



Legislative Newsletter

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

March 20, 2009

81st Texas Legislature

Volume 20, No. 5

Mary Finch, Advocacy Vice President

Scherel Carver, Editor

How do we decide when to send out an Action Alert?

A League Action Alert on Education was sent to our members last week. How do we decide when to send out an Alert? We have to "watch" to know when the timing is right and that an alert will be the most effective advocacy action. As you doubtless know, there are many steps between a bill's being filed and its passing. We testify in committee. We talk to legislators informally and formally. We work with other advocacy groups. We talk to aides on whom legislators rely for information. We participate in press conferences. We have many people at the capitol on a regular basis. Because we have a number of Program Chairs with expertise in very specific areas, and a group of Capitol Corps members in Austin who support those Program Chairs from around the state, we are able to monitor and then act on a variety of issues. We also take action with your help when it is appropriate. **Thanks for being part of the League advocacy team!**

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

Government

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

No hearings have been held yet on any of the bills filed for reforming the way we finance campaigns or on the disclosure of contributors to political advertising campaigns.

House bills being tracked: [HB 105](#), [HB 251](#), [HB 391](#), [HB 756](#), ([HB 2633](#) same as [SB 143](#))

Senate bills: [SB 246](#), [SB 1152](#), [SB 143](#), [SB 306](#), [SB 307](#), and [SB 613](#).

HB 1997 (McCall) SUPPORT would strengthen the provision that bars political contributions during the period between the end of the session and the signing of bills by the Governor. HB 1997 also would prohibit contributions from the time the Governor signs the proclamation for a special session through the date of adjournment. So far there are thirteen filed bills relating to campaign finance reform.

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

As of March 12, an estimated 20 percent of the more than 6,000 bills that had been filed in the Texas Legislature related to public education and educators in some way.

Our recent study on testing and accountability gave us positions that require us to track many of these bills. Our positions cover five general areas: standardized achievement tests, standardized curriculum (established by the State Board of Education), accountability, equitable opportunity, and support for teachers. We also track funding issues.

Check the LWVTX Web site, www.lwvtexas.org, for a summary of our new position. Go to "Advocacy," then "LWV-TX Positions," then "Mandated Testing in the Public Schools of Texas."

Several anticipated bills have now been filed and sent to education committees.

SB 3 (Shapiro) HB 3, Eissler WATCH A bill to overhaul the state's accountability system, [SB 3/HB 3](#), was filed by **Sen. Florence Shapiro** and **Rep. Rob Eissler**, the chairs of the Senate and House Education Committees. The bills would measure student growth in achievement by using a three-year rolling average of student progress. They also allow campuses to earn distinction for excellence in a variety of areas, including growth in student achievement, closing the gaps, academic excellence, and workforce readiness. In a statement, the sponsors said their bills "shifts the focus from a single test to overall postsecondary readiness. The current system looks at one-time performance on a minimum skills test, ignoring growth in student achievement." Shapiro said she expects amendments after the public has an opportunity to review the bill.

HB 2262 (Eissler) removes the requirement that school districts devote 65% of their operating budgets to classroom instruction. The specific percentage standard for classroom spending was implemented as a result of a 2005 executive order. Among those opposing the 65% rule were the Texas Association of School Boards and the Texas Federation of Teachers.

Following is information on the status of bills referred to committee:

House Public Education Committee: **HB 41**; **HB 131**; **HB 154**; **HB 262**; **HB 522**; **HB 541**; **HB 642**; **HB 674/SB 1031**; **HB 710/SB 513**; **HB 716/SB 183**; **HB 828/SB 1488**; **HB 915**; **HB 772**, passed by a unanimous 10-0 vote and sent to the general calendar on 3/3/09.

HB 850, after testimony, left pending on 3/9/09 to allow work on a substitute.

HB 1085; **HB 1102**; **HB 1153**; **HB 1154**; **HB 1192**; **HB 1216**; **HB 1235**; **HB 1273**; **HB 1274**; **HB 1281**; **HB 1423**; **HB 1503**; **HB 1563**; **HB 1754**.

House Ways and Means Committee: **HB 134**; **HB 1302**; **HB 1735**; **HJR 11**, pending; **HJR 18**, pending; **HJR 41**, pending, enabling legislation; **HB 668**; **HJR45**, pending, enabling legislation, **HB 16**; **HJR 50**, pending, enabling legislation, **HB 1000**.

House Elections Committee: **HB 420**.

House Calendar Committee: **HB 772**.

House Technology, Economic Development, and Workforce Committee: **HB 1025**.

House Finance Committee: **SB 1/HB 1**, hearings.

Senate Education Committee: **SB 38**, public hearing, left pending; **SB 100**; **SB 122/HB 3192**; **SB 183**; **SB 270**, no action; **SB 300**, voted out of committee and sent to the full senate for consideration after a substitute was introduced that maintains the 22-to-1 student to teacher ration, but school districts only have to apply for one waiver per year if a campus cannot meet that requirement; **SB 308**; **SB 398**, public hearing; **SB 401**, substitute, Intent Calendar, removed from Intent Calendar; **SB 440**; **SB 451**, left pending, a committee substitute would provide flexibility for districts already offering this training; **SB 548/HB 1051**;

Senate Intergovernmental Relations Committee: **SB 444**; **SB 451**, pending; **SB 513**; **SB 548/HB 1051**; **SB 644**, pending; **SB 674**, referred; **SB 939**; **SB 82/HB 1555**; **SB 1029**; **SB 1031/HB 674**; **SB 1029/HB 329**; **SB 1031/HB 674**.

