



Legislative Newsletter

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

January 21, 2011

82nd Texas Legislature

Volume 21, No. 1

Anita Privett, Advocacy Vice President

Scherel Carver, Editor

LWV-Texas Legislative Priorities for the 82nd Texas Legislature

The LWV-Texas Board selected three key issues on which to concentrate our lobbying efforts this session.

Open Government will be the overall priority, with three priorities within that area. The model is a three-legged stool, with Transparency in government being the seat of the stool, and the three legs being

1. Redistricting
2. Campaign Finance
3. A balanced approach to the state budget

All lobbying on issues we support or oppose will be done in the context of these four priority issues.

LWV-Texas has joined a coalition called **TEXASForward** to help further our priority of a balanced budget. The Legislative Agenda of this coalition includes:

1. Using all the Rainy Day fund
2. Maximizing use of federal funds
3. Creating new sources of revenue

LWVUS is supporting our efforts with a grant to help us work together with other grassroots organizations to improve transparency, public input and compliance with the Civil Rights Act.

LWV-TX plans to use a recent US Supreme Court ruling, *Caperton v. Massey* to raise the issue of alternative ways to select judges or finance judicial races to significantly improve public perception of judicial independence. This will be a hard sell in the current session.
Anita Privett, Advocacy VP

What other issues will the League lobby for this legislative session?

Listed here are those issues LWV-Texas will follow, as necessary, during the 2011 session of the Texas Legislature and those LWV-Texas members who are following each issue for the League of Women Voters of Texas.

GOVERNMENT

Constitutional Revision - *Sandy Ashby, The Woodlands* Support the revision of the State Constitution to make it a framework of basic law.

Education: Public School Funding, Testing, and Accountability - *Nan Clayton, Austin* Promote adequate state funding for public schools, and changes in the state's accountability rating system to make it more fair and less punitive.

Election Laws & Voting Rights - *Linda Krefting, Lubbock County* Support election laws that facilitate citizen participation and voter convenience as well as monitor all legislation relating to HAVA.

Financing State Government-*Bonnie Leitch, New Braunfels* Promote adequate, fair funding for major state responsibilities such as public education and transportation.

Judicial Selection- *Barbara Weinstein, Dallas* Support the appointment/retention method and/or nonpartisan election of the judiciary.

Open Government - *Linda Pavlik, Fort Worth/Tarrant County* Promote transparency and public participation in government.

Political Campaign Process-*Stewart Snider, Austin Area* Support fair campaign finance laws to promote equitable competition among candidates, protect citizens' right to know, and combat corruption and undue influence.

Public Policy on Reproductive Choice/Women's Health *Julie Lowenberg, Dallas* Promote and protect women's access to health care, including all aspects of reproductive health.

Redistricting - *Anita Privett* LWV-Texas, Advocacy VP, Austin Area will lead a committee effort. Support transparency and public input in the 2011 redistricting process.

State and Local Relations-*Karen Rankin, Austin Area* Support increased county authority in order to better manage growth in urbanizing areas.

ADMINISTRATION OF JUSTICE

Capital Punishment – *Suzybelle Gosslee, Dallas* Promote a moratorium on the death penalty while an official study is conducted. Support the option of life sentence without parole in capital cases

Criminal Justice - *Open* Support a professional parole and probation staff and work to decrease their caseload. Provide a secure prison environment with maximum education opportunities.

Drug Laws and Policies - *Elaine Talariski, San Antonio* Support treatment programs for drug abuse and addiction as alternative to incarceration.

Immigration-*Sally Bolster, San Antonio* Support state services for undocumented immigrants, especially in the areas of education and healthcare. Monitor any attempt to curb civil rights of immigrants.

Juvenile Justice-*Open* Support and fund substance abuse treatment, mental health needs, and education for youth at risk and for those incarcerated.

SOCIAL POLICY/HUMAN RESOURCES

Child Abuse and Neglect - *Joyce Robinson, Sherman/Grayson County* Support the development and implementation of adequate legislation, policies, services, and programs to protect children from abuse and neglect.

Child Health - *Susan Majors, Richardson* Ensure that state budget cuts do not undermine children's access to health care. Improve enrollment and retention for CHIP and Children's Medicaid, and maintain effective delivery systems for both. Preserve Texas' public health safety net.

