



THE LEAGUE
OF WOMEN VOTERS® OF TEXAS



Legislative Newsletter

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

May 8, 2009

81st Texas Legislature

Volume 20, No. 9

Mary Finch, Advocacy Vice President

Scherel Carver, Editor

The League sponsored a press conference May 4 to announce a non-partisan plan for election reform. Several coalition groups, who have worked with the League on election issues for the last three sessions, participated. See *Election Laws* by Barbara Weinstein for full details. Pictures from the event are below.

Julie Lowenberg in *Reproductive Choice/Women’s Health* has suggestions on how to oppose two very bad bills [SB182](#) and [SB1098](#).

Rep. Rose’s bill [HB3265](#) is still in the House Calendars committee. Karen Rankin in *State/Local Relations* requests that you keep calling the representatives on this committee to ask that the bill be placed on the House Calendar. Powerful business concerns do not wish this bill to reach the floor for a vote. Only many calls from citizens expressing interest in the bill will move it to a House vote.

Another bill, Rep. Naishtat’s [HB 877](#), is also being held in the House Calendars committee. This bill would create a commission to study capital punishment in Texas. See the *Capital Punishment* column to see what you can do to help this bill get on the House Calendar.

Maxine Barkan in *Judicial Selection* asks you to call Rep. Hunter, chair of the House Civil & Jurisprudence committee, to report [HB3995](#) out of the committee. This bill is on judicial merit selection. Details are found in her column.

F.Y.I. A “CS” added to a bill’s designation, e.g. CSSB 1374 or CSHB 1541, refer to a new version of an old bill, e.g. SB 1374 or HB 1541



Members of the Election Reform Coalition L to R, Anita Privett, LWV; Dustin Rynders, Advocacy Inc; Sonia Santana, ACLU; Yanniss Banks, NAACP



Press Conference Speakers L to R Gary Bledsoe, Texas NAACP; Karen Nicholson, LWV-TX President; Dustin Rynders, Advocacy Inc. Attorney and Policy Specialist; Terry Burke, ACLU-TX Executive Director

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

Bills on the State Accountability System

Two similar bills that propose an overhaul the state's accountability system were taken up by both chambers of the Legislature on April 29, and both were passed out unanimously. They are now in conference committee, where amendments to both bills must be hashed out.

After adopting 8 floor amendments, the Senate cleared the committee substitute for **Senate Bill 3** by **Sen. Florence Shapiro**, chair of the Senate Education Committee, on a 31-0 vote.

The House considered 92 amendments before approving 66 amendments to the committee substitute to **HB 3** by **Rep. Rob Eissler**, chair of the House Public Education Committee. The vote was 140-0.

Public School Finance

A League-supported major school finance bill was voted out of committee on May 1. The committee substitute of **HB 3646** by **Rep. Scott Hochberg** updates a number of obsolete funding provisions that cause school districts to recover less aid from the state.

State Board of Education

Two bills concerning the State Board of Education (SBOE) have League support. **HJR 77** by **Donna Howard** was passed out of the House and sent to the Senate on April 28. This resolution would send to voters of Texas a proposed amendment to the state constitution that would create the Permanent School Management Council to assume the duty of the SBOE to manage the Permanent School Fund.

Also on the move is **HB 710** by **Mark Rose**. This bill to place the SBOE under periodic review by the Sunset Advisory Commission, like other Texas agencies, was sent to the General State Calendar for May 2.

Prekindergarten

The League's position in support of enhanced prekindergarten programs is addressed by companion bills. They would provide quality, full-day prekindergarten programs provided by public school districts in conjunction with community providers. **HB 130** by **Rep. Diane Patrick** was passed as substituted with two amendments from the House Public Education Committee. It has been sent to the General State Calendars Committee for May 4.

The other bill, **SB 21** by **Sen. Judith Zaffirini**, was left pending in the Senate Education on April 23.

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

We sponsored a Press Conference in the Senate Press Room on Monday May 4th with support from four other groups. Our State President, Karen Nicholson, ACLU-TX

Executive Director Terri Burke, Advocacy, Inc. Attorney and Policy Specialist, Dustin Rynders, Texas NAACP President, Gary Bledsoe and other were the speakers. The Press Conference was titled, **Step Up the Vote In Texas, A Non-partisan Plan for Election Reform***. In our Press Release we proposed non-partisan principles to replace the very partisan principles that have been offered for election reform in Texas.

