevention, drug abuse prevention, or delinquency prevention programs for students who are at risk of dropping out of school, or who already have been assigned to a disciplinary education program or in-school suspension. All these issues contribute to juvenile crime.

**SB 55 (Zaffirini) SUPPORT** **Training for judges who try misdemeanor juveniles** This legislation would require judges who hear juvenile cases for fine-only misdemeanors to complete 2-4 hours a year of instruction related to child welfare and the Individuals with Disabilities Education Act.

**SB 58 (Zaffirini) SUPPORT** **Juvenile Justice Case Management System** This legislation would require the Texas Juvenile Probation Commission (TJPC) to participate in and assist counties in the creation and maintenance of the Juvenile Justice Case Management System to facilitate the delivery of services. It would aid in the early identification of at-risk and delinquent children and facilitate cross-jurisdictional sharing of information related to juvenile offenders between authorized agencies. TJPC also would be responsible for the collection and maintenance of all information related to juvenile offenders and offenses. Sharing of information is a key

component of assuring juveniles access to needed programs.

**MEDICAID** Reed Bilz (Tarrant County) [rbilz@charter.net](mailto:rbilz@charter.net)

All four bills reported earlier are now assigned to committees.

[SB 37](#), [SB 302](#), and [SB 286](#) are in Health and Human Services.

[SB 30](#) is in Finance.

LWV-Texas supports all four bills.

**REDISTRICTING** Elaine Talarski (San Antonio) [etalarski@earthlink.net](mailto:etalarski@earthlink.net)

**SB 315 (Wentworth) SUPPORT** Would create a nine-member bipartisan commission of non-elected members to draw boundaries for Congressional House of Representatives. Feb. 12 Bill referred to State Affairs.

**HB 104 (Strama) Neither SUPPORT or OPPOSE** Bill proposing a bipartisan commission of non-elected members to draw redistricting boundaries that include the state Senate and House districts and the Congressional House of Representatives.

**HJR 19 (Strama) Neither SUPPORT or OPPOSE** Proposed Constitutional amendment approved by the voters before HB 104 would take effect. Feb. 12 Referred to Redistricting Committee.

### **REPRODUCTIVE CHOICE/WOMEN'S HEALTH**

Julie Lowenberg (Dallas) [jmlowenberg@sbcglobal.net](mailto:jmlowenberg@sbcglobal.net)

Several previously reported bills were sent to Senate and House Committees, as follows:

Senate State Affairs Committee: [SB 182 \(Patrick\) OPPOSE](#)

House State Affairs Committee: [HB 36 \(Corte\) OPPOSE](#)

House Public Health Committee: [HB 44 \(Corte\) OPPOSE](#)

House Transportation Committee: [HB 109 \(Phillips\) OPPOSE](#)

### **SERVICES FOR THE SERIOUSLY MENTALLY ILL**

Molly Van Ort (Dallas) [mngo@sbcglobal.net](mailto:mngo@sbcglobal.net)

#### **Texas Mental Health System needs \$88.3 Million in Continued Investment**

Texas mental health advocates held a news conference on Wednesday, February 11, in support of the Texas Department of State Health Services exceptional item budget request for \$88.3 million for community mental health services. The funding will build on the successful investment of \$82 million in 2007—called Crisis Redesign—for crisis mental health services. The new funding will expand crisis funding to communities where it is needed and provide transitional and ongoing services to persons with mental illness to prevent repeated crises.

In its first year, the Crisis Redesign initiative met or exceeded most of its goals as supported by Legislative Budget Board targets, Department of State Health Services performance reports, and an independent evaluation by Texas A&M University.

392 psychiatrists, emergency room staff, law enforcement officers, and judges working with people with mental illness report the need for increased ongoing and transitional services.

The \$88 million exceptional item request includes critical components of a redesigned mental health system focused on addressing immediate crises as well as preventing more expensive crisis treatment. According to the Texas Department of State Health Services those components are:

**Intensive Ongoing Services** Provides for therapy and medication to meet the standards of the Resiliency and Disease Management (RDM) treatment model.

**Transitional Services** Intensive mental health services tailored to in-

dividual needs for difficult to engage, high need individuals.

**Crisis Expansion** Intensive crisis services and emergency psychiatric services with extended observation for individuals needing more than 48 hours to be stabilized and children's respite services—short-term, community-based residential crisis treatment.