Early Childhood - *Marlene Lobberecht, Houston* Support early childhood education professional development. Expand access to high quality pre-kindergarten. Improve safe care for infants and toddlers.

Equal Opportunity/Income Assistance – *Libbie Terrell Lee, Dallas* Support policies that improve well-being for families

in poverty, programs that provide job training for living wage jobs and equal educations opportunities from preschool to higher education.

Health Care System for the Elderly–*Lynda Enders, Dallas* Support increased funding to provide adequate programs to serve the elderly

Health Care for Those of Lesser Means – *Lynda Enders, Dallas* Provide basic health care services for those who are unable to pay. Basic services include emergency care, primary care, preventive care, care for catastrophic illness, nutrition, substance abuse treatment, and health education.

Services for the Seriously Mentally Ill – *Linda Camin, Dallas* Maintain and increase funding for services to persons with serious mental illness, and include post-crisis and crisis prevention community care.

NATURAL RESOURCES

Air Quality - *Laura Blackburn, Houston Area* Support air quality and climate change legislation.

Energy - *Penny Miller, Wichita Falls* Promote incentives for renewable and clean energy sources and energy conservation. Monitor the building of coal-fired plants and nuclear power plants. Promote energy policy to reduce global warming.

Hazardous Waste – *Suzybelle Gosslee, Dallas* Support safe transportation, handling, and disposal of radioactive materials. Support legislation promoting recycling efforts, in particular for electronic waste.

Land Use – *Karen Rankin, Austin Area* Increase county authority to regulate land development. Support full funding for Texas Parks and Wildlife Department.

Transportation - *Edie Jones, Fort Worth* Increase funding for public roads, mass transit, and light rail.

Water - *Mary Vogelson, Dallas* Support funding for safe and adequate water supplies, using sound ecological/economic strategies that emphasize conservation. Support enhanced protection for environmental flows; Texas rivers, bays, and estuaries

LWV-Texas Expert Background and Analyses and Bills Pre-Filed in the Texas House & Senate

Government

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

League Focus on Education Finance

A major focus of the League during the 2011 Legislature will be public school finance. It is a particularly thorny issue this 82nd Session, when the budget shortfall is projected to be \$27 billion, according to estimates by State Comptroller Susan Combs that are based on current spending levels. Last session, the Legislature passed the budget with federal economic-recovery aid and side-stopped public school finance reform.

Education issues associated with academic achievement, the achievement gap, accountability, and testing will continue to get League attention. However, many changes were addressed in HB 3 last session. Many believe we should allow the new systems to become fully operational before changes are made (see the House Public Education Committee recommendations that follow).

Governor Perry has expressed his commitment to addressing the state budget shortfall by cutting programs and without raising taxes or using the state's \$9.4 billion

Rainy Day Fund. Since education has been reported to account for as much as one-third of the Texas budget, many programs that address state priorities are in jeopardy—for example, dropout reduction, community services for schools in low-income neighborhoods, intensive summer programs for at-risk students, teacher mentoring, and science labs.

These are the kinds of programs that are designed to improve academic achievement levels for Texas' nearly five million students, 60% of whom are economically disadvantaged. And they are among the programs that the Texas Education Agency proposed cutting to slash their 2012-2013 budgets by 10 percent in response to a directive from state leaders in light of the budget crisis. The League will advocate for using the Rainy Day Fund, in combination with other approaches to balance the budget that would explore new revenue potential, eliminate tax breaks, and carefully evaluate cuts that would jeopardize already lean services.

One of the proposals to save money has come from the Comptroller. She has proposed increasing class sizes in lower grades as one way to save money. The League would oppose a change in the current state law that limits class size to no more than 22 students per classroom for grades K--4.

Schools across the state have experienced increasing budget woes since the 2006 tax swap that cut school property taxes without fully replacing the lost revenue from alternative tax sources, as promised. The business franchise tax has produced far less revenue than forecast when it was enacted in 2006.

Sen. Steve Ogden, who was elected president pro tempore, is expected to be reappointed as Senate Finance Committee chair, with direct responsibility for drafting the state budget. He has noted the need to fix public school finance and has raised the issue of reworking the business finance tax.

