



Legislative Newsletter

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

April 3, 2009

81st Texas Legislature

Volume 20, No. 6

Mary Finch, Advocacy Vice President

Scherel Carver, Editor

News from the Capitol

House and Senate Committees and Sub-Committees are in gear this week. Program Chairs are busy writing testimony and making the trip to Austin for the big bills. The Capitol Corps is running here and there to keep up. The busy season has started.

Be sure to read Elaine Talarski's update for Senator Wentworth's redistricting bill SB 315. As we are editing this Newsletter, we are one vote short of passing this bill in the Senate. Answering the action alert sent out earlier can make all the difference, just as every vote can make a difference.

Mary Wilson, LWVUS President, was in Austin the week that the Senate passed the onerous Voter ID bill SB 362. She held a press conference in the Capitol to detail the problems with Voter ID bills like the one in Texas. We then talked to several legislators in the House about the bill. We heard that this bill is all about "politics not policy," even from legislators who were voting for the bill. SB 362 is now in the House Elections Committee and will probably have a hearing before the next Newsletter. **Look for the League action alert when a Voter ID bill goes to the House floor.**

Mary Finch, Advocacy VP

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

Government

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

The House Appropriations Committee and the Senate Finance Committee have been meeting regularly to develop a state budget, which includes education appropriations. The Senate Finance budget bill was expected on March 30 and was to be heard on the full Senate floor as early as April 1. The House version is expected to be voted out of the committee by about April 1, and will be before the House floor during the latter part of the following week. A comparison detailing the full differences, both major and minor, between the two versions is expected to be available once both bills are released to the public.

As legislators grapple with education funding and mandates, the use of federal stimulus dollars becomes a consideration. A group of 12 Texas members of Congress, led by Lloyd Doggett (Austin), sent a letter to the U.S. Secretary of Education Arne Duncan, urging him to write guidelines for the Texas Legislature on the permissible use of about \$3.2 billion in federal economic-recovery aid earmarked for Texas schools in the so-called State Fiscal Stabilization Fund. There are concerns that state education dollars may be supplanted by federal education dollars. Apart from the \$3.2 billion, the federal economic-

recovery law also provides \$2.2 billion that must flow to school districts for services to low-income students (Title I aid) and services to students with disabilities (IDEA). This money must be passed through by the state to school districts and must be used for the purposes authorized in the federal Title I and IDEA laws.

A number of bills have been filed this session in the wake of curriculum decisions by the State Board of Education (SBOE). The LWVTX has filed testimony five times on curriculum revisions concerning English language arts and science—most recently on the science curriculum on March 25. A March 12 Action Alert asked LWVTX members to support a draft written by curriculum-writing teams and to oppose language that would weaken instruction in widely endorsed scientific concepts, including evolution. On March 27, the SBOE voted to remove current language concerning "strengths and weaknesses" of scientific theories, and voted against a proposed amendment concerning "insufficiencies" of common ancestry. However, the board approved other amendments that require instruction in "all sides" of scientific theories, in different views on the existence of global warming, and in theories on the origins of the universe, including estimates for its

age.” Many believe such language provides an opportunity to weaken instruction in sound science.

House Public Education Committee At meetings of the Committee, the LWVTX filed cards in **SUPPORT** of the following bills: [HB 772](#), [HB 130](#), [HB 136](#), [HB 307](#), [HB 635](#), [HB 709](#), [HB 710](#), [HB 828](#); [HB 1297](#); [HB 2037](#), [HB 2262](#), [HB 2263](#), [HB 2264](#), and [HJR 77](#). A card was filed in **OPPOSITION** to [HB 1891](#).

Following is information on the status of bills:

House Public Education Committee: [HB 850](#); [HB 1297](#); [HB 2037](#) (enabling legislation for [HJR 77](#)); [HB 2261](#); [HB 2262](#); [HB 2471/SB 1955](#); [HB 2476](#); [HB 2538](#); [HB 2744](#); [HB 2541](#); [HB 2812](#); [HB 3050](#); [HB 3382/SB 440](#); [HB 3639](#); [HB 3703/SB 1830](#); [HB 3865](#); [HB 4150](#); [HB 4224](#); and [HB 4238](#).

House Pensions, Investments, and Financial Services Committee: [HB 4199](#)

House Ways and Means Committee: [HB 1842/SB 756](#) ([HB 1302](#) duplicate); [HB 1853](#); [HJR 81](#); and [HJR 97](#).

Senate Education Committee: [SB 3/HB 3](#); [SB 1313](#); [SB 1446](#); [SB 1459](#); [SB 1460](#); [SB 1487/HB 3173](#); [SB 1489](#); [SB 1830/HB 3703](#); and [SB 1955/HB 2471](#)

Other Bills:

[HB 136](#) (**Villarreal**) **SUPPORT** Provides for notification to parents of eligible children of the availability of prekindergarten classes.

[HB 307](#) (**Dutton**) **SUPPORT** Provides funding for Saturday classes for elementary school students who fail to pass certain assessment instruments.

[HB 635](#) (**Guillen**) **SUPPORT** Authorizes the Texas Education Agency to seek, accept, and distribute grants that are available for the benefit of public elementary and secondary education.

[HB 709](#) (**Rose**) **SUPPORT** Relates to the award of stipends to nationally certificated classroom teachers under the educator excellence awards program.

[HB 1263](#) (**Villarreal**) **WATCH** Exempts certain public school students of limited English proficiency from certain state-administered assessment instruments.

[HB 2037](#) (**Howard**) **SUPPORT** (change from **WATCH**) Creates a Permanent School Fund Management Council to manage the permanent school fund.