We covered:

Problems that need addressing
Principles for addressing these issues
Specific Needed Improvements
Texas Election Facts
Call to Action

It is a most interesting paper developed by the coalition for election reform that we have been a part of for the last two sessions of the Legislature.

[*Click here to read the entire press release.](#)

[HB 536 \(Anchia\) SIGN IN SUPPORT](#) Relating to the voter registration of a person who submits a federal postcard application to vote in an election.

NO CHANGE on the following:

[HB 373 \(Anderson/Flynn\)](#)

[HB 638 \(Leibowitz\)](#)

[HB 513 \(Vo\)](#)

[HB 551 \(Madden\)](#)

[HB 1103 \(Guillen\)](#)

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

In May 2006 the State Legislature passed a school-tax reform bill that lowered property taxes about \$7 million through 2009. To help fund the states' public schools, the legislature also enacted a franchise tax.

[HB 4765](#), introduced by Representative **Oliveira**, Chair of the House Ways & Means Committee, proposes to raise the revenue exemption on businesses from \$300,000 to \$1,000,000, significantly reducing state funding for

public education. The bill, introduced early April, has already passed out of committee and been placed on the major state calendar. The league strongly opposes this bill.

[SB 217](#) is stalled in committee. It looks as if the two reform bills that made property taxes fair and realistic and tied the gas tax to a market rate will have to wait another two years.

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

Some very good news for three bills that have passed unanimously in the House on third reading with a record vote and sent to the Senate.

[HB 3216 \(Naishtat\) SUPPORT](#) would prohibit political contributions before a special session. This is an issue that was not in place and is a much needed reform, especially since there have been a number of special sessions in the past where influence from contributions could affect the pending legislation. With the short amount of time that the legislature meets, no doubt there will be other special sessions to carry out the business of the state. **[HB 3218 \(Naishtat\) SUPPORT](#)**. This bill would simply require a standardized form that would include identifying the person with the complaint with name, address and other identifying information in order to submit sworn complaints to the Texas Ethics Commission. Currently there is no standard form at present. Such legislation could prevent frivolous complaints with little or no merit, but also would reduce the amount of paper work and more efficiency for the

staff to process complaints. I was fortunate to watch the session on computer and saw these two bills being processed. **[HB 4060 \(T. Smith & Liebowitz\) SUPPORT](#)** is a bipartisan bill that would set a uniform time period for all judicial candidates whether or not there is an opponent to accept contributions. While these bills are not major, they do chip away at areas needing reform.

In the meantime, **[HB 756 \(Martinez Fischer\) SUPPORT](#)**, **[HB 1359 \(Anchia\) SUPPORT](#)**, and **[HB 1997 \(T. Smith\) SUPPORT](#)** have been sent to the Local, Consent, and Resolutions Committee. **[HB 2511 \(T. Smith\) SUPPORT](#)** is still pending in the Elections Committee. **[HB 105 \(Strama\) SUPPORT](#)** is still pending in committee. These four bills have been ongoing and were last reported in LNL #8. **Note: notice of a formal meeting of the Elections Committee on Saturday, May 2, 2009 at 9:15 AM was received electronically after the meeting was held. It included [HB 2511](#).**

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

SB 315 (Wentworth) SUPPORT Bill is still on the calendar awaiting a favorable vote. Time is running out. On April 24, Senator Wentworth moved to suspend regular order of business to take up the bill for consideration. The motion was lost when 11 Senators voted nay. There were 15 yeas but, a 2/3 vote was necessary. Senators who voted nay: are Duell, Fraser, Hegar, Huffaman, Jackson, Nichols, Ogden, Patrick, Seliger, Sharpiro, and Williams. Senators absent: were Davis, Estes, Nelson, and Shapleigh. Harris was excused. If you have not done so and if any of these Senators are in your district contact them and urge them to consider casting a

favorable vote for this bill. Passage of this bill is important for having an independent commission to help remove the political partisanship in the apportionment process for U.S House of Representative Congressional districts for Texas.

HB 104 and HJR 19 (Strama) SUPPORT No action by the committee since April 16.

HJR 90 (Pena) SUPPORT Has been in State Affairs Committee since Mar. 19, No action

HJR 135 (Ritter) SUPPORT Has been in State Affairs Committee since March 16. No action.