Senate Finance Committee: **SB 756 (Eltife)**.

Other Bills:

HB 850 (Eissler) WATCH Establishes a timetable for repeal of selected chapters of the Education code every

two years. At stake are important protections, including class-size limits, the Safe School Act, teacher contracts and due process rights, employee leave benefits, and salary guarantees.

HB 2037 (Howard) WATCH Creates a Permanent School Fund Management Council to manage the permanent school fund.

SB 2258 (Zaffirini) SUPPORT Relates to intensive summer programs for public school students and to college readiness programs at public institutions of higher education.

HB 2261 (Patrick) SUPPORT Establishes a select committee to review the manner in which textbooks for use in public schools are funded, adopted, and purchased.

HB 2476 (Olivo) SUPPORT Provides staff development in public schools on discipline strategies.

HB 2744 (Turner) SUPPORT Ends the practice of school closings and reassignments of personnel and students based on test scores alone, before adequate resources are provided.

HB 4238 (Branch) WATCH Establishes a state master plan for closing academic achievement gaps in public primary and secondary education and creation of a selection committee to address this goal.

HB 4199 (Kent) WATCH Relating to public financing of the public education employee retirement system and an annual cost-of-living adjustment for certain retirement benefits.

SB 1830 (Patrick, Dan) OPPOSE Relates to the establishment, operation, and funding of open-enrollment charter schools. Among the provisions are removing the 215 cap on open-enrollment charters, allowing a charter holder to open new campuses under certain conditions without applying to the State Board of Education, and providing additional funding, as available, for academically acceptable open-enrollment charters.

SB 1446 (Zaffirini) SUPPORT Authorizes the Texas Education Agency to seek, accept, determine eligibility for, and distribute grants available for the benefit of public education.

Bills Regarding State Board of Education

HB 3382 (Coleman) WATCH Relates to transferring the statutorily-assigned functions and activities of the State Board of Education to the Texas Education Agency.

HB 3639 (Dutton) OPPOSE Relates to the composition of the State Board of Education. Provides for governor's appointment of the 15 SBOE members, with advice and consent of the Senate.

HB 3703 (Jackson, Jim) OPPOSE Relates to the establishment, operation, and funding of open-enrollment charter schools. Among the provisions are removing the 215 cap on open-enrollment charters, allowing a charter holder to open new campuses under certain conditions without applying to the State Board of Education, and providing additional funding, as available, for academically acceptable open-enrollment charters.

HB 3865 (Naishtat) WATCH Relates to governance of the State Board of Education. Establishes board election of the chair, vice-chair, and secretary.

Taxing

HB 1842 (Frost) OPPOSE Authorizes certain school districts to enter into property tax abatement agreements in connection with realigned or closed military facilities.

HB 1853 (Darby) OPPOSE Authorizes school district ad valorem tax incentives for historic redevelopment and economic development.

HJR 81 (Jackson) WATCH Proposes a constitutional amendment increasing the state general sales and use tax rate and dedicating the increased state revenue to public education and property tax relief.

HJR 97 (King, Phil) OPPOSE Proposing a constitutional amendment abolishing school district maintenance and operations ad valorem taxes.

General Curriculum

SB 2086 (Davis, Wendy) WATCH Relates to the essential high school program and to the curriculum requirements for the recommended and advanced public high school programs. Establishes three tracks in the Recommended and Advanced high school programs: curriculums focusing on science and math, on career and technology, and on humanities.

Technology/Career Programs

HB 4150 (Rose)/ SB 1313 (Shapiro, Harris) WATCH Relates to the collection and provision of information concerning public school career and technology education programs. Among the provisions are a clearinghouse to collect information on best practices in career and technology education, and to provide students with counseling on these programs.

SB 1955 (Hegar) WATCH Relates to career and technical education in the public schools and high school graduation requirements. Establishes a career and technical education track as an option in the Recommended curriculum program. Directs the Texas Education Agency to provide information on employment opportunities.

HB 2471 (Keffer) WATCH Relates to career and technical education in the public schools and high school graduation requirements. Establishes a career and techni-

cal education track in the Recommended curriculum program, alongside the science and math program.

HB 2538 (Guillen) WATCH Relates to the career and technology education program.

HB 2541 (Eiland) SUPPORT Relates to the funding and operation of open-enrollment charter schools. For example, establishes requirements to provide information to PEIMS (Public Information Management System).

HB 2812 (Swinford) WATCH Relates to the curriculum, funding, promotion, and economic impact of career and technology education in public educational institutions. Establishes a Career and Technology Education Curriculum Evaluation Committee to advise on the career and technology curriculum for the Recommended and Advanced high school programs.

HB 3050 (Anchia) OPPOSE Creates a pilot project to assess the academic performance of public school students by alternative methods, such as short answers, essays, oral presentations, demonstrations, and experiments.

Language and Disability Programs

SB 451 (Van de Putte) HB 710 SUPPORT Requires districts to provide regular education teachers with professional development in teaching students with disabilities.

SB 548 (Zaffirini) HB 1051 SUPPORT Relates to public school accountability for bilingual education and English as a second language and other special language programs. Requires the Texas Education Agency to evaluate disaggregated data by campus and school district or open-enrollment charter school.