[HB 2263](#) (**Eissler**) **SUPPORT** Extends to middle and junior high schools the high school innovation grant initiative.

[HB 2264](#) (**Eissler**) **SUPPORT** Establishes an after-school grant program for certain students in public middle or junior high schools.

[HB 2480](#) (**Hochberg**) **SUPPORT** Relates to school district agreements with junior colleges for courses for joint high school and junior college credit.

[HB 4224](#) (**Christian**) **OPPOSE** Relates to the teaching of science in public schools. Codifies the requirement that the “strengths and weaknesses” of scientific theories, including evolution, be taught in Texas public school.

[HB 4238](#) (**Branch**) **SUPPORT** (change from **oppose**) Establishes a state master plan for closing academic achievement gaps in public primary and secondary education and creation of a select committee to address this goal.

[HB 4488](#) (**Howard of Fort Bend**) **WATCH** Establishes an alternative graduation plan for students planning to attend postsecondary institutions that primarily offer associate degrees or certificates other than baccalaureate or advanced degrees.

[HB 4590](#) (**Pitts**) **WATCH** Provides for funding for career and technology education programs in public schools—for example, training to prepare teachers, start-up costs for programs, and administration of student assessments.

[SB 2180](#) (**Shapleigh**) **WATCH** Relates to transfer of a student of limited English proficiency out of a public school bilingual or special language program and to public school accountability for those programs.

[HJR 77](#) (**Howard**) **SUPPORT** Proposes a constitutional amendment that would create the Permanent School Fund Management Council to assume the State Board of Education’s duty to manage the permanent school fund.

[SB 1363](#) (**Shapiro**)/[HB 2155](#) (**Edwards**) **SUPPORT** These relate to clarification of the essential knowledge and skills of the public school curriculum and the evaluation of conforming curriculum management systems.

[SB 2002](#) (**Van de Putte**) **SUPPORT** Relate to a secondary-level English language learners’ program for public school students of limited English proficiency.

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

NO CHANGE: [HB 157](#) (Chavez), [HB 245](#) (Alonzo), [HB 373](#) (Anderson/Flynn), [HB 627](#) (Anchia), [HB 638](#) (Leibowitz), [HB 1256](#) (Allen), [HB 513](#) (Vo), [HB 536](#) (Anchia/etal), [HB 551](#) (Madden), [HB 1103](#) (Guillen)

Bills in the Senate State Affairs Committee on which we took action.

3/5/09 [SB 92](#) (Wentworth) SUPPORT Relating to the establishment of a program to provide a ballot by electronic mail to military personal serving overseas. Signed in SUPPORTING

3/26/09 [SB 1310](#) (Duncan) SUPPORT Relating to a program for countywide voting locations in certain elections. Gave testimony in SUPPORT. We supported this bill as a pilot program. However, we discovered it is not a pilot program, so if it comes before the Senate for a vote we will withdraw our support. We need more local data on the best way to plan voting locations. When a voting

location in countywide voting is considered, it must be chosen with input from community groups and done very carefully so that it will encourage and not discourage voters in that county.

Bills on House Elections Committee Agenda 3/30/09 on which we took action. SIGNED IN SUPPORTING on all:

[HB 252](#) (Berman/et al) SUPPORT Relates to authorizing the appointment of students to serve as election clerks.

[HB 1457](#) (Hochberg) SUPPORT Relates to procedures concerning voter registration.

[HB 1654](#) (Anchia) SUPPORT This bill relates to the appointment of high school deputy registrars.

[HB 2209](#) (Pena) SUPPORT Relates to a voter educator program for high school seniors.

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

The legislature is generally stalled on bills like the Voter ID Bill. In the meantime, more than 500 bills could come to the House Ways & Means Committee, and this does not count the more than 200 bills headed to the committee from the Senate.

Legislatively, although the House promises a budget bill, there has been no action yet that addresses the state's current financial shortfall.

On the brighter side, **[HB 133](#) (Villarreal) SUPPORT** Would require the mandatory sales price disclosure of real property, has been referred to the Ways & Means Committee, read for the first time, and scheduled for public hearing on Wednesday, April 1. **We strongly support this bill and the transparency it brings.**

[SB 217](#) (Carona), tying the rate of the state's gasoline tax to the producer price index, has been read, filed, and is still in the Transportation and Homeland Security Committee.

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

After a slow start, things are beginning to break loose in the legislative session. So far there are 13 bills that relate to campaign finance reform. Some minor clean up bills were on the Elections Committee agenda for Monday, March 30 for which the League signed in favor. Some are concerned with political advertising.

[HB 478](#) (Heflin) SUPPORT This disclosure measure would require those making automatic telephone solicitations on behalf of a candidate and indicating support or opposition to identify the caller, name who has paid for the call, and state that the candidate has approved the call in writing.

[HB 1997](#) (McCall) SUPPORT Would restrict contributions to statewide officeholders, a member of the legislature, or a specific-purpose committee between the time the governor calls a special session and through the date of final adjournment. The same bill was introduced by Rep. McCall in the last session and did not pass.

[HB 4060](#) (T. Smith) SUPPORT Even though the bill was filed after the filing deadline, it was scheduled already for the Elections Committee hearing March 30. It simply

says that ending on the date of the general election up to 120 days, all judicial candidates, officeholders, or specific-purpose committees may not accept contributions, whether or not there is an opponent during this time. This closes a loophole that would allow unopposed candidates to receive contributions during that period.

[HB 251](#) (Berman) NEUTRAL Supported in a previous LNL, this bill would prohibit an employee or an officer of a state agency to authorize spending or use public funds or resources. including internal mail, to distribute political advertising, provisions that the League can support However, another provision would not apply to political advertising delivered by the United States Postal Service. At this time, I would like to sign in as **NEUTRAL** to see if there is any modification to the current proposal.