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

Bad news: On May 1 the Senate passed, by a record vote of 20-10, an amended version of **SB 182 (Patrick) OPPOSE**, the "ultrasound" measure described in LNL #1 and subsequent newsletters. The amended version provides that a woman seeking an abortion must be offered a sonogram and must sign a form stating that one has been offered.

Though the passed version of SB 182 is a slight improvement over the original bill that would have required a sonogram, it is still a bad measure that adds yet another unnecessary and burdensome step that women in difficult circumstances, along with their doctors, must take in order to exercise the right to choose. (Senator Patrick had been unable to muster the required consent of two-thirds of the senators to bring the original bill to the Senate floor.) The measure now goes to the House.

Contact your representative and ask her/him to oppose SB 182 for the reasons stated above.

More bad news: **SB 1098 (Carona) OPPOSE**, the Senate version of the "Choose Life" license plates bill described in LNL #4, was passed by the Senate on May 1. This measure will also now go to the House. **Contact your representative and ask her/him to vote against SB 1098 to prevent more government money going to unlicensed Crisis Pregnancy Centers that only provide coercive counseling, not unbiased health care.**

Encouraging news: **SB 592 (Van de Putte) SUPPORT** was tentatively approved, i.e., passed to engrossment on May 1 by a 19-9 vote. But as of this deadline, it has not been put on the calendar for 3rd and final passage. As described in LNL # 2, #7 and # 8, the bill would allow an unmarried minor parent to consent to medical treatment and services related to contraception. And, unfortunately, as tentatively approved, the measure includes an amendment that would exclude teenage mothers living with their parents from obtaining contraceptive treatment and services without parental consent.

At a hearing on April 28 in the Senate Health and Human Services Committee, Judy Parken signed LWV-TX as **SUPPORTING SB 591 (Van de Putte)** that would create a pilot program in Bexar County to enroll youth in the Teen Outreach Program, a teen pregnancy prevention program, **AND** as **SUPPORTING SB 594 (Van de Putte)** that would require the Health and Human Services Commission to increase outreach for the Women's Health Program which currently reaches only about 4% of eligible women with checkups and birth control. These bills are described in detail in LNL # 8.

HB 1978 (Farias) SUPPORT Identical companion measure to SB 591 above. It had a hearing in the House Human Services Committee on April 30 during which Chair Rep. Patrick Rose (D-Dripping Springs) said that the Committee might want undertake an interim study of teen pregnancy/prevention.

HB 892 (Villarreal) SUPPORT, the companion measure to SB 594, was heard in the House Human Services Committee on March 26; on April 9, a substitute version was reported favorably from the Committee, 5-0, with 4 not voting. It has been sent to the Calendars Committee.

No new actions have been taken on the following previously reported bills: **HB 44 (Corte) OPPOSE; HB 109 (Phillips) OPPOSE; HB 680 (Farrar) SUPPORT; HB 684 (Farrar) SUPPORT; HB 891 (Villarreal) SUPPORT; HB 893 (Villarreal) SUPPORT; HB 1371 (Rodriguez) SUPPORT; HB 1567 (Villarreal) SUPPORT; HB 1694 (Strama) SUPPORT; HB 2221 (Farrar) SUPPORT; HB 2592 (Thompson) OPPOSE; HB 2968 (Coleman) SUPPORT; HB 3152 (Christian) OPPOSE; SB 515 (Ellis) SUPPORT; SB 593 (Van de Putte) SUPPORT; SB 1076 (Van de Putte) SUPPORT; SB 1100 (Watson) SUPPORT.**

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

No activity in this area.

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

Although they have picked up additional authors and co-authors, there has been no movement on the bills which we most strongly support:

In the House, Doug Miller and Gallego have signed onto **HB 3265 (Rose, et al) SUPPORT**, but the bill has not yet been voted out of the Calendars Committee. **Thanks to those of you who have contacted committee members in support of the bill; additional calls/emails would be helpful.**

HB 4175 (Bolton, et al) SUPPORT Has gained 3 authors (Coleman, Leibowitz, and Pierson) and 5 co-authors (Dukes, Donna Howard, Naishtat, Rodriguez and Strama), but has not been voted out of the Land & Resource Committee. We have called on members of the two committees urging their support and will continue to do so.