SB 1459 (Shapiro) SUPPORT Creates initiatives for students of limited English proficiency and students at risk of dropping out of school. Establishes a grant program to facilitate identification of successful language acquisition programs for students of limited English proficiency and to identify best practices used for these programs. Provides for an optional intensive English Program and a pilot program on dropout prevention.

SB 1460 (Shapiro) SUPPORT Establishes professional development academies designed for public school teachers who provide instruction to certain students of limited English proficiency.

SB 1487 (Watson) SUPPORT Establishes a statewide plan for delivery of services to public school students with disabilities, consistent with federal law, along with resources for teachers of public school students with special health needs.

SB 1489 (Watson) SUPPORT Creates optional dispute resolution methods for school districts and parents of students seeking or receiving special education services.

SB 2083 (Shapiro, Lucio) WATCH Calls for the development and design of Internet-based data collection platform that each school district and open-enrollment charter school must use to conduct surveys on special

education programs and provides for grants to those that perform well on the surveys and on other indicators.

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

SB 362 (Fraser) OPPOSE created quite a stir in Austin and across the state this past week.

LWVTX took part in a Press Conference the day before the Committee of the Whole of the Senate would hear testimony on the bill. There were 7 Senators, LWVTX, AARP, and Texans with Disabilities all speaking against Voter ID. The room was filled to overflowing.

The next day the Senate convened as a Committee of the Whole to hear invited testimony as well as testimony from interested parties. The invited testimony was to be completed by noon on Tuesday, but at 9 pm testimony was only at the 4th presenter (out of 15) of the invited testimony. The meeting continued throughout the night and LWVTX Lobby Corps member, Anita Privitt, delivered testimony for LWVTX at 7:30am on Wednesday morning!

The Committee of the Whole of the Senate voted in favor of SB362 by a vote of 20 - 12, strictly along party lines. SB 362 was scheduled for a second reading on the regular order of business for the Senate on March 16.

HB 157 (Chavez), HB 245 (Alonzo), HB 373 (Anderson/Flynn), HB 627(Anchia), HB 638 (Leibowitz) all **NO CHANGE**

HB1256 (Allen) WATCHING Referred to the House Election Committee

Bills on the Agenda for the House Elections Committee 3/16/09 on which we took action:

HB 513 (Vo) SUPPORT Relating to allowing a person who will be 18 years of age on the date of the general election for state and county officers to vote in the preceding primary elections. SIGNED IN SUPPORTING

HB 536 (Anchia/et al) SUPPORT Relating to the voter registration of a person who submits a federal postcard application to vote in an election. SIGNED IN SUPPORTING

HB 551 (Madden) SUPPORT Relating to the electronic transmission of a federal postcard application used for voting. SIGNED IN SUPPORTING

HB 1103 (Guillen) SUPPORT Relating to a study regarding uniform election dates. SIGNED IN SUPPORTING

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

The major story in state finance continues to center on Governor Rick Perry's reaction to and action on the American Recovery and Reinvestment Act. His decision to reject the federal stimulus funds that would have required Texas to expand its unemployment insurance coverage is the most important news statewide.

Legislatively, there has been no action yet that addresses the state's current financial shortfall.

Senate Bill 217, tying the rate of the state's gasoline tax to the producer price index, has been read, filed, and is in the Transportation and Homeland Security Committee.

House Bill 133, requiring the mandatory disclosure of sales prices of real property, has been filed.

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

SB 315 (Wentworth) SUPPORT Bill reported favorably out of committee on March 9. Committee printed and distributed on March 13, 2009.

HB 104 (Strama) SUPPORT Still in committee. No further action.

HJR 19 (Strama) SUPPORT Still in committee. No further action.

More bills have been filed that would promote and protect women's access to reproductive health care:

- **[HB 2221 \(Farrar\)](#) SUPPORT** Sent to House Public Health Committee. Would require the Health Services Department to develop a standard information form for sexual assault survivors that includes medically and factually accurate information about emergency contraception (EC) and would require health care facilities to provide survivors with this information and, where appropriate, to verbally advise survivors that they may request and be provided with EC.
- **[HB 2592 \(Thompson\)](#) SUPPORT** Sent to House State Affairs Committee. Would require "alternative to abortion" organizations to be licensed and to meet minimum standards of care. Though they are recipients of state funds, these organizations are not regulated under current law and have no obligation to meet standards of care, provide full and accurate medical information or respect client confidentiality. Unlike traditional family planning clinics that offer women comprehensive and preventive health care, "alternative to abortion" facilities typically provide biased and frequently inaccurate "counseling" without any health care services.
- **[HB 2968 \(Coleman\)](#) SUPPORT** Would remove from the informed consent to abortion statute the currently required *misinformation* that having an abortion increases one's risk of contracting breast cancer.

[HB 3152 \(Christian\)](#) WATCHING Would make it a misdemeanor offense for a physician to intentionally use "an instrument, drug, or other substance or device known to terminate the pregnancy of a woman on a woman who is not known to be pregnant, unless the physician is using the instrument, drug, etc. for a legitimate medical purpose other than the termination of a pregnancy." The intent of this bill is unclear at this time; it will be monitored carefully by LWV and other proponents of reproductive choice.

[HB 3796 \(Morrison\)](#) OPPOSE Under the guise of protecting women from coerced abortions, would impose new burdens on women seeking abortions and their physicians, requiring physicians to obtain from their patients "voluntary" (as well as the already required "informed") consent to the procedure:

- The voluntary consent would involve certification by the woman that the doctor provided her with information about and referrals to domestic violence assistance and shelters and gave her the opportunity, in a private room with a telephone, to seek such assistance.
- The woman would be required to fill out a detailed "coerced abortion" form, including reason that she chose to have an abortion and the source of referral.