Advocates for the continued investment to reduce the burden of a crisis-driven public mental health system testified before the Senate Finance Committee last week.

Resources:

*Tx Department of State Health Services  
Mental Health America of Texas*

At the end of the Newsletter, a background paper from Texas A&M Public Policy Research Institute gives statistics that show the critical need for this exceptional budget request in order to divert mental health patients from emergency rooms.

### **STATE/LOCAL RELATIONS**

Karen Rankin (Austin) [karenrankin@austin.rr.com](mailto:karenrankin@austin.rr.com)

**SB 578 (Wentworth) SUPPORT COUNTY AUTHORITY** This bill is similar to ones Sen. Wentworth has filed in previous sessions. Although it doesn't address density limits, it does require buffer zones between incompatible developments and contributions by developers for road improvements.

**HB 1119 (Bolton) SUPPORT** Allows larger counties to establish a planning commission to regulate development in unincorporated areas.

Now that committees have been named, additional bills are expected.

**TRANSPORTATION** Edie Jones (Tarrant County) [edithsjones@hotmail.com](mailto:edithsjones@hotmail.com)

Committees were assigned. Senator John Carona chairs the Transportation and Homeland Security Committee. Rep. Joseph Pickett is the chair of the House Transportation Committee.

**SB 293 SUPPORT** Relating to the pledge of certain revenue of a regional transportation authority to the payment of bonds. This bill lets regional governments plan, develop, and pay for the operation of mass transit systems in their area. Bill was read and referred to Transportation & Homeland Security Committee on Feb. 11.

**SB 216 SUPPORT** Relating to the permissible use of the state highway fund. Read and referred to the Transportation & Homeland Security Committee on Feb. 11. It removes Department of Public Safety funding

from the highway fund, which originally was set up for the development and maintenance of public roadways in Texas.

Other bills that we are following have not been read into committee yet.

We expect the major bills on Transportation to be heard in March.

**WATER QUALITY** Mary Vogelson (Dallas) [mmev@swbell.net](mailto:mmev@swbell.net)

**SB 273 (Nichols) HB 177 (Creighton)** These companion bills are currently in the Natural Resources Committee. They concern the further requirements for on-site monitoring, ana-

lyzing, and reporting on a regular basis of water quality in commercial water injection wells. Water injection wells are a huge threat to groundwater and the environment in general if they are not drilled properly. The waste water from gas wells is extremely salty i.e. corrosive and also contains hydrocarbons that can pose health hazards. Some wells used by only one gas drilling company are not considered commercial wells and therefore would not be covered under the proposed legislation. However, anything is better than what we have now.

## **Barkan Testifies at Press Conference on Judicial Reform: Testimony Cited Below**

My name is Maxine Barkan. I represent the League of Women Voters of Texas. The League is a nonpartisan organization whose membership will be celebrating our 90<sup>th</sup> year promoting good government. Of the three branches of state government, the judicial branch that affects the lives of millions of Texans seems to be the one least understood by the public. The Texas judicial system has not changed since it was first established in the Texas Constitution in 1876. For example, Texas is one of six states that still elects judges by party affiliation. Party affiliation injects politics into the selection of judges.

Special interests are contributing millions to candidates and political parties to try to influence judicial decisions. The cost of judicial campaigns is

skyrocketing and there are misleading and partisan attacks on judges' decisions. Judges should be able to be independent, impartial, and uphold the law. Many states have brought their judicial selection systems into the 21<sup>st</sup> century. Thirteen states conduct nonpartisan judicial elections and thirty-three states have adopted some form of a nonpolitical nonpartisan system to appoint judges as recommended by a nonpartisan independent commission.

After a period of service, usually about six years, judges can run for reelection or be rejected, based on their record. This system has been in place for over fifty years in some states.

Legislation has been filed to adopt the appointment/retention system in a

number of Texas legislative sessions. It has been supported by prominent Texas jurists. These bills have never passed. The League of Women Voters has supported this vital reform since 1965. The League of Women Voters Education Fund has conducted many statewide forums and provided basic information through the media and literature to help educate the public.

Many Texans go through the courts every year. Reform on how we select our judges is needed to assure the public that the judicial system is fair, impartial, and nonpolitical.