Senator Wentworth's corresponding bills in the Senate, **SB 2451 SUPPORT** and **SB 2452 SUPPORT**, have not been scheduled to be heard in the Intergovernmental Relations Committee to which they were assigned.

Administration of Justice

CAPITAL PUNISHMENT

HJR 24 (Naishtat) SUPPORT Bill is still pending in the sub committee.

HB 877 (Naishtat) SUPPORT Creating a commission to Study Capital Punishment in Texas.

This bill, sent to the Calendars Committee on April 22, is still in Calendars.

If you are interested in a commission to officially study Capital Punishment in Texas and in one of the following representatives' district, please call or email your representative: McCall, Lucio III, Chavez, Cook, Creighton, Geren, Keffer, Kolkhorst, Kuempel, McReynolds, Ritter or Solomons. Ask that HB 877 be placed on the House Calendar.

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

HB 498 (Burnam, et al) SUPPORT Re: the establishment of an Innocence Commission) was sent to Calendars on April 20. A similar bill, **HB 788**, appears to be permanently stalled in House Committee.

SB 1948 (Hinojosa) SUPPORT Re: the supervised re entry of inmates into the community) has passed the Senate and on 4/20 was sent to Committee in the House. A similar bill, **HB 3439**, also appears to have been permanently stalled in House Committee.

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

Drug Laws Elaine Talarski (San Antonio) etalarski@earthlink.net

SB 188 (Duell/ Van de Putte) SUPPORT Bill has passed in the Senate. The House Public Health Committee heard this bill May 5, 2009. Nancy Neavel, Capitol Corps member, signed in support of SB188 for the League.

HB 142 (McClendon/Crabb/ Ortiz Jr./Naishtat) SUPPORT Bill is similar to SB 188. No action since April 16. Still in work session.

HB 164 (Naishtat/Coleman) SUPPORT Bill to change the Health and Safety code to authorize a medical physician to prescribe marijuana for medical use. Has been in Public Health Committee since February 12. No further action.

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

Several of the bills we have been tracking moved forward over the weekend. It seems that funding is still an issue, and that the House wants to give TYC and TJPC a chance to act on the reform measures passed during the previous session.

CSHB 1351 Vaught SUPPORT SB 58 Zaffirini Passed in Senate The purpose of the Senate legislation is to authorize funding for the Juvenile Justice Case Management System

(system) which will enable state and county agencies to compile a comprehensive juvenile justice information and case management system. The House Bill has been voted out of committee, with a substitute that results in the bill authorizing, instead of requiring, that the TJPC participates in the development of the Juvenile Justice Case Management System. It also makes the collection and maintenance of juvenile data discretionary for the TJPC. The bill authorizes the commission to use funds appropriated for the implementation of the system

to pay costs incurred under an interlocal contract, including license fees, maintenance and operations costs, administrative costs, and any other costs specified in the contract. The bill authorizes the commission to provide training services to counties on the use and operation of a system created, operated, or maintained by one or more counties.

CSB 1374 WEST Passed by Senate The bill requires the TJPC and TYC to establish guidelines for the implementation of community corrections pilot programs to provide rehabilitation services including delinquency prevention, substance abuse treatment and mental health treatment. Juvenile judges in counties with a population of at least 335,000 would be permitted to order a youth who commits a felony to participate in a community corrections pilot program instead of commitment to TYC.

CSHB 3689 McLendon Passed by House Instead of its original intent of combining the TJPC and TYC into one agency, this bill ultimately keeps them separate until 2021, with the requirement of developing a juvenile justice plan to coordinate their activities. The Senate companion bill, SB 1020 (Hinojosa), is still in committee without any substitutes.

SB 1020 Hinojosa SUPPORT We support a substituted form of this bill, but do not like the twelve-year extension of independent agencies that is part of the companion house bill. A quicker timeframe for evaluation of the coordination of the two agencies' activities provides motivation to actually coordinate.

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

HB 3995 (Hunter) SUPPORT the judicial merit selection bill is languishing in the House Civil & Jurisprudence Committee even though the chair of the committee is the author. **It might be helpful is League members living in District 32 contacted Rep. Hunter's office to ask to have this bill moved out of committee.** The representative does not list a Corpus Christi office but his Capitol phone is 512-463-0672; fax 512-463-5896. Although the League remains neutral on

SB 2226 (Duncan) and **HJR 44** because they perpetuate initial partisan judicial primary elections they are worth mentioning because both have been voted out of committee and placed on the Senate Intent Calendar. Sen. Duncan believes the combined selection may have a chance to succeed. However, our position is clear that we support nonpartisan judicial elections. This bill would continue partisanship where special influence could affect the outcome of a primary election.