- The physician would also be required to submit detailed information on the "coerced abortion" form, including whether the woman viewed the "informed consent" materials required to be provided to her, the number of weeks of gestation at time of the abortion, method of payment for the procedure, and more.
- A physician's failure to file the "coerced abortion" form with the state would be a misdemeanor offense.

On March 2, LWV-TX Advocacy Vice President Mary Finch attended a press conference highlighting **Education Works**. See Newsletter #2 for description of the Education Works measures, **[SB 515 \(Ellis\)](#)** and **[SB 741 \(Castro\)](#)**, that LWV-TX **SUPPORTS**. Conference speakers Sen. Ellis, Rep. Castro, Dr. Diana Weihs, and Austin ISD School Board member Karen Dulany Smith spoke about the need for comprehensive sex education. Said Ellis:

"The 'Education Works' plan ensures that teens have access to complete, medically accurate, and age-appropriate education about sexual health. Only through honest information will teens have the tools they need for responsible decision-making and disease prevention... We're all for abstinence... What we don't want is an abstinence from education."

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

- Senate Education Committee: **[SB 1076 \(Van de Putte\)](#) SUPPORT**
- House Public Education Committee: **[HB 1567 \(Villarreal\)](#) SUPPORT** and **[HB 1694 \(Strama\)](#) SUPPORT**
- House Public Health Committee: **[HB 1371 \(Rodriguez\)](#) SUPPORT** and **[HB 2221 \(Farrar\)](#) SUPPORT**

No new actions have been taken on the following previously reported bills:

- [HB 36 \(Corte\)](#) OPPOSE**
- [HB 44 \(Corte\)](#) OPPOSE**
- [HB 109 \(Phillips\)](#) OPPOSE**
- [HB 680 \(Farrar\)](#) SUPPORT**
- [HB 683 \(Farrar\)](#) SUPPORT**
- [HB 741 \(Castro\)](#) SUPPORT**
- [HB 891 \(Villarreal\)](#) SUPPORT**
- [HB 893 \(Villarreal\)](#) SUPPORT**
- [SB 182 \(Patrick\)](#) OPPOSE**
- [SB 515 \(Ellis\)](#) SUPPORT**
- [SB 592 \(Van de Putte\)](#) SUPPORT**
- [SB 593 \(Van de Putte\)](#) SUPPORT**
- [SB 1098 \(Carona\)](#) OPPOSE**
- [SB 1100 \(Watson\)](#) SUPPORT**

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

No report, as no activity in this area.

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

Bills filed on this topic can be subdivided into three general areas: those with impact on populous counties, those affecting the 15 Hill Country counties, and bills specific to certain named locations.

1) Bills with impact on populous counties:

[HB 1119](#) (Bolton) SUPPORT Allows counties of 800,000 or more to establish a county planning commission with broad planning regulations

[HB 4175](#) (Bolton) SUPPORT Referred to Land & Resource Management. Allows counties with population between 800,000 and 1.3 million to adopt comprehensive land development plans including buffer zones

[SB 578](#) (Wentworth) SUPPORT Referred to Intra-governmental Relations. Following a local option election, a county would be able to assess impact fees on developers, but it does not allow for density limits or buffer areas.

[SB 2202](#) (Wentworth) SUPPORT Adds to the very limited county authority under Chapter 242, Local Government Code (LGC), by authorizing a joint zoning commission in counties with a population of 800,000 or more and to municipalities of 500,000+ located within 60 miles of the Edwards Aquifer.

[SB 2097](#) (Wentworth) SUPPORT Makes minor additions to Chapter 232, LGC.

[HB 760](#) (McClendon) SUPPORT Referred to County Affairs, Hearing set for March 16. Allows for county regulation of sound levels in counties of 1 million where more than 80% live in a single municipality.

[HB 1507](#) (Bolton) SUPPORT Referred to County Affairs. Allows for county regulation of noise in counties over 800,000

2) Bills with impact on the 15 Texas Hill Country counties:

[HB 3265](#) (Rose/D. Miller) SUPPORT Following a local option election, a county would be granted the authority to regulate land use, including setting density limits, establishing set-back lines, and assessing impact fees. (Note: This bill replaces HB 2167, same authors.)

3) Bills granting more county authority in specific named locations:

[HB 2275](#) (Raymond) SUPPORT and **[SB 1370](#) (Lucio) SUPPORT** Counties bordering Mexico and other economically distressed areas.

[HB 2436](#) (Phillips) SUPPORT Referred to Land & Resource Management. Lower Bois D'Arc Creek Reservoir

[HB 2606](#) (Hunter) SUPPORT Referred to Land & Resource Management. Aransas County.

[SB 2100](#) (Wentworth) SUPPORT Around military facilities

The League's position is that counties need local authority to regulate as necessary. Although some of these bills are preferable to others, we can support all of them.

Administration of Justice

CAPITAL PUNISHMENT Marjorie Loehlin (Austin) mloehlin@att.net

[HJR 24](#) and [HB 877](#) (Naishtat) SUPPORT Set for public hearing in the Capital Punishment Subcommittee on March 19. Provides the Governor the ability to order a moratorium on executions.

[HB 788](#) (Thompson) SUPPORT Establish a commission to investigate and prevent wrongful convictions. Had public hearing on March 16.