Other campaign finance reform bills will be on the Elections Committee agenda April 15. In the meantime, **[HB 4436](#) (T. Smith) SUPPORT** with reservations until more is known about the ramifications. It is a similar bill to **[HB 4060](#)** with an additional section that addresses the primary election and/or run-off. If, after those elections in

which the judicial candidates in the primary or run-off elections had opponents, but did not in the general election of November 4, 2009, they may accept contributions until December 31, 2009. The section expires January 1, 2010.

The following are still being tracked: [SB 1152](#) and companion [HB 1359](#), [HB 105](#), [HB 391](#), [HB 756](#), [HB 2633](#) and companion [SB 143](#), [SB 246](#), [SB 306](#), [SB 307](#), and [SB 613](#).

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

SB 315 (Wentworth) SUPPORT This bill needs your help! The bill has been read a second time and is passed to engrossment, awaiting a third reading and final vote in the Senate. This is a critical time for the bill. The bill may be one vote short of passage. Senator Wentworth wants to delay the final vote until he feels certain there are enough votes by the Senate for passage. Refer to Action Alert regarding this bill, sent March 23. **Contact your District Senator, if you have not done so, urging support for SB 315.**

HB 104 and HJR 19 (Strama) SUPPORT There has been no movement of these bills out of committee.

HJR 90 (Pena) SUPPORT Filed March 9 and was referred to State Affairs March 19. The bill is a proposed constitutional amendment limiting the time in which the legislature may enact or modify districts for the state legislature or the United States House of Representatives.

HJR 135 (Ritter) SUPPORT A duplicate to HJR90, it was filed March 13 and referred to State Affairs March 26.

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

On March 19, LWV-TX filed testimony re **SB 182 (Patrick) OPPOSE** (the "ultrasound" measure described in LNL #1) at a Senate State Affairs Committee hearing. Testimony said: "Adding this provision into existing law...rather than protecting women's health, would seem to be aimed at intimidating women from obtaining abortions. The decision to end a pregnancy is a private one that should be made by a woman in consultation with her doctor, and the proposed law would impose an insensitive and unnecessary intrusion upon the physician/patient relationship."

On March 26, the Committee reported favorably on a substitute bill that does not substantially change the original. As of this Newsletter deadline, Senate vote was scheduled for week of March 30; pro-choice advocates are trying to round up the 11 votes required to block consideration.

Family Planning Funds Thanks to all who responded to the recent Action Alert and contacted their senators on the Finance Committee to express **OPPOSITION** to Sen. Deuell's (R-Greenville) proposed state budget amendment that would divert millions of federal family planning dollars away from a number of women's health clinics in Texas—including Planned Parenthood which used the \$3.7 million received in 2008 to see more than 26,000 patients. Under federal law, none of the recipients can use these funds to provide abortions, but Sen. Deuell and others have a history of targeting Planned Parenthood because it uses private funds for abortion-related services.

The proposed amendment was pulled from the budget before the public hearing because, according to Finance Committee Chair Steve Ogden (R-Bryan), it "didn't have the votes." Although LWV-TX and other proponents of reproductive health won this round, Sen. Deuell has indicated that the debate is not over; he could still "resurrect" the amendment when the budget reaches the senate

floor. We need to keep the pressure on senators to oppose this and other proposals that would deprive thousands of low-income Texas women of preventive health care.

Update on **HB 3152 (Christian) OPPOSE** Referred to House State Affairs Committee: LWV-TX opposes this measure that the sponsor says is designed to punish physicians who perform and take fees for fake abortions. According to the sponsor, many women have been victimized in this way. Even if this claim is true, however, current statutes already provide penalties for this type of fraudulent behavior.

Hearings scheduled:

- **HB 741 (Castro) SUPPORT** and **HB 1567 (Villarreal) SUPPORT** House Public Education Committee March 31.
- **HB 109 (Phillips) OPPOSE** House Transportation Committee License Plates Subcommittee April 2

HB 2968 (Coleman) SUPPORT and **HB 3796 (Morrison) OPPOSE** have been sent to the House State Affairs Committee.

No new actions have been taken on the following previously reported bills: **HB 36 (Corte) OPPOSE**, **HB 44 (Corte) OPPOSE**, **HB 680 (Farrar) SUPPORT**, **HB 684 (Farrar) SUPPORT**, **HB 891 (Villarreal) SUPPORT**, **HB 893 (Villarreal) SUPPORT**, **HB 1371 (Rodriguez) SUPPORT**, **SB 1694 (Strama) SUPPORT**, **HB 2221 (Farrar) SUPPORT**, **HB 2592 (Thompson) OPPOSE**, **SB 515 (Ellis) SUPPORT**, **SB 592 (Van de Putte) SUPPORT**, **SB 593 (Van de Putte) SUPPORT**, **SB 1076 (Van de Putte) SUPPORT**, **SB 1098 (Carona) OPPOSE**, **SB 1100 (Watson) SUPPORT**

TEXAS CONSTITUTIONAL REVISION

No activity in this area.

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

At this stage, the bills we are expecting to follow most closely are:

[HB 1119 \(Bolton\)](#) SUPPORT Allows land-use planning commissions to be established in counties over 800,000. (Currently Harris, Dallas, Tarrant, Bexar, and Travis would qualify. El Paso, Collin, and Hidalgo are all over 700,000 and may reach that threshold soon. Source: Texas State Library and Archives Commission.) Referred to Land & Resource Committee.