Social Policy/Human Resources

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

The following bills have seen movement this past week.

SB 81 (Nelson) SUPPORT Was scheduled for a public hearing in the House on May 7 and the League signed in as supporting this bill.

SB 89 (Van dePutte)/HB639 (Thompson) Was referred to the Senate Judiciary and Civil Jurisprudence Committee.

SB 277 (Nelson) SUPPORT Was scheduled for a public hearing on May 7 and the League signed in as supporting this bill.

HB 1041 (Parker) SUPPORT has seen the committee report sent to the local and contested calendar.

SB 1411 (West)/HB 2860 (Dukes) SUPPORT Has been sent to the House.

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

Bills that would provide for the expansion of Children's Medicaid and CHIP have been voted out of the Senate Finance Committee and the House Human Services Committee. They move forward with substantial revisions.

CSHB 1541 (Turner, Sylvester) SUPPORT Provides for 12-Month Children's Medicaid. This bill is designed to support a Special Provisions rider that would allow for time-limited funding of 12-month Children's Medicaid in the 2010-2011 biennium. The 12-month coverage would be triggered if Texas' unemployment rates increase more than has been assumed in the budget. Many expect this to happen soon. Higher unemployment rates, while bad news overall, will trigger higher Federal Stimulus Medicaid match

benefits for Texas, which can pay for this coverage. Although this approach would leave uncertain the future of 12-month coverage after 2011, it would cover hundreds of thousands of additional eligible uninsured children until then. It would also help with the backlog that currently undermines the eligibility system.

CSSB 841 (Averitt) SUPPORT Expands CHIP coverage for children in families up to 300% of the Federal Poverty Level (FPL). The bill is changed from the filed version as follows:

- It eliminates the full-cost buy-in above 300% FPL entirely.
- It clarifies that the "lock-out" penalty after termination for non-payment of premiums applies to the 200-300%

FPL group, correcting a drafting error in the filed bill that applied it only to the full-cost group.

- It clarifies that premiums will be designed to be about 2.5% of family income. Federal CHIP law says the sum of premiums and co-payments can't be over 5% of family income. Premiums at 2.5% leave room for co-payments, while staying under that cap.

CSHB 2962 (Coleman) SUPPORT Expands CHIP coverage for children in families up to 300% FPL and allows a full-cost buy-in under some circumstances. It raises the check for allowable assets to determine if a child is eligible to be enrolled in CHIP from 150% to 250%

FPL. It raises the allowable assets to \$20,000 from \$10,000 and exempts the first car from being included in determining families' assets. It excludes child support payments from determining net family income for CHIP. It excludes assets in college savings plans from being considered when determining CHIP eligibility. It allows families at 300%-400% FPL to buy into the program at full cost, but only if the children were enrolled in CHIP previously but were left uncovered because family income increased. It directs HHSC to work on outreach efforts for benefits programs and to take all actions necessary to qualify Texas for the increase in Medicaid FMAP created under the American Reinvestment and Recovery Act.

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

SB 56 (Zaffirini) SUPPORT Public hearing in Administration Committee May 1.

SB 59 (Zaffirini) SUPPORT Passed the Senate and received by the House.

SB 68 (Nelson) (Oppose as Senate amended) Amended in House committee and reported favorably as amended. Amended text was not yet available on-line.

SB 81 (Nelson) SUPPORT Scheduled for public hearing on May 1. Reports not yet posted.

SB 90 (Van de Putte et al.) Sent to the Governor.

SB 95 (Van de Putte et al.) Sent to House Calendars Committee and companion **HB 217 (Menendez) SUPPORT** Was postponed till May 4 for House floor.

SB 282 (Nelson) SUPPORT Scheduled for public hearing on May 6 in the House Agriculture & Livestock Committee.

HB 130 (Patrick) Sent to House Calendars Committee & companion **SB 21 (Zaffirini et al) SUPPORT** Pending in committee.