[HB 488](#) (McClendon) [SB 115](#) Ellis SUPPORT Companion bills to create an Innocence Commission to review exonerations, now pending in sub-committee.

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

[HB 788](#) (Thompson), [HB 1558](#) (Martinez Fisher), and [HB 1633](#) (Walle) Set for public hearings on March 16.

[HB 498](#) (Burnam) Pending in committee.

[HB 1753](#) (Leibowitz) and [SB 1078](#) (Carona) Both referred to committee.

Recently filed relating to Criminal Justice:

[HB 4310](#) (Madden) SUPPORT Regarding the investigation, prosecution, and punishment of gang related offenses.

[HB 3903](#) (Ortiz, Jr.) SUPPORT Regarding the requirement of a public hearing being held prior to an

agreement for services being entered into between a county and a private jail contractor.

SB 1426 (Williams) SUPPORT Regarding the establishment of automobile license plate identification cameras on highways to aid in the investigations of penal violations

(not traffic offenses), abducted children, missing elderly, and capital offenders.

HB3023 (Coleman/Turner, Sylvester) OPPOSE Regarding a one year moratorium on the use of or purchase of stun guns by law enforcement.

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

SB 188 (Duell/Van Putte) SUPPORT Out of committee. Placed on the intent calendar.

HB 142 (McClendon) SUPPORT Still in committee.

HB 272 (Ortiz) SUPPORT Still in committee.

HB 3707 (Coleman) SUPPORT Filed Mar 12, 2009. Similar to SB188, HB142, and HB272

HB 164 (Naishtat) On medical use of marijuana, still in Public Health committee.

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

It appears that a total restructuring of the juvenile justice system is in the works. I am tentatively supporting these measures because they are very specific about how to address important issues. If this restructuring can be done without a loss of momentum to the reforms of the last session, LWV-Texas should be behind them.

HB 3689 (McClendon) and SB 1020 (Hinojosa) SUPPORT These are companion bills that call for the abolition of the Texas Youth Commission and the Texas Juvenile Probation Commission and seek to combine their functions into the Texas Juvenile Justice Department. These are complex bills that define the new department.

HB 3687 (McClendon) and HB3688 (McClendon) SUPPORT These bills call for the creation of a Juvenile Justice Plan which will define the responsibilities of the TYC and the TJPC that will be incorporated into the new Juvenile Justice Department. It includes specific attention to facilities, data sharing, and programs and services in youth facilities. It allows for representation of juvenile probation officers, youth offenders, families of offenders, and juvenile justice advocacy groups when developing the plan.

SB 1286 (West) SUPPORT This bill provides for continuity of care and service programs for juveniles with mental impairments who are in the juvenile justice system. Since our position strongly supports intervention and rehabilitation, mental health care is a critical part of the picture.

JUDICIAL SELECTION Maxine Barkan (Austin Area)

SB 782 (Duncan) SUPPORT The enabling legislation that would provide for an appointment/retention system for appellate court judges has been assigned to the Senate Jurisprudence Committee.

SJR 23 (Duncan) SUPPORT the constitutional amendment for SB 782 still has been assigned to the Jurisprudence Committee. These two bills are being tracked.

In the meantime, at the Statewide Conference meeting in Austin during Lobby Day on March 9, 2009, the delegates voted in favor of adding to the judicial selection position that state district judges may be selected on a nonpartisan ballot or by appointment/retention. This allows the League to support any bill that would include one of these options, as has happened in the past.

HB 3146 (Anchia) NEUTRAL Meantime at the urging of several organizations, HB 3146 (Anchia) has been filed. This would provide for public financing for appellate court judges and justices during an election cycle. The only state that has such a system is North Carolina. I found several inconsistencies in the language of the bill. This is the rationale for our neutral position at this time. I contacted Rep. Anchia's office and was told that the bill was not drafted by his staff, was not reviewed yet by the Legislative Council Lawyers, and that a substitute would come out when the Legislative Council reviews it. At that time, it is likely that we will be able to support it, although our focus will still be on the appointment/retention system. Public financing is part of our positions on Campaign Finance Reform.

CHILD ABUSE & NEGLECT Carol Pino (Wimberley) cpino@hughes.net

SB 81 Voted out of committee and the report printed and distributed

SB 67 Scheduled for a public hearing 3/17

SB 277 Public hearing testimony taken in committee

HB597 No change

HB 188 No change

SB 89 (Van de Putte) HB 639 (Thompson) SUPPORT These companion bills focus on the prosecution, punishment, and prevention of offenses involving the trafficking of persons or certain forced or sex-based labor or services

SB 301 (Shapleigh) SUPPORT Reduces the foster care caseloads of DPS caseworkers to ensure monthly visits to foster children.

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

Many bills currently address extending eligibility for Children's Medicaid, before reapplication is required, from six to twelve months. Twelve-month eligibility would result in more children having access to quality health care. By cutting the frequency of reprocessing in half, it would also be an important tool for repairing Texas' badly broken intake system. Identical bills have been filed, referred to the House Human Services Committee, and scheduled for hearing during the week of March 16.

These are **HB 647 (Dukes) SUPPORT, HB 843 (Martinez) SUPPORT, HB 2199 (Marquez) SUPPORT,** and **HB 2204 (Gonzales) SUPPORT.**

Bills that combine twelve-month eligibility with other beneficial changes for CHIP and Children's Medicaid include **HB 584 (Dukes) SUPPORT** and **HB 1541 (Turner, Sylvester) SUPPORT.** They will be part of the same hearing. **HB 2962 (Coleman) SUPPORT,** which was filed at the last minute, also combines several desirable features with twelve-month eligibility.