Education Committee Recommendations

The House Public Education and the Senate Education Committees held interim hearings and issued reports and recommendations for the 82nd Legislature concerning issues they were charged to investigate. These issues will likely be reflected in proposed bills.

The House Public Education Committee recommended:

- **HB 3, 2009:** maintaining the focus on college readiness in the assessment and accountability systems and allowing the new systems to become fully operational.
- **Student health:** requiring schools to adopt policies for the management of student and staff health emergencies and to improve student health through wellness programs.
- **Leadership and campus administration:** developing certification for principals specializing in school tur-

naround and focusing principal preparation and professional development on campus achievement and leading effective teachers.

- **Math and science availability:** monitoring postsecondary performance of students graduating with the 4x4 curriculum (includes more science and math) required by the Recommended and Advanced high school graduation programs.

The Senate Education Committee recommended:

- **Charters:** monitoring and taking action on charter schools that do not meet standards, while providing numerous benefits, including extending the Permanent School Fund bond guarantee to academically and financially sound charter schools, removing the cap on the number of charters awarded, and giving property tax exemptions for lease agreements.
- **Middle schools:** providing individualized instruction, high-quality core curriculum, adequate quantity and quality of teachers, and effective leadership.
- **Teacher quality:** providing effective alignment of resources (compensation, bonuses, retirement packages) with achievement; developing standards to ensure quality of content in teacher-preparation courses; including a student achievement component in teacher evaluations; redesigning the mentoring and induction program to better focus on beginning teacher retention and effectiveness; developing an accountability system for professional development; and creating a statewide teacher leadership program.
- **Cost drivers:** providing more local control; consolidating grants and other funding; ensuring that resources go to students on the campus from which the funding originates; educating parents and taxpayers on the efficiency and productivity of the campus; documenting cost savings and sharing with other districts; and exploring revenue-generation options.
- **English language learners:** sharing best practices with surrounding districts; providing better training and professional development for ELL teachers; exploring ways to improve distribution of ELL teachers.
- **Special education:** requiring high-quality teacher training; offering school-choice options to students with special learning needs; improving transition services and holding schools accountable for outcomes; increasing the number of indicators under the Performance-Based Monitoring Analysis System, used by the TEA to evaluate school districts; and requiring districts to provide parents and taxpayers with special education information.
- **Dual credit:** recommendations developed in a joint hearing with the Senate Committee on Higher Education.

The expanded LWV-Texas position adopted in 2010 includes election-day registration as a procedure that may increase voter participation. Based on this position, LWV-TX supports several bills that would allow an unregistered individual to register and cast a ballot at the polling place, either during early voting or on election day. These bills vary somewhat in the ID required to register at the polls and in the procedures for separating these ballots until the voter registrar can review and accept the registration. **HB 179 (Alonzo) SUPPORT, HB 416 (Anchia) SUPPORT, SB 211 (Ellis) SUPPORT, SB 213 (Ellis) SUPPORT.**

LWV-TX supports additional bills dealing with voter registration that provide convenience for the voter and impartiality of treatment. **HB 369 (Hochberg) SUPPORT** allows acceptance of a voter registration if discrepancies between the registration and other government records are minor and a reasonable person would know it is the correct person; the individual would be notified if the voter registration is not accepted because of a discrepancy with other records. **SB 215 (Ellis) SUPPORT and SB 216 (Ellis) SUPPORT** both protect the voter from being added to the suspense list or being removed from the list of registered voters based on postal or registrar errors; both bills require uniform and auditable processes.

LWV-TX opposes six bills that would increase the identification a voter is required to provide at the polls. There is no evidence that voter impersonation is a problem in Texas (or elsewhere), and these requirements establish additional barriers to voting. **SB 178 (Fraser) OPPOSE, HB 186 (Perry) OPPOSE, HB 248 (Chisum) OPPOSE, and HB 539 (C. Anderson) OPPOSE** would all require a voter to show a photo ID

at the polls. **HB 16 (Riddle) OPPOSE and HB 112 (Harless) OPPOSE** would require the voter to show either a photo ID or 2 additional forms of identification.