[HB 3265 \(Rose\)](#) SUPPORT Comprehensive land-use planning for 15 Hill Country counties following a local option election in each county. Referred to County Affairs Committee.

[HB 4175 \(Bolton\)](#)/[SB 2451 \(Wentworth\)](#) SUPPORT Allows a county to establish buffer zones and land-use planning regulations. Would apply only to Travis County at this time. Referred to Land & Resource Committee in the House; no Senate referral yet.

[HB 4262 \(Rodriguez\)](#)/[SB 2202 \(Wentworth\)](#) SUPPORT Comprehensive land-use planning in the ETJ, procedures to be approved following a hearing. Would

apply only to Travis County at this time. Referred to Land & Resource Committee in the House; no Senate referral yet.

[SB 2452 \(Wentworth\)](#) SUPPORT Comprehensive land-use planning, including density limits, set-backs, and impact fees. Requires a local election and would apply only to Travis County. No committee referral yet.

[SB 2097 \(Wentworth\)](#) SUPPORT and [SB 578 \(Wentworth\)](#) SUPPORT Would make minor changes in the Local Government Code and would not grant the broader authority we think is necessary, but we will support them if the bills we prefer cannot pass. SB 578 referred to Intergovernmental Relations; SB 2097 not yet referred.

[SJR 47 \(Lucio\)](#) WATCH Constitutional amendment would allow a county to regulate land development following voter approval in the county.

County Authority bills listed in LNL 5 that affect specific named areas are expected to be on the Local and Consent Calendar and probably will not face strong opposition.

Administration of Justice

CAPITAL PUNISHMENT

[HJR 24](#) and [HB877 \(Naishtat\)](#) SUPPORT Public Hearing in Capital Punishment Subcommittee March 19. Alison Dieter, Capitol Corps member, testified in favor and distributed to Committee members the Fact and Issues from the 2003 LWV-TX Study on Capital Punishment. The bills are pending in Subcommittee.

[HB 788 \(Thompson\)](#) Pending in Subcommittee and [SB 115 \(Ellis\)](#) SUPPORT Referred to Criminal Justice Committee. Both bills would establish a commission to investigate and prevent wrongful convictions.

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

[HB 498](#), [HB 788](#) Re: Creation of an Innocence Commission Bills have been left pending in the sub committee after public hearings.

[SB 1948 \(Hinojosa\)](#) SUPPORT Regards the establishment of a supervised reentry program for parolees. Participation in treatment and counseling programs would be

mandatory, and failure to participate would result in parole revocation. Scheduled for public hearing on 3/31/09.

[HB3439 \(England\)](#) SUPPORT Regards the establishment of a Skills Development Assessment for all inmates to evaluate their functional capacity.

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

[SB 188 \(Duell/ Van de Putte\)](#) SUPPORT Passed the Senate and is now in the House of Representatives awaiting further action.

[HB 142 \(McClendon\)](#), [HB 272 \(Ortiz\)](#), [HB 3707](#) SUPPORT All of these bills are similar to SB 188 and are still in committee.

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

HB 3689 (McClendon) and SB 1020 (Hinojosa) SUPPORT The major bills proposing to overhaul the juvenile justice system had hearings on April 1st for the Senate version and April 2nd for the house version. No fiscal notes have been filed for these bills, and we will learn from the hearings more about the direction the legislature plans to take.

Other bills are of special interest in light of the possibility that more juvenile justice services will stay in communities or regions. Fewer offenders will be sent to state facilities, giving local governments the responsibility to intervene and hopefully the motivation to prevent youth crime.

HB 160 (Deshotel) and SB 1546 (Uresti) SUPPORT These companion bills would create a community-based at-risk youth program designed for education and self-sufficiency. The Fiscal Note for these bills is \$70 million. The bills are still in committee.

HB 1351 (Vaught) and SB 58 (Zaffirini) SUPPORT These companion bills would expand the Juvenile Justice Case Management System, a data-sharing service, to the entire state for counties that request it. The data-sharing allows for quicker processing of cases and more timely access to services. The Fiscal Note for these bills is \$3.8 million. These also are still in committee.

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

A new judicial selection bill was filed **SB 2226 (Duncan)** and **SJR 44 (Duncan) NEUTRAL**. I have been unable to contact the Senator's General Counsel for clarification on these bills. Appellate court judges and justices would be elected on a partisan ballot followed by a retention/rejection nonpartisan ballot after a term of six years. The language is unclear to me whether, after a retention election, the following elections would be nonpartisan. I am reluctant for the League to support a bill that starts out on a partisan ballot with all the ramifications of raising

huge funds for campaigns and the implied influence this brings, perhaps for up to six years. Neither bill has been assigned a committee. I also do not know yet if **SB 782** and **SJR 23** will be withdrawn for these latest bills. Stay tuned.

HB 3146 (Anchia) NEUTRAL No new information has emerged for this previously-reported judicial public financing bill. We remain neutral pending clarification, and will continue to monitor it.

Social Policy/Human Resources

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

At the LWV-TX statewide meeting in Austin on March 9th, the Child Abuse/ Neglect position was changed by removing the words, "in their families and homes." As a result, the League can now work to protect children wherever they are—in the school, in the community, in state facilities, and in foster care, in addition to in their homes.

SB 89 (Van dePutte)/ HB 639 (Thompson) SUPPORT Examples of bills that the League now can support. They focus on the prevention, prosecution, and punishment of offenses involving the trafficking of children and adults for forced sex-based labor or services.

SB 81 (Nelson) SUPPORT The League signed in support of SB 81 at a recent committee hearing.