HB 1240 (Villarreal) SUPPORT Senate Health & Human Services Committee public hearing was 4/30/09. Rider: Contingency for HB 1240, relating to information required to be provided to parents of an infant \$400,000. Pamphlet required to be on-line to be provided by medical provider. Medicaid recipients would receive a guide that would contain information, in both English and Spanish, concerning the developmental stages, health, and safety of a child from birth to age 5. Specifically, the guide would address: expected developmental milestones; effective parenting; the importance of selecting a primary care practitioner and establishing a "medical home"; child safety; the importance of reading to a child; selecting appropriate child care; dental care; and health care and other resources available in the state.

Active, but no bill movement since last week on the following:

SB 49 (Zaffirini) SUPPORT

SB 67 (Nelson) SUPPORT

SB 156 (Ellis) & companion HB 326 (Raymond) SUPPORT

SB 382 (Van de Putte et al.) & companion HB 429 (King, Susan) SUPPORT

SB 1499 (Van de Putte) SUPPORT

SB 1613 (Lucio) (W)

SB 1730 (West) SUPPORT

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

HB 161 (Deshotel) SUPPORT

HB 188 (Alonzo) SUPPORT

HB 1891 (Madden; Eissler) OPPOSE

Bill stagnated in committee with no hearing; planning to drop from monitoring:

SB 122 (Ellis) & HB 3192 (Ortiz, Jr.) SUPPORT

SB 1349 (Van de Putte) & companion HB 2446 (Rose) SUPPORT

HB 275 (Rodriguez) SUPPORT

HB 316 (Raymond) SUPPORT

HB 326 (Raymond) SUPPORT

HB 1241 (Villarreal) SUPPORT

HB 1877 (Alvarado; Rios Ybarra) SUPPORT

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

HB 32 (Leibowitz) SUPPORT Relating to prohibiting discrimination against certain employees who sustain an

injury in the course and scope of employment. No action since last report.

HB 33 (Leibowitz) SUPPORT Relating to certain requirements for employers not covered by workers' compensation insurance. No action since last report.

HB 34 (Leibowitz) SUPPORT Relating to the enforceability of certain contracts between an employer who does not have workers' compensation coverage and an employee of the employer. No action since last report.

HB 248 (Alonzo) SUPPORT Relating to the protection of the rights of Texas voters without regard to race, color, ethnicity, or membership in a language minority group. No action since last report.

HB 492 (Zerwas et al.) SUPPORT Relating to the expansion of faith- and community-based health and human services and social services initiatives. May 1 referred to Health & Human Services.

HB 522 (Giddings) SUPPORT Relating to intensive preparation academies in certain school districts to prepare public school students to take required end-of-course assessment instruments. No action since last report.

Food assistance for needy

HB 612 (Naishtat et al.) SUPPORT Relating to the eligibility of certain persons for the food stamp program. House Committee Report sent to Calendars on May 1.

HB 697 (Zerwas) SUPPORT Relating to a study of the feasibility of creating a job training program for certain individuals discharged from the Texas National Guard. No action since last report.

HB 785 (Rodriguez et al.) SUPPORT Relating to employment services for persons with disabilities. May 2 considered in House Calendars.

HB 950 (Dutton) SUPPORT Relating to the modification or enforcement of a child support order during the obligor's confinement in jail or prison. April 27 Left pending in committee.

Energy assistance program

HB 1627 (Naishtat et al.) SUPPORT Relating to Low-Income Home Energy Assistance Program payments to assist certain households receiving food stamp benefits. April 30 committee report sent to Calendars.

American Recovery & Reinvestment Act

HB 1637 (Turner, Chris | et al.) SUPPORT Relating to normal weekly hours of work under the shared work unemployment compensation program. April 29 committee report printed and distributed.

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

SB 1230 (Van de Putte) SUPPORT is engrossed and in the House Human Services Committee and scheduled for a hearing on May 7. Companion bill **HB 610 (Naishtat) SUPPORT** has been engrossed AND received from the House. The bills are similar.

- Both provide that a Legislative Committee on Aging be established to study issues on aging and report to the legislative session. The study includes health care and transportation as well as housing and other issues.
- Both bills allow for the study and evaluation of the unmet needs of the elderly and the state and local services for the aging populations and require a report to the legislation.
- Both bills also establish a special fund outside the treasury held by the comptroller to fund the study.