Additional voting procedure bills LWV-TX support include **HB 185 (B. Smith) SUPPORT** which adds location to the required information in early voting notices. **SB 212 (Ellis) SUPPORT** prohibits deceptive practices by election officers and others which knowingly prevent an eligible voter from casting a ballot or allowing an ineligible voter to cast a ballot. **HB 368 (Hochberg) SUPPORT** requires ballot instructions on how a straight party vote would be affected by a vote for a specific candidate and warnings on electronic voting systems when a vote would cancel a prior vote. **SB 100 (Van de Putte) SUPPORT and HB 111 (V. Taylor) SUPPORT** would bring Texas into compliance with federal requirements under the Military and Overseas Voter Empowerment Act for email transmission of ballot information.

LWV-TX opposes two bills that would negatively affect citizen participation and voter convenience. **HB 153 (Raymond) OPPOSE** would give the property owner discretion over the limits of electioneering when the privately owned building is used as a polling location. **HB 304 (Peña) OPPOSE** would limit the voter's right to select an individual to assist them by limiting the number of voters one individual could assist each day.

Bills to Watch:

LWV-TX will continue to **WATCH** three bills before taking any position: **HB 401 (T. Smith)**, voter ID; **SB 214 (Ellis)**, early voting by mail; and **HB 339 (Ayccock)**, accommodating disability in nonfederal elections.

With a deficit of \$4.3 billion in this year's budget and a projected shortfall of \$27 billion for the 2012-13 biennium, a combination of solutions involving cuts, new revenue and use of the Rainy Day Fund is critically important. Although exacerbated by the present national recession, Texas instituted a continual budget shortfall in 2007. That session replaced one-third of property taxes collected by the state with revenue from a business margins tax that

has fallen short of expectations and been further weakened since its inception. Rep. Jim Pitts, chairman of the House Appropriations Committee where the budget is formed, will introduce a base budget bill soon. LWV-TX will urge the Legislature to consider measures that would accomplish needed finance reform and to conduct budget deliberations with transparency.

HB 226 (Strama) SUPPORT This is similar to the bill filed in the last 2 sessions and also similar to current statute dealing with judicial campaigns. This measure would limit contributions in each election cycle as follows: statewide offices at \$2,000, state senator at \$1,000, state representative at \$500, and the State Board of Education at \$1,500. It also limits total spending by candidates in an election cycle. Candidates may choose not to comply, but must publicly declare this intention. If passed, this meas-

ure could incur court challenges in the wake of the Supreme Court's Citizens United decision of January 2010.

HB 156 (Raymond) SUPPORT This measure requires judges in the higher courts to recuse themselves from cases where they have received campaign contributions of \$2,500 or more from any parties that have an interest in said case. This requirement can be waived if the opposing party in the case so agrees. The measure is a response to the Supreme Court case (*Caperton v Massey*) where an

interested party spent millions to elect a West Virginia Supreme Court Justice, who then ruled in favor of the contributor. The majority SCOTUS decision stated that the public perception of judicial corruption requires judicial recusal when major campaign contributors are before the bench.

HB 162 (Raymond) SUPPORT (the described provision) This bill pertains mostly to the state budget but also contains a provision that forbids campaign contributions to statewide officeholders and members of the legislature during and around the time of the legislative session. This would address the more egregious examples of special interest influence by preventing contributions to candidates while they are deciding whether or not to grant contracts to contributing entities.

HB 306 (Jackson) SUPPORT This bill is about disclosure. It requires that all political advertisements from political action committees contain the identity of any person who has contributed more than \$10,000 to said PAC.

HB 336 (Marquez) SUPPORT This bill would require larger school districts to post on the Internet reports of political contributions to and expenditures by members of the boards of trustees.

SB 59 (Zaffirini) SUPPORT This measure is about disclosure. It would permit the use of the resources of the Texas Ethics Commission to report political contributions and expenditures made in connection with local governmental entities.

Campaign spending in last November's election nearly doubled the amount spent in the last mid-term election (in 2006). The correlation between spending and winning is striking—in some cases it amounts to the de-facto purchasing of elected offices. Also, the incredibly high cost of political campaigns effectively discourages persons of average means from even considering running for office. In this session, it will be a challenge to get traction with any measure that is not about the budget or redistricting, but we must remind lawmakers that sensible campaign reform continues to be a League priority.