SB 23 (Zaffirini) SUPPORT and **SB 349 (Shapleigh) SUPPORT** are identical companion bills to HB 647 and the others. They have been referred to the Senate Health and Human Services Committee. **SB 1252 (Zaffirini) SUPPORT** is an identical companion bill to **HB 1541.** It combines twelve-month eligibility with improvements to intake and outreach systems.

Bills to expand CHIP from 200% of the Federal Poverty Level to 300% FPL or beyond have a variety of provisions. Many call for a buy-in for families with higher incomes. All these bills would result in a substantial reduction in the number of Texas' uninsured children. With about 1.5 million lacking insurance, the state has the highest rate of children without health coverage in the nation. Bills that

have been filed, referred to the House Human Services Committee and scheduled for hearing during the coming week are **HB 1329 (Rose) SUPPORT HB 676 (Eiland) SUPPORT, HB 787 (Cohen) SUPPORT, HB 862 (Naishtat) SUPPORT HB 1699 (Martinez) (S), HB 2200 (Marquez) SUPPORT, HB 2206 (Gonzales) SUPPORT** and **HB 2388 (Hernandez) (W).** **HB 4662 (Lucio III) (S)** was filed at the last minute. **SB 577 (Shapleigh) SUPPORT** has been referred to the Senate Health and Human Services Committee. **SB 841 (Averitt) SUPPORT** companion to HB 1329, has been referred to the Senate Finance Committee.

Several bills seek to increase outreach and to reduce the serious inefficiencies of the intake system. These changes would result in the enrollment of more children who currently qualify for CHIP and Children's Medicaid, giving them access to doctors and other essential health care. **HB 745 (Dukes) SUPPORT** and companion bill **SB 1189 (West) SUPPORT** address this. Others bills mentioned above for support include system improvement among their features.

Also on the list for House Human Services Committee hearing are:

HB 1080 (Turner, Chris) SUPPORT To restore deductibility of child support payments from income in determining CHIP eligibility.

HB 1903 (Bolton) SUPPORT To restore deductibility of certain work-related expenses from income in determining CHIP eligibility.

SJR 21 (Watson) SUPPORT, Calling for an amendment to the Texas Constitution to ensure that the state receives maximum federal funding available for CHIP, moved forward into the Senate Finance Committee.

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

The past couple of weeks have been active for early childhood education advocates! Since Voices for Change and Pre-K Advocacy Day, 17 more legislators have signed on as co-authors to **HB 130 (Patrick)** for a total of 64 au-

thors/co-authors and companion **SB 21 (Zaffirini et al.)** bringing the total up to 11. Both bills we **SUPPORT.**

At the Senate Education Committee hearing heard Thursday, March 12, LWV-TX signed in support of SB 21. At

the hearing, Senator Judith Zaffirini testified that educating kids early pays off in the long run. Her bill, SB 21, would provide funds to improve and expand already existing Pre-K education in the state and would allow districts that already offer Pre-K programs to change voluntarily to a full-day program. In order to take advantage of the bill, districts would have to set Pre-K class size limits at 22, and change teacher-to-student ratios of 1 to 11. It would require participating districts to partner with private early education programs in their respective regions and would require them to submit data to the Texas Education Agency to gauge the effectiveness of expanded Pre-K programs. Teachers in the programs would have to take at least nine hours of training focused on early childhood education. The bill was left pending before the committee as lawmakers look to get the total cost of the bill.

HB 130 (Patrick) Public hearing set for 3/19/09 in the House Public Education committee.

HB 1240 (Villarreal) SUPPORT Was heard by the House Public Health Committee March 10. HB 1240 requires that among the resources received by new parents or caregivers would be a guide containing information on the development, health, and safety of a child from birth until age five. The publication would include guidance on establishing a medical home (a nationally recognized best practice for providing health services to a child), selecting appropriate child care, early dental care, effective parenting, and child safety. The guide would also describe developmental milestones and parenting resources available throughout the state, and be available in English or Spanish.

Additional bills for consideration:

SB 1032 (Van de Putte) newly filed companion to **HB 136 (Villarreal) SUPPORT** Relates to providing notification to parents of eligible children of the availability of prekindergarten classes.

SB 1349 (Van de Putte) & HB 2446 (Rose) SUPPORT Companion bills relating to eligibility of public school prekindergarten classes of children residing with a grandparent.

SB 1499 (Van de Putte) SUPPORT Relating to the retention of eligibility for certain children in public school prekindergarten once they are enrolled.

HB 1240 (Villarreal) SUPPORT In Public Health committee. Relates to developmental, health and safety information required to be provided to a parent of an infant.

HB 1241 (Villarreal) SUPPORT In Public Education committee. Regarding student/teacher ratios and class size limits for public school prekindergarten classes.

SB 49 (Zaffirini) SUPPORT (S) Testimony taken 3/12/09 and left pending in the Education committee

SB 56 (Zaffirini) SUPPORT In Administration committee

SB 90 (Van de Putte et al.) & companion HB 174 (King, Susan, Berman) WATCHING Regarding adoption of Interstate Compact on Educational Opportunity for military children.