Progress has been made on the following bills:

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

SB 390 (Patrick) OPPOSE – Has been referred to House State Affairs committee. 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 Procedures, noting

many criminal investigators are not “peace officers” and amends the tax code.

SB 1818 (Van de Putte) SUPPORT – Has been referred to the House Public Education committee. It is a companion bill to HB 3360. As stated in LNL #8, both bills relate to the exemption from the administration of certain assessment instruments to students who are asylees or refugees. The LWV position on legally admitting persons to the US recognizes the special status of asylees and refugees.

Several bills have survived various committee actions but remain pending in the House State Affairs committee. Among them are the following:

MEDICAID Lynda Ender (Dallas) LEnder@theseniorsource.org

SB 7 Nelson I encourage all of you to read this bill. It would take some discussion to decide if this is a bill to support due to the “paying based on quality of care and patient outcomes rather than number of services” part. The Senate approved a measure that would move toward changing the way the state compensates doctors and hospitals that treat Medicaid patients. **Senate Bill 7 by Jane Nelson**, R-Flower Mound, emphasizes paying based on quality of care and patient outcomes rather than number of services. It does that by authorizing a quality-based payment pilot program, giving performance-based incentives to nursing homes, and gathering information from hospitals that would be used to study payment changes. This is one of the more interesting bills this session. It has been assigned to the Public Health Committee and will have a hearing on May 5.

SB 78 Nelson SUPPORT This bill has passed the Senate and is in the House Insurance Committee. It has had a public hearing and was reported favorably without any amendments. 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.

SB 286 Nelson SUPPORT Last report, I said this bill has momentum. Well the momentum continues. It has passed the Senate, had a public hearing in the House Public Health Committee, was reported favorably and was sent to Calendars Committee. It would encourage

HB 48 (Riddle) SUPPORT – Relating to employer penalties for hiring undocumented workers,

HB 276 (Zerwas) OPPOSE – Relating to reporting costs of services to undocumented aliens,

HB 404 (Harless) OPPOSE – Relating to local entity enforcement of federal laws, and

HB 1061 (Jackson) OPPOSE – Relating to legal residency for business and drivers licenses.

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.

HB 1081 Herrero SUPPORT The bill would require the posting of certain information regarding nursing homes and related institutions on the Department of Aging and Disability Services website. It has passed out of the House and has had a hearing in the Senate Health & Human Services Committee.

HB 1487 Pitts SUPPORT This bill is relating to the alignment of certain Medicaid procedures regarding written orders for diabetic equipment and supplies with comparable Medicare written order procedures. This bill has passed the House.

SB 37 Zaffirini SUPPORT This bill is in the Health & Human Services Committee and has reported out favorably without amendments. It is relating to providing home- and community-based support services under the Medicaid program to persons who are deaf-blind with multiple disabilities.

HB 852 Todd Smith SUPPORT You have probably read a news story about this bill relating to nonpayment of hospitals under the state Medicaid program for certain preventable adverse conditions. It has had a public hearing in the Public Health Committee and has a Senate companion. A substitute bill was reported favorably.

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

No report.

Natural Resources

AIR QUALITY Laura Blackburn (Seabrook, LWV-Houston Area)

[HB 721](#) Howard SUPPORT This bill relates to several measures to improve the permitting procedures of TCEQ. It was heard in the Environmental Regulation Committee on April 29 and was left pending.

[HB 3582](#) Dunnam SUPPORT This bill requires TCEQ to create a comprehensive emissions database. It was heard in committee on April 15 and favorably reported out of committee on May 1.

[HB 3590](#) Burnam SUPPORT HB 3590 requires the TCEQ to make an inventory of emissions air contaminants from oil or gas production, transportation, or processing facilities. We submitted remarks supporting this bill on April 29, and it was left pending in committee.

[HB 3591](#) Burnam SUPPORT Relates to the control of emissions from crude oil and condensate storage tanks in nonattainment areas of the state. We submitted supporting remarks on April 29, and it was left pending in committee.

[HB 4081](#) Farrar SUPPORT Representative Farrar's bill relates to the issuance of flexible permits by TCEQ. We submitted supporting remarks on April 29, and it was left pending in committee.

[HB 4082](#) Farrar SUPPORT This bill requires the reduction of mercury emissions from electric generating facilities. We submitted supporting remarks on April 29, and it was left pending in committee.