The status on bills previously mentioned is as follows:

SB 81 (Nelson) SUPPORT House received from the Senate

SB 67 (Nelson) SUPPORT Considered in public hearing

SB 277 (Nelson) SUPPORT Committee report printed and distributed

SB 89 (Van de Putte)/HB 639 (Thompson) SUPPORT No change

SB 301 (Shapleigh) SUPPORT Referred to Health and Human Services Committee

HB 597 (Hughes) SUPPORT Subcommittee members named.

HB 188 (Alonzo) SUPPORT No change

Four other bills have come to my attention recently. SB 788 (Nelson) WATCHING Committee report printed and distributed. This bill would amend the Family Code so that a person who has cause to believe that abuse or neglect may affect a child's well being must report the situation to CPS. (Currently, reporting to CPS applies only to harm that has already occurred.)

HB 2040 (Turner, Chris) WATCHING Public hearing held. This bill provides subsidized kinship care for abused/neglected children, utilizing both federal and state funds; however, no regulations or plans are in place.

HB 611 (Naishtat) WATCHING Referred to Judiciary and Civil Jurisprudence. This bill would amend the Family Code to require attorneys appointed to represent parents in child abuse/neglect cases to complete at least 3 hours of continuing legal education on the subject, unless they have experience, and are familiar with ABA standards in these types of cases.

HB 1041 (Parker) WATCHING Referred to Public Education. This bill would amend the Education Code to require school districts to adopt and implement policies regarding child sexual abuse—for example, addressing early warning signs, implementing methods of prevention and counseling, and publicizing actions a victimized child should take to seek assistance and intervention.

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

On March 19, the House Human Services Committee held hearings on a long list of bills related to child health. **The League of Women Voters of Texas submitted written testimony on the following four bills:**

HB 647 (Dukes) SUPPORT Calls for extending the period of eligibility for Children's Medicaid from six to twelve months.

HB 787 (Cohen) /HB 676 (Eiland) SUPPORT Both call for the expansion of CHIP from 200% of the Federal Poverty Level (FPL) to 300% FPL.

HB 1329 (Rose) SUPPORT Calls for the expansion of CHIP, with a sliding scale buy-in to 300% FPL and a buy-in at full cost above 300% FPL.

HB 1080 (Turner, Chris) SUPPORT Would restore the deduction of child support payments from income in determining eligibility for CHIP.

The League signed cards in favor of the following bills, identical to those with written testimony:

HB 843 (Martinez) SUPPORT, HB 2199 (Marquez) SUPPORT and **HB 2204 (Gonzales) SUPPORT**, duplicates of **HB 647**.

HB 1699 (Martinez) SUPPORT Duplicate of **HB 1329**.

Unfortunately, a few important bills were posted on the list for the hearing too late for written testimony. **The League signed in for or against the following:**

HB 745 (Dukes) SUPPORT Would provide much-needed improvements to enrollment systems and outreach for both CHIP and Children's Medicaid.

HB 1541 (Turner, Sylvester) SUPPORT Combines features of some of the bills on which the League submitted written testimony.

HB 2376 (Turner, Sylvester) OPPOSE Calls for aggressive outreach and expansion of CHIP to 300% FPL but stipulates that measures to extend programs to children above 200% FPL take place only after the Health and Human Services Commission verifies that 80% of the children below 200% FPL are enrolled. LWV-TX opposes because, in a state with approximately 1.5 million children lacking health coverage, delaying programs for children of modest means could result in children forgoing needed health care or in the costs of their care being supported by the general public. In other states that extend programs to children at a higher percent FPL, the result has been that more of the poorest children come forward for programs.

All bills that the League supported or opposed in the hearing are currently left pending in the House Human Services Committee.

In the Senate:

SB 187 (Deuell) SUPPORT Was heard in the Health and Human Services Committee on March 12 and is currently left pending in the committee. It calls for a Medicaid buy-in program for children with disabilities in families at up to 300% FPL.

SB 841 (Averitt) SUPPORT To be heard in the Finance Committee in early April, it expands CHIP coverage with monthly premiums to families at 200% to 300% FPL and allows buy-in at full cost for families above 300% FPL. The bill is a companion to **HB 1329**.

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

Latest bill additions: SB 1613 (Lucio) WATCHING Relates to establishing an Early Childhood Behavioral Consultation Grant Program. Filed March 17 and referred to Health & Human Services.

SB 1730 (West) SUPPORT Would increase minimum standards training time to 40 hours for employees of certain child-care facilities. Filed March 10 and referred to Health & Human Services March 20.

SB 49 (Zaffirini) SUPPORT Testimony taken March 24, and no action taken in the Education committee.

SB 56 (Zaffirini) SUPPORT In Administration committee

SB 59 (Zaffirini) SUPPORT In Health & Human Services committee

SB 67 (Nelson) SUPPORT In Health & Human Services committee public hearing March 17 and considered in public hearing March 24.

SB 68 (Nelson) SUPPORT In Health & Human Services committee, public hearing March 17, recommended for calendar, report printed and distributed.

SB 81 (Nelson) SUPPORT Placed on local and uncontested calendar March 17. House received from the Senate March 19.

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. Passed to engrossment as amended March 17. House received from the Senate March 19.

SB 95 (Van de Putte et al.)/ companion HB 217 (Mendez) SUPPORT in State Affairs committee, Senate scheduled for public hearing March 30; House left pending in State Affairs committee.

SB 122 (Ellis) SUPPORT in Education committee; **HB 3192 (Ortiz, Jr.)** Identical in Public Education March 18.

SB 156 (Ellis)/companion HB 326 (Raymond) SUPPORT In Jurisprudence and Public Education committees.