## **Austin American-Statesman Supports Non-Partisan Selection of Judges** To read the *Statesman* article, "Retooling Texas' Judiciary," [click here](#).

## **House Select Committee on Federal Economic-Stabilization Funds Named**

Speaker Straus has created a new select committee on federal funding for economic stabilization, signaling he wants to take maximum advantage of federal aid on the verge of enactment in Congress. In appointing this committee, Speaker Straus said its job will be to communicate with Congress and "maximize the state's receipt of federal funds."

The makeup of the committee shows Jim Dunnam of Waco, the leader of the House Democratic Caucus, as committee chair. This might help in dealings with a Democratic-majority Congress.



## Here's the new select committee's full roster:

- Jim Dunnam, Democrat-Waco, chair
- Myra Crownover, Republican-Lake Dallas, vice-chair
- Jim Pitts, Republican-Waxahachie
- Drew Darby, Republican-San Angelo

- Vicki Truitt, Republican-Southlake
- Garnet Coleman, Democrat-Houston
- Craig Eiland, Democrat-Galveston
- Carol Kent, Democrat-Dallas
- Solomon Ortiz, Jr., Democrat-Corpus Christi



## Education/Public School Finance Bills Monitored by LWV-Texas

LWV-Texas is watching a number of bills and joint resolutions that affect Education and Public School Finance, the most important of which is SBI/HB 1, which develops the state budget.

**SB 1 (Ogden) HB 1 (TBD)** Establishes the state budget for 2010-2011. Among the many important funding issues in this bill are those that affect for 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 134 (Villareal)** Relates to Ad Valorem taxation. Seeks to codify some of the recommendations of the Select Committee on Property Tax Relief and Appraisal Reform.

**HB 420 (Howard)** Relates to the nonpartisan election of members to the State Board of Education. A candidate would not be nominated by a political party, but would appear on the ballot as an "Independent."

**SB 440 (Ellis)** Transfers the statutorily assigned functions and activities of the State Board of Education to the Texas Education Agency.

**HB 522 (Giddings)** Relates to intensive preparation academies in certain school districts to prepare public school students to take required end-

of-course tests. A school district with 5,000 or more students, where 5% of the students fail to perform satisfactorily on a required test, must operate an intensive preparation academy to prepare the underachieving students to retake the test.

The following five Joint Resolutions deal with setting homestead exemptions for the elderly and disabled.

**House Joint Resolution 11 (Leibowitz)** Proposes a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes to \$45,000 and provides for a reduction of the limitation on the total amount of taxes that may be imposed for those purposes on the homesteads of the elderly or disabled to reflect the increased exemption amount.

**House Joint Resolution 18 (Martinez, Mando)** Proposes a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes to \$45,000 and provides for a reduction of the limitation on the total amount of taxes that may be imposed for those purposes on the homesteads of the elderly or disabled to reflect the increased exemption amount.

**House Joint Resolution 41 (Hopson)** Proposes a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes to \$30,000 and provides for a reduction of the limitation on the total amount of taxes that may be imposed for those purposes on the homesteads of the elderly or disabled to reflect the increased exemption amount.

**House Joint Resolution 45 (Herrero)** Proposes a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes to \$45,000 and provides for a reduction of the limitation on the total amount of taxes that may be imposed for those purposes on the homesteads of the elderly or disabled to reflect the increased exemption amount.

**House Joint Resolution 50 (Bolton)** Proposes a constitutional amendment increasing the amounts of certain residence homestead exemptions from ad valorem taxation and provides for the adjustment of the amounts of those exemptions applicable to a homestead based on changes in the appraised value of the homestead.

## Update on House Education Committees

New Texas House Speaker Joe Straus, Republican of San Antonio, brought more bipartisan balance and moderation to the workings of the Texas House, notably in the com-

mittees with jurisdiction over education. Several legislators are new to the committees.