In Health & Human Services Committee

SB 59 (Zaffirini) SUPPORT

SB 67 (Nelson) SUPPORT

SB 68 (Nelson) SUPPORT

SB 81 (Nelson) SUPPORT Passed out of Health & Human Services committee 3/3/09.

Other Committees

SB 95 (Van de Putte et al.) & HB 217 (Menendez) SUPPORT Companion bills in State Affairs committee.

SB 122 (Ellis) (SUPPORT) In Education committee.

SB 156 (Ellis) & HB 326 (Raymond) SUPPORT Companion bills in Jurisprudence & Public Education committees, respectively.

SB 282 (Nelson) SUPPORT In Education committee.

SB 382 (Van de Putte et al.) & HB 429 (King, Susan) SUPPORT Companion bills in Education and Higher Education committees.

SB 395 (Lucio) WATCHING Regarding creation of the Early Childhood Health and Nutrition Interagency Council.

SB 773 (Lucio) & HB 601 (Villarreal, Chisum) WATCHING Regarding licensing requirements for certain facilities and homes providing child care.

In Technology, Economic Development & Workforce committee

HB 161 (Deshotel) SUPPORT

In Human Services committee HB 188 (Alonzo) SUPPORT

In Public Education committee

HB 136 (Villarreal) & companion SB 1032 (Van de Putte) SUPPORT

HB 275 (Rodriguez) SUPPORT

HB 316 (Raymond) SUPPORT

HB 1877 (Alvarado, Rios Ybarra) SUPPORT In Public Education committee. Relating to physical activity requirements for students enrolled in public school prekindergarten programs

Other Bills We are Watching

HB 446 (Villarreal) WATCHING Regarding enforcement of unpaid child support.

HB 447 (Villarreal) WATCHING Regarding failure to comply with child support lien, court order or levy.

HB 804 (Villarreal) WATCHING Relates to authorizing a power of attorney for the medical care and education of a child.

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

No report

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

The following bills were described in previous newsletters.

HB158 (Chavez) and companion bill **SB 810 (Davis) SUPPORT**

The following three bills are important because they involve issues of posting information for public availability.

HB 1081 (Herrero) SUPPORT This bill requires the posting of certain information regarding nursing homes and related institutions on the Department of Aging and Disability Services website. The information concerns compliance with state regulations.

SB 785 (Nelson) SUPPORT Requires that employee misconduct registry and employee certification requirements for institutions such as nursing homes be posted on the DADS website.

HB 1453 (Naishstat) and **SB1513 (Watson) SUPPORT** These companion bills require that information about long term care consumer services be easily available on the Internet and in a manner that a consumer can easily understand what services are in his county. Such information can also be available in print for a small fee.

HB2248 (Turner) SUPPORT Provides for an emergency management plan for certain health care facilities.

HB 2402 (Chavez) SUPPORT Expands the right of a resident in a nursing home to include the right to bring an action in a court of law and to retain an attorney.

HB 1891 (Madden, Eissler) OPPOSE Regarding state funding for certain children to attend certain private pre-kindergarten programs in Public Education committee.

HB 2218 (Flores) WATCHING Relates to the distribution of federal child care development funds to local workforce development boards.

SB 302 (Shapleigh) SUPPORT Provides for an in-home caregiver demonstration project under the Medicaid program.

SB 805 (Nelson) SUPPORT Provides for incentive payments for certain nursing facilities providing services under the medical assistance program. This would encourage Medicaid facilities to provide a high standard of care.

SB 1721 (Uresti) SUPPORT Provides for maximizing reimbursement from state and federal sources for funding for nursing homes.

SB 705 (Nelson) SUPPORT Medicaid's Section 1915(c) waiver programs allowed states to use Medicaid funds to pay for community-based care. The Texas Department of Aging and Disability Services (DADS) administers seven Section 1915(c) waiver programs. The Consolidated Waiver program has operated as a pilot since 2002, but is no longer necessary with the expansion of the Medicaid managed care programs. This bill directs DADS to coordinate with the Health and Human Services Commission to streamline the administration and delivery of the Medicaid 1915(c) waiver programs, eliminates the pilot program, and requires clients to be transferred into other existing programs without a break in service. The bill prohibits such clients from being placed on an interest list or waiting list in lieu of being enrolled in a program.

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

Clutter in the 81st-more bills fawning to constituency. More tampering with federal authority over immigration.

HB 276 (Zerwas) OPPOSE Relating to the requirement that state agencies report the cost of services and benefits provided to unlawful immigrants. This bill invites an undocumented immigrant to incriminate himself before needed help is provided.

HB 1061 (Jackson) OPPOSE Relating to the requirement of citizenship or lawful presence in the United States for issuance or renewal of certain licenses, drivers li-

censes, and identification certificates. This bill prohibits issuance of a driver's license to an undocumented immigrant. There are two parts: **Article 1:** business, occupational and professional licenses require proof of employment eligibility and **Article 2:** driver's license requires proof of citizenship or legal presents for more than six months more.

This could prohibit some tourists from driving. What will be accepted as proof of citizenship is not spelled out in the bill.

HB 1278 (McClendon) OPPOSE Relating to the proof of identity and residency of an applicant for a driver's license or personal identification certificate. This bill is similar to HB 1061. The required proofs exceed those for voter registration application. It is an open door to racial profiling and harassment.

SB 390 (Patrick) OPPOSE This bill relates to confidentiality of information under the public information law regarding federal law enforcement officers. This bill amends the current Code of Criminal Procedure, noting many criminal investigators are not "peace officers" and amends the tax code.