[HB 4083](#) Farrar SUPPORT This bill refers to what is known as "cumulative effects"—however, those words are never mentioned. Representative Farrar instead substitutes "any pollutant either in isolation or in conjunction with air contaminants from other sources, a condition of air pollution." We submitted supporting remarks on April 29, and it was left pending in committee.

[HB 4085](#) Farrar SUPPORT This bill relates to monitoring of major sources. We submitted supporting remarks on April 29, and it was left pending in committee.

ENERGY Penny Miller pmiller737@aol.com

[HB 25](#) SUPPORT Passed by House and received by Senate 4/6/09. Companion bill is Senate **[SB 236](#)** left pending in committee and **[SB 403](#)** referred to Intergovernmental Relations. These bills would prohibit Homeowners Associations from prohibiting solar panels.

[HB237](#), [HB238](#), [HB 4088](#) Hearing April 22 in Ways and Means Committee. HB 237 would provide deduction to franchise tax for certain renewable energy devices. HB 238 would exempt sales tax for certain renewable energy devices. HB 7088 and companion SB 120 would reduce sales and use tax for hybrid and plug-in vehicles.

[SB 16](#) Averitt SUPPORT Senator Averitt's omnibus bill has passed the Senate and was heard in the House Environmental Regulation Committee on April 29. We submitted supporting remarks, and it was left pending in committee. It is now scheduled for another public hearing on May 4.

[SB 763](#) Watson SUPPORT This bill changes the requirement for state agencies to purchase low-emission vehicles from 10% of their total fleet to 50%. It was heard by the Senate Finance Committee on April 30 and left pending in committee. It is now scheduled for another public hearing on May 4.

It is the companion bill to **[HB 657](#) by Villarreal**, which was heard and left pending in the House Environmental Regulation Committee on April 15.

[SB 902](#) Davis SUPPORT. SB 902 limits natural gas and associated vapors from a gas well. It passed the Senate on April 22 and was received by the House on April 23. On April 30 it was referred to the Environmental Regulation Committee. Its companion, HB 2255 by Hancock, was heard on April 22 by the House Environmental Regulation Committee and left pending in committee.

[SB 1472](#) Gallegos SUPPORT SB 1472 requires that permit applicants of their designee attend public hearings held on permits required under the Texas Clean Air Act. It passed the Senate on April 17 and was scheduled for a public hearing on April 29. We submitted supporting comments. It was left pending in committee and is scheduled for another public hearing on May 6.

[HB 239](#) Referred to State Affairs. Bill that would study the proportion of state energy that could be met by renewable sources.

[HB 278](#) and [HB 280](#) Left pending in the Energy Resources Committee. HB 278 relates to energy demand and incentives for distributed renewable energy. HB 280 relates to electric utility energy efficiency goals.

[HB 303](#) Referred to Ways and Means Committee. The bill would exempt from sales tax labor to install tangible personal property in buildings with LEED certification.

[HB 346](#)/[HB 2338](#) Left in Committee. Companion Bill SB 1716 referred to Finance Committee. Bills relate to refund

of sales tax imposed on repair and remodeling services for certain energy efficient facilities.

HB 431 Passed out of State Affairs. Bill would require certain new state construction or remodeling to meet LEED standards. Similar bills include **SB 127** that was

referred to Natural Resources Committee, **HB 2019** that was referred to State Affairs, and **SB 267** that was left pending in the Natural Resources Committee.

HB 1114/SB 1668 Were left pending in committee. Both bills would provide price incentives to promote biofuels.

HAZARDOUS WASTE

SB 338 (Van de Putte) SUPPORT Referred to Environmental Regulation on April 16, 2009. No further action.

HB 1867 (Anchia) SUPPORT Bill identical to SB 338 is still pending in committee since testimony on April 8.

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

Following bills relate to the use of eminent domain including limitations, procedures, and standards:

HB4 (Orr) left pending in House Land and Resource committee.

SB533 (Duncan) companion bill to HB4 left pending in Senate State Affairs committee.

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

This really is crunch time for transportation because some of the bills we've been tracking are having difficulty working through the calendar. With a new Speaker, the pace is much slower to move legislation through and **HB 9 (Truitt)** is still not up on the calendar.

It is possible much legislation will die in committee because of the time necessary to get through the process.

Will keep tracking and give an update next week if progress is made.