SB 282 (Nelson) SUPPORT In Education committee

SB 382 (Van de Putte et al.)/companion HB 429 (King, Susan) SUPPORT In Education Committee, hearing 3/24/09, left pending in committee and Higher Education committees

SB 395 (Lucio) WATCHING Passed Senate; House received March 19.

SB 773 (Lucio)/HB 601(Villarreal; Chisum) WATCHING Referred to Health & Human Services.

SB 1349 (Van de Putte) / HB 2446 (Rose) SUPPORT Companion bills referred to Education Committee March 17 and Public Education Committee March 10.

SB 1499 (Van de Putte) SUPPORT Referred to Education Committee March 17.

HB 130 (Patrick)/SB 21(Zaffirini et al) SUPPORT To improve and expand Pre-K education. Eighty authors and co-authors signed on to the House bill, and 12 authors to the Senate bill. Pending in Senate Education Committee. LWVTX signed in support as amended March 12. Written and oral testimony provided March 24 in Public Education Committee hearing as amended. Wrote

Houston Chronicle letter to editor and internet rebuttal to March 25th article "Lawmakers want to fund daylong pre-K programs".

HB 136 (Villarreal)/ SB 1032 (Van de Putte) SUPPORT Signed in support of HB 136 March 24; pending in committee, amended March 26. SB 1032 in Public Education committee, with first reading March 13.

HB 161 (Deshotel) SUPPORT Public hearing March 9 in Technology, Economic Development & Workforce committee.

HB 188 (Alonzo) SUPPORT In Human Services committee. **HB 275 (Rodriguez) SUPPORT** in Public Education committee.

HB 316 (Raymond) SUPPORT in Public Education committee

HB 446 (Villarreal) WATCHING left pending Judiciary & Civil Jurisprudence Committee 3/9/09 & identical SB 431 (Wentworth) in Jurisprudence Committee recommended for local & uncontested calendar 3/23/09.

HB 447 (Villarreal) WATCHING left pending Judiciary & Civil Jurisprudence Committee 3/9/09 & identical **SB 432 (Wentworth)** in Jurisprudence Committee recommended for local & uncontested calendar 3/20/09.

HB 804 (Villarreal) WATCHING in Judiciary & Civil Jurisprudence Committee

HB 1240 (Villarreal) SUPPORT placed 3/30/2009 on General State Calendar

HB 1241 (Villarreal) SUPPORT in Public Education committee.

HB 1877 (Alvarado; Rios Ybarra) SUPPORT in Public Education committee.

HB 1891 (Madden; Eissler) OPPOSE Public Education Committee hearing 3/24/09 with sign in opposition provided, left pending in committee. Wrote a letter to editor and internet rebuttal to March 25th *Houston Chronicle* article. "Lawmakers want to fund daylong pre-K programs."

HB 2218 (Flores) (WATCHING) in Technology, Economic Development & Workforce.

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

HB 32 & 33 03/23/09 Left pending in subcommittee

HB 34 No action since 02/12/09 referral to State Affairs

HB 248 Last action 02/17/09

HB 480 Last action 03/16/09 left pending in committee

HB 492 Last action 03/24/09 pending in committee

HB 522 Last action 02/18/09 referral to Public Education

HB 612 Last action 03/26/09 Scheduled for public hearing

HB 697 Last action 02/18/09 referral to Defense & Veterans' Affairs

HB 785 Last action 03/12/09 left pending in committee

HB 795 Last action 03/24/09 left pending in committee

HB 1627 Last action 03/26/09 scheduled for public hearing

HB 1637 Last action: reported in engrossed

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

Progress has been made on these four bills:

HB 490 (Jackson) SUPPORT Scheduled for public hearing on March 31.

HB 1081 (Herrero) SUPPORT Was sent to Calendars. This bill provides for posting of information about nursing homes onto the Department of Aging & Disability Services website.

HB 1453 (Naishtat) SUPPORT Is out of the Human Services Committee and a committee report has been printed and distributed. This bill provides for information about long term care consumer information to be provided on the Internet.

SB 705 (Nelson) SUPPORT is out of Health and Human Services Committee.

The other bills mentioned in earlier letters are still in committee

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

MARCH Madness – Some winners; some losers.

HB 1278 (McClendon) Undergoing restudy.

HB 186 (Riddle) SUPPORT Relates to the creation of the Bureau for Economic Development and the Hispanic Studies Bureau to improve education and economic opportunities and political rights for Hispanic citizens.

HB 266 (Berman) OPPOSE Relates to provision of benefits and services (including education) and verification of employment status of immigrants, and provides for penalties.

HB 416 (Leibowitz) SUPPORT Relates to a requirement that a recipient of money from the Texas Enterprise Fund participate in a federal program on work-eligibility verification. This bill meets the requirements of the League's position on immigration.

HB 254 (Berman) OPPOSE Would restrict illegal immigrants to certain geographic regions. This bill conflicts with the League's position on immigration and is probably unenforceable.