JUDICIAL SELECTION Barbara Weinstein (Dallas)

No activity to report this issue

OPEN GOVERNMENT Linda Pavlik (Fort Worth/Tarrant County) lindap@pavlikandassociates.com

Open government is one of the tenets of democracy, and it is democracy—and the threats against it—that sustains and motivates the League of Women Voters in so many of our activities. Unfortunately, not everyone believes in—or wants transparency, and legislation has been filed to weaken open government laws in the State of Texas.

On the national level, the Freedom of Information Act applies to all federal agencies and branches of the government. On the state level, the Texas Open Meetings Act and the Texas Public Information Act require state, regional and local taxing jurisdictions to be accountable to the public and to “open” records and financials for public view.

This year the League of Women Voters of Texas is part of a coalition in which member organizations are working together to monitor legislation that can impact the way government business is conducted across the state. Among the coalition members are the Freedom of Information Foundation of Texas, Texas Daily Newspaper Association, Texas Broadcasters Association, American Civil Liberties Union, and Texas Watchdog. Not every group will share the same position on every proposed bill; however, the dialogue and information sharing is most positive.

Relevant bills filed so far include:

HB 66 (Martinez) OPPOSE Would shield the identity of a citizen who contacts a member of the Legislature in writing such as by e-mail or in a letter. It also would shield

the inquiry or even a description of the communication if it tends to identify the citizen author.

B 76 (Flynn) OPPOSE Would do away with the requirement that law enforcement agencies publish purchase information in the *Texas Register* if it would impact that agency's homeland security functions.

HB 115 (McClendon) WATCHING Would create a Texas Innocence Commission to identify wrongful convictions and develop procedures to keep them from happening in the future. While final Commission reports are public, working papers and records, including all documentary or other information, prepared or maintained by the commission, are not.

HB 160 (Raymond) SUPPORT SLAPP is an acronym for "strategic lawsuit (or litigation) against public participation." Strong anti-SLAPP laws protect persons from lawsuits brought primarily to chill the valid exercise of free speech. Such statutes protect the speech of those who speak or act before public bodies on issues of public importance. Whistleblowers are the targets of such suits, but media entities can be dragged into such civil actions for merely reporting the whistle blowing. Anti-SLAPP laws can also be useful in dismissing media co-defendants in civil actions, if worded properly. As proposed, HB 160 does not provide the type of protections that are needed in a law, according to media advocates. Expect a much stronger piece of legislation to be filed in the House and Senate in coming weeks.

HB 161 (Raymond) SUPPORT DPS criminal history information is already public in most cases but there is a charge for it. This bill would ensure that intoxication offense information maintained by the DPS is made available online for free. The types of information that would be available in a searchable online database include recent address of the offender, a photograph if available, etc. The database would not post certain other types of offender information such as a TDL or SSN numbers or information that tends to identify any victims.

HB 230 (Phillips) SUPPORT Would amend the Local Government Code to require notice of intent to locate a halfway house in an area. Such notices must be published in a local newspaper and a sign posted at the proposed location.

HB 491 (Dutton) SUPPORT Would amend the Water Code to allow water and sewer utilities to increase impact fees without holding public hearings as specified elsewhere in existing law. "Impact fees" are charges or assessments imposed by a water utility against a customer to generate revenue to fund or recover the cost of constructing or installing a connection to the utility's water, sanitary sewer, or drainage facilities, including all necessary service lines and meters.

HB 511 / HB 516 (Dutton) SUPPORT Both bills would require specific public hearings by school board trustees prior to a board vote to close a particular school campus.

HB 520 (Driver) OPPOSE Would amend existing language in the Occupations Code related to the Texas Commission on Law Enforcement Officer Standards and Education. Currently, reports or statements submitted to the Commission related to a specific officer are not subject to disclosure under the TPIA unless the officer resigned or was terminated due to substantiated incidents of excessive force or violations of the law other than traffic offenses. HB 520 would prohibit ALL information from being released.