MEDICAID Lynda Ender (Dallas) lender@theseniorsource.org

HB 1186 (Homer) SUPPORT Relates to the transfer or discharge of certain residents in certain assisted living facilities.

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

HHSC and Evercare Agree to an Early End of ICM Contract

The Texas Health and Human Services Commission (HHSC) and Evercare have agreed to end a contract for the Integrated Care Management (ICM) program, which provides Medicaid services to 74,000 people in the Dallas-Fort Worth area.

ICM was created during the 79th legislative session to provide Medicaid services and improve the coordination of care for people age 65 or older and for those have disabilities in Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Navarro, Rockwall, Parker, Tarrant and Wise counties. There have been many issues with Evercare, but the worst has been delays in care.

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

No report

Natural Resources

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

New Bills:

A large number of air quality bills were filed before the March 13 deadline. They include:

HB 2255 (Hancock) SUPPORT This is a companion bill to SB 902 by Davis relating to vapors from natural gas wells. It was sent to the House Environmental Regulation Committee and passed 1st reading on March 9.

HB 2495 (Dunnam) SUPPORT This bill relates to considering the cumulative effects of emissions before granting a permit. It was sent to Environmental Regulation on March 11.

HB 2497 (Dunnam) SUPPORT Under this bill coal-fired power plants in non-attainment areas must reduce their NO_x emissions to that amount which is technically feasible. It was sent to Environmental Regulation on March 11.

HB 2588 (Burnam) SUPPORT Another bill requiring TCEQ to consider the cumulative effects of emissions before granting a permit. It was sent to Environmental Regulation on March 12.

HB 2770 (Anderson) SUPPORT This bill would require that the cumulative effects of emissions within 100

miles of a proposed electric generating plant be considered before granting a permit.

HB 3428 (Hernandez) SUPPORT This is a companion bill to SB 1541 by Gallegos relating to establishment of a watch list by TCEQ. It was filed on March 11.

HB 3582 (Dunnam) SUPPORT This bill relates to the establishment of an electronic emission inventory database by TCEQ. It was filed on March 11.

HB 3590 (Burnam) SUPPORT This bill relates to fugitive emissions from oil and gas facilities. It was filed on March 12.

HB 3591 (Burnam) SUPPORT This bill relates to regulation of VOC's (volatile organic compounds) from oil and condensate storage tanks. It was filed on March 12.

HB 3942 (Truitt) SUPPORT This is a companion to SB 760 by Davis regarding a NO₂ catalytic reduction pilot for cement kilns. It was filed March 12.

HB 4082 (Farrar) SUPPORT Mercury emissions are required to be no more than 10% of total emissions of 2002 from an electric generating facility in this bill. It was filed on March 13.

HB 4083 (Farrar) SUPPORT This bill states that a "condition of air pollution" exists if emissions are in ex-

cess of the effects screening levels for that pollutant. It was filed on March 13.

SB 1541 (Gallegos) SUPPORT is a companion bill to **HB 3428 (Hernandez)** relating to an air pollutant watch list. It was filed on March 9.

SB 1597 (Watson) SUPPORT requires a greenhouse emission analysis for Metropolitan Planning Organizations with regard to their transportation plans.

Action on bills:

HB 826 (Gattis) SUPPORT Rep. Gattis's bill was heard before the Environmental Regulation Committee on March 4. It was left pending in committee.

SB 184 (Watson) SUPPORT This bill was sent to the Senate Natural Resources Committee and a hearing was

set for March 17. It requires the TCEQ to report to the Legislature those actions which can reduce greenhouse gas emissions without cost, thus known as the "no regrets" bill with regard to greenhouse gases. We will send a letter of support on this bill.

Bills we are watching:

There are several bills relating to sequestration of carbon dioxide mostly relating to which agencies would be in charge and which would be involved, i.e., TCEQ, the Railroad Commission, the Soil and Water Conservation Board and/or the Bureau of Economic Geology. I personally favor involvement of the Bureau of Economic Geology!

They include: **SB 483 (Seliger)**, **SB 1387 (Seliger)**, **SB 2111 (Averitt)**, and **HB 2872 (Chisum)**

ENERGY Penny Miller pmiller737@aol.com

No report

HAZARDOUS WASTE Melanie Barnes (Lubbock) Melanie.barnes@ttu.edu

SB 338 (Van de Putte) SUPPORT Still in committee. No further action.

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

HB 1195 (Dukes) SUPPORT Sent to Environmental Regulations Committee. Relates to a city population of 600,000-700,000.

HB 1119 (Bolton) SUPPORT Referred to the Land and Resource Management Committee.

HB 722 (Howard) SUPPORT Referred to the Urban Affairs Committee.

HB 4 (Orr) SUPPORT Referred to the Land and Resource Management Committee.

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

SB 855 (Carona) SUPPORT Texas Local Option Transportation Act This bill introduced by Senator Carona allows local metropolitan areas with a regional planning authority to call an election to fund locally through many sources additional transportation projects to meet identified unmet needs. It would not let the Texas Department of Transportation reduce state funds that would be utilized in the area. This bill covers many aspects

from our LWV-Texas position: identified needs, local planning, alternative funding sources, and local input into fiscal sources for the region. **The bill was set for public hearing in committee on March 18th.**

Other bills in Transportation and Homeland Security are currently being evaluated, modified, substituted, etc, and will be moving more at the end of this month and in April.

WATER QUALITY Mary Vogelson (Dallas) mmev@swbell.net

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