MEDICAID Lynda Ender (Dallas) LEnder@theseniorsource.org

It is time for advocacy on the following bills:

SB 78 (Nelson) SUPPORT This bill is out of its senate committee and has been sent to Calendars. If it passes, it would provide education on the importance of insurance to the general public, including high school students, and provide materials about the various insurance products and have a hot line to answer questions. **If you support this bill, contact your State Senator.**

SB 287 (Nelson) SUPPORT This bill encourages the use of the internet to streamline the Medicaid processes and to save money. It has a goal of achieving by September 1, 2014, a specified percentage increase in the use of electronic prescribing by Medicaid providers. It has passed the Senate and is now in the House. **If you support this bill, contact your State Representative.**

SB 288 (Nelson) SUPPORT This bill mandates that physicians or other health care providers, before providing an acute care service or procedure to a Medicaid recipient, shall review the recipient's prescription and nonprescription medication history and spells out where the history should be. This bill has passed the Senate and is now in the House. **If you support this bill, contact your State Representative.**

SB 705 (Nelson) SUPPORT This bill would streamline the administration of and delivery of services through Section 1915(c) Medicaid waiver programs and lists streamlining initiatives. **I really like this bill!!** It has passed out of the Senate Health & Human Services Committee and is in Calendars. **If you support this bill, contact your State Senator ASAP!!**

SB 286 (Nelson) SUPPORT This bill would encourage electronic records and the issuance of a Medicaid passport, so when people move within or out of the state, their records can be accessed by new health care providers. This will be great for frail elderly moving to live with relatives or into facilities, foster children, etc. It has passed the Senate and is in the House. **If you support this bill, contact your State Representative.**

HB 1186 (Homer) SUPPORT If an assisted living facility that accepts a resident who is enrolled in the Medicaid community-based alternatives program and then voluntarily ceases to accept payment from the program, it may not transfer or discharge the resident from the facility on the basis of the facility's voluntary withdrawal from the program if that resident is residing in the facility on the day before the date the facility ceases to accept payment from the program. The bill has had a public hearing, but is still in the House Human Services Committee. **If you support this bill, contact the following committee members: Rose, Herrero, Darby, Elkins, Hernandez, Hughes, Legler, Naishtat, and Walle.**

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. This bill has had a public hearing but is still in the Public Health Committee. **If you support this bill, contact the following Committee members: Kolkhorst, Naishtat, Coleman, John Davis, Veronica Gonzales, Hopson, Laubenberg, McReynolds, Truitt, and Zerwas.**

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

Hearings have been held on the Department of State Health Services budget in the Senate Finance Committee and House Appropriations Committee on mental health and substance abuse appropriations. Most of the exceptional items heard in both committees have been allocated to Article XI or the "wish list" and referred out of committee for further action by the Joint Conference Committee, whose membership has not been determined.

The status of certain exceptional items are as follows:

Exceptional item #1 - \$44.7 million for State Hospital Funding. House committee funded \$32 million and allocated \$12.7 million to Article XI. The Senate committee allocated \$44.7 to Article XI.

Exceptional item #9 - \$66 million for Substance Abuse. House committee allocated the full request to Article XI. The Senate committee continued it as a rider for adult Medicaid and tied it to [SB 796](#).

Exceptional item # 10 - \$88.3 million for Transitional and Ongoing Mental Health Services. House committee funded \$8.4 million and \$79.9 was allocated to Article XI. The Senate committee funded \$42.8 million and allocated \$45.5 million to Article XI.

Other Bills of Note

[HB1067 \(Naishtat\)/ SB 1882 \(Nelson\) – Suicide Reporting](#) Naishtat bill was filed and heard in the House Public Health Committee last week and companion bill SB1882 was filed in the Senate. HB 1067 would help prevent suicide clustering, without cost to state or local agencies. Rather than saddling DSHS with an additional administrative burden or forcing an unfunded mandate on local governments, this bill would allow for specified local

government officials and agencies to set-up memoranda of understanding in order to share statistical, non-identifying suicide completion data among themselves and would provide that such data may be published or released to suicide prevention advocates, community leaders, and other members of the general public in a timely fashion.

[CSHB 216 \(Menendez\) Boarding Home Reform Bill](#) In the last legislative session, San Antonio's Representative Jose Menendez championed HB 1168, which authorized an interim study on boarding homes in Texas. The study, published in December by Health Management Associates and presented to the Health and Human Services Commission, made excellent recommendations for boarding homes reform. Rep. Menendez filed HB 216 in November and has incorporated many of the study's recommendations into the Committee Substitute version of HB 216, which is pending in the House Human Service Committee after a hearing on March 26.

CSHB 216 for the first time defines boarding homes in Texas law and directs the Health and Human Services Commission to establish construction standards; health, safety, and hygiene regulations; reporting requirements for injury, abuse or neglect of residents; in-service education requirements and criminal background checks for staff; and periodic assessment and monitoring of residents.

It would give counties and municipalities the authority to issue boarding home permits, inspect facilities within their jurisdictions, and to sanction those found to be substandard. It establishes a grant program funded by fees and fines to support innovative approaches to local regulation, including public-private initiatives, cooperative arrangements among local agencies and government entities, use of mental health or social service personnel, and public awareness and education campaigns.

Natural Resources

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

As a result of the influx of new bills before the deadline, many have now been assigned to a committee. They include the following House bills that were **referred to the Environmental Regulation Committee:**

[HB 2770 \(Anderson\) SUPPORT](#) Relates to taking into consideration the cumulative effect of air pollutants with regard to electric generating plants.

[HB 3582 \(Dunnam\) SUPPORT](#) Relates to the creation of an electronic emissions database.

[HB 3590 \(Burnam\) SUPPORT](#) Relates to fugitive emissions from oil and gas facilities.

[HB 3591 \(Burnam\) SUPPORT](#) Relates to the control of emissions from crude oil and condensate storage tanks.

[HB 3942 \(Truitt\) SUPPORT](#) Relates to a pilot test of an advanced control technology for the reduction of nitrogen oxides emissions.

[HB 4082 \(Farrer\) SUPPORT](#) Relates to reducing mercury emissions from electric generating facilities.

[HB 4083 \(Farrer\) SUPPORT](#) Relates to effects screening levels.

[HB 4085 \(Farrer\) SUPPORT](#) Relates to monitoring of air pollutants.