The **House Public Education Committee** has a balanced, moderate look, with six Republicans and five Democrats as follows:

- Rob Eissler, Republican-The Woodlands, chair
- Scott Hochberg, Democrat-Houston, vice-chair
- Alma Allen, Democrat-Houston (new)
- Harold Dutton, Democrat-Houston
- Jim Jackson, Republican-Carrollton (new)
- Dora Olivo, Democrat-Missouri City
- Jimmie Don Aycock, Republican-Killeen (new)
- Joe Farias, Democrat-San Antonio (new)
- Diane Patrick, Republican-Arlington
- Mark Shelton, Republican-Fort Worth (new)
- Randy Weber, Republican-Pearland (new)

The **Higher Education Committee in the House** last session had a five-to-four Republican majority; now that partisan make-up is reversed. Here's the roster:

- Dan Branch, Republican-Dallas, chair (new to committee)
- Joaquin Castro, Democrat-San Antonio, vice-chair (new)
- Robert Alonzo, Democrat-Dallas
- Leo Berman, Republican-Tyler (new)
- Brian McCall, Republican-Plano
- Ellen Cohen, Democrat-Houston (new)
- Donna Howard, Democrat-Austin
- Diane Patrick, Republican-Arlington
- Patrick Rose, Democrat-Dripping Springs

It should be noted that the League cannot advocate on legislation on higher education because we have no position on it.

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**81<sup>st</sup> Texas Legislature**

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## TEXAS MENTAL HEALTH SYSTEM

### SUPPORT IS CRITICAL

# \$88.3 MILLION NEEDED TO DIVERT PEOPLE FROM JAILS AND EMERGENCY ROOMS

DEPARTMENT OF STATE HEALTH SERVICES EXCEPTIONAL ITEM

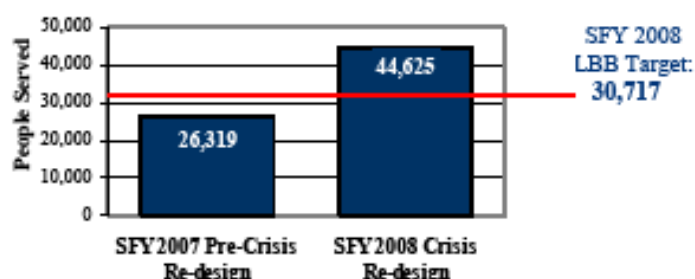
### HISTORY

The 80<sup>th</sup> Legislature appropriated \$82 million to begin implementing an improved mental health crisis system—called Crisis Redesign—as a first step in alleviating the burden your community experiences from the historical lack of state funding for mental health care.

### SUCCESS

In its first year, the Crisis Redesign initiative funded by the 80th Legislature met or exceeded most of its goals as supported by Legislative Budget Board targets, Department of State Health Services performance reports and an independent evaluation by Texas A&M University.

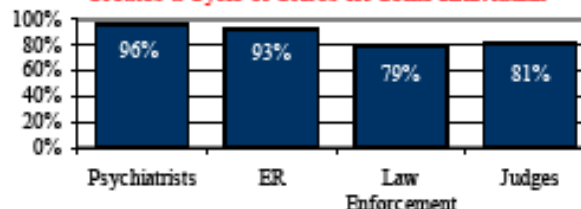
### 70% Increase in Crisis Services



### EXPERT OPINION

392 psychiatrists, emergency room staff, law enforcement officers and judges working with people with mental illness report the need for increased ongoing and transitional services.

### Lack of Routine Treatment Services Creates a Cycle of Crises for Some Individuals



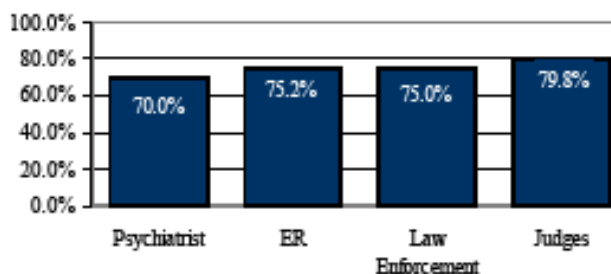
### CONTINUED INVESTMENT

Diverting people with serious mental illness from jails and hospitals requires services to address an immediate crisis as well as treatment to prevent repeat crises. There is a great need for increased non-crisis mental health services to avoid crises and resulting burdens on jails and hospital emergency rooms.

The Texas A&M University evaluation clearly shows the need for a continued investment to further reduce the burden that a crisis-driven public mental health system can place on law enforcement, emergency rooms and local communities.

—Mental Health America of Texas

### Post-crisis services are NOT adequately funded



Source: Texas A&M Public Policy Research Institute (January 2009) Year One Evaluation Findings for the Crisis Services Redesign Initiative