[HB 4346 \(Chissum\) SUPPORT](#) Relates to reduction strategies for "no regrets" greenhouse gas emission. Companion to SB 184 by (Watson).

Senate Referrals:

SB 1541 (Gallegos) SUPPORT Relates to measuring, monitoring, and reporting emissions. Referred to Natural Resources. Companion bill is **HB 3428** by (Hernandez).

Action on bills:

HB 557 (Hernandez) SUPPORT Relates to the establishment of an air pollutant watch list. Scheduled for a public hearing on April 1 before the Environmental Regulation Committee. We submitted remarks.

HB 769 (Hernandez) SUPPORT Relates to effects screening levels. Scheduled for a public hearing before the Environmental Regulation Committee on April 1. We submitted remarks.

HB 826 (Gattis) SUPPORT Relates to setting penalties equal to economic benefits. Left pending in Environmental Regulation on March 4.

HB 1469 (Villarreal) SUPPORT Relates to the preparation of carbon dioxide emissions impact statements for any legislation pending before the legislature. Was scheduled for hearing before Environmental Regulations on March 25. We submitted a statement of support to the Committee.

HB 1553 (Burnam) SUPPORT Relates to the development of a climate adaptation plan by many state agencies. We submitted a Statement of Support to the Environmental Regulation Committee.

HB 2495 (Dunnam) SUPPORT Relates to the consideration of the cumulative effects of emissions. Scheduled for public hearing on March 25 before Environmental

Regulation Committee. We submitted a Statement of Support to the Committee.

HB 3428 (Hernandez) SUPPORT Relates to establishment of an air pollutant watch list. Scheduled for public hearing on April 1 before Environmental Regulation. We submitted remarks.

SB 16 (Averitt) SUPPORT This is the comprehensive bill relating to both air quality and energy efficiency. It was heard by the Natural Resources Committee on March 26, and we gave supportive remarks. It was left **pending** in committee.

SB 184 (Watson) SUPPORT Relates to reduction strategies for “no regrets” greenhouse gas emission. Heard by Natural Resources on March 24 and left pending in the Natural Resources committee.

SB 1472 (Gallegos) SUPPORT Relates to public meetings for permit applications. This bill was heard by the Natural Resources Committee on March 26 and left pending in committee.

SB 1541 (Gallegos) SUPPORT Relates to an air pollutant watch list. Heard on March 24 and left pending in the Natural Resources Committee. We submitted a Statement of Support to the Committee.

SB 1597 (Watson) SUPPORT Relating to the analysis of greenhouse gas emissions associated with a metropolitan planning organization’s long-range goals. Heard on March 24 and left pending in the Natural Resources Committee. We submitted a Statement of Support to the Committee.

While committees are hearing many bills now, unfortunately, we expect many of them to be left in committee.

ENERGY Penny Miller pmiller737@aol.com

SB 236/HB25 Bills are on their way to passage. SB 236/HB25 prevent homeowner associations from restricting installation of solar devices by homeowners. Both

reported favorably out of committee without amendment. We continue to watch a number of bills in committee.

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

SB 338 (Van dePutte) SUPPORT Considered in committee March 24, and testimony was taken.

HB 1867 (Anchia) SUPPORT Identical to SB 388 filed February 26. Sent to Environmental Regulation March 5.

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

Friday morning March 27 Julia Marsden and I attended a TX Parks and Wildlife Department regional forum on Conservation and Recreation at the TPWD headquarters in Austin. The forums are set up along watershed boundaries across the state and serve as avenues for the department to communicate with their external partners or stakeholders, who are persons or groups having a vested interest in the conservation and management of the natural, cultural, and recreational resources of the state of Texas.

Attendees ranged from NGO environmental, hunting, fishing, birding, public interest, and land-owning groups and gave an opportunity for all to comment on the rewrite of the 2005 Land and Water Resources Conservation and Recreation Plan, in order to guide the department in fulfilling its designated mission, which is “to manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing, and outdoor recreation opportunities for the use and enjoyment of present and future generations.”

A Land and Water Plan or similar comprehensive strategic plan is required of all states for federal funding through the National Park Service to all state park agencies, and the Texas Legislature has mandated that the 2005 plan be revised. Department staff had suggested five goals, and attendees gave input on the goals and discussed objectives and measures that the staff will work on and send back. Another meeting is in question for the lower Colorado River basin. The final product will be considered by the TPW Commission in November and will be published in December. The 2005 plan can be viewed at http://www.tpwd.state.tx.us/publications/pwdpubs/pwd_pl_30100_0876/.

A dearth of land use and eminent domain bills has been filed in the House and Senate. A short definition of public use or eminent domain, the name coming from a king's power to claim, means a use of property that allows the state, a political subdivision of the state, or the general

public of the state to possess, occupy, and enjoy the property.

SB728 (Carona) Relating to eminent domain authority by private interests, has been referred to State Affairs Comm.

HB1536 (Burnam) Would eliminate the power of eminent domain for gas pipelines in Tarrant County. The League of Women Voters of Tarrant County and the League of Women Voters of Arlington requested and were given permission to support this bill. This bill was left pending in the Land and Resource Management Committee.

HB 4248 Relates to property valuation and is referred to the Land and Resource Management Committee.

SB 1226 & SB 1227 (Fraser) On wind turbine construction. Bills were referred to Business & Commerce.

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

Bills are coming out of the Senate Committee this week for action by the Senate, and then the equivalent bills will be brought before the House. So far all the bills we have

supported are moving well through the system. Should you desire Bill #s, please email me. Thanks to the Capitol Corps for all their hard work.