HB 546 (Dutton) WATCHING Would broaden the list of those eligible to have their criminal records expunged. Under HB 546, a person would be eligible for expunction if he or she was placed on deferred adjudication and the judge subsequently discharged him or dismissed the proceedings except in the following types of cases: murder, capital murder, aggravated kidnapping, indecency with a child, sexual assault, aggravated assault, abandoning or endangering a child, aggravated sexual assault, or injury to a child, elderly or disabled. The bill also would allow some significant types of case records to be expunged such as manslaughter, criminally negligent homicide, public lewdness, indecent exposure, improper relationship between educator and student, improper photography or visual recording, assault (spouse or other), terroristic threat, tampering with consumer product, leaving a child in vehicle, or harassment of a public servant.

SB 40 (Zaffirini) OPPOSE Would amend some of the meeting provisions of the Texas Guaranteed Student Loan Corporation by allowing conference call participation in meetings by board members.

SB 59 (Zaffirini) SUPPORT Would create a searchable online database of political contributions made to local elected officials.

SB 68 (Zaffirini) SUPPORT Would create a searchable online database of state agency contract information.

SB 110 (Davis) SUPPORT Would require the posting of political contribution information related to those who seek and get government contracts and the elected or appointed officials who put the contracts out for bid. The information would be posted on the governor's office website.

SB 208 (Gallegos) SUPPORT Would alter school board superintendent search procedures by requiring boards of trustees to disclose the name or names of finalists at least 30 days before a final vote is taken. Would also require school boards to hold at least two public forums at which each finalist can speak and the audience can ask questions.

REDISTRICTING Anita Privett (Austin Area) advocacy@lwtexas.org

A priority for the Texas legislature during the 2011 session will be redistricting based on the official 2010 census data.

SB196 (Wentworth) SUPPORT This bill is similar to the bill Senator Wentworth introduced in 2009: a nine-member bipartisan commission consisting of nine non-elected individuals of members from both political parties. The commission will exercise the authority of the state legislature to adopt a plan for election of the members of the United States House of Representatives from Texas.

HJR 20 (Peña) SUPPORT This is a proposed amendment to limit the time in which the legislature may enact or modify districts for the Texas Legislature or the United

States House of Representatives. The only exception for modification would be change in a district boundary ordered by the appellate court or other governmental jurisdiction.

WATCHING: The following are bills for information related to composition of districts for election of members of the Texas Senate, State Board of Education, and Congressional districts for the state of Texas. More information will follow when there is activity related to redistricting. **SB 31 SB307, SB308 (Seliger) NEITHER OPPOSE NOR SUPPORT.** The reading of these bills is almost identical, stating one member is elected from each district and lists all the districts in Texas.

Apparently emboldened by their victories at the polls in 2010, anti-choice activists have filed a flurry of bills that can be categorized as “usual suspects” in the long-continuing efforts (since the 1973 Roe v. Wade decision) to impose restrictions on the right to choose, with the ultimate goal of rendering that right meaningless. Similar bills to those described below were filed but fortunately died in previous sessions. The “makeup” of the 82nd Legislature will be especially challenging to proponents of reproductive choice, but LWV-TX will once again monitor and vigorously oppose these measures.

Ultrasound measures:

HB 201 (Morrison) and SB 130 (Patrick) OPPOSE are companion bills that would add to the informed consent to abortion statute the requirement that, before an abortion is performed, the physician

- perform an ultrasound and provide a verbal explanation of the results to the woman seeking the abortion; and
- make audible the fetus’ heartbeat (if present) for the woman to hear.

Although the pregnant woman could decline to view the ultrasound image, she would be required to sign a statement saying that she was given the opportunity to do so. Substantially the same as these measures is **HB 580 (Hancock) OPPOSE. HB 325 (T. Smith) OPPOSE** would impose similar requirements concerning ultrasound images. This measure also contains gratuitous moralistic and judgmental language, such as that “all abortions...terminate the life of a whole, separate, living human being” and refers to the “psychological risks” of abortion.

“Choose Life” License plate measures:

HB 238 (Phillips) and SB 257 (Carona) OPPOSE, companion bills, would provide for the issuance and purchase of “Choose Life” license plates. Proceeds from the purchases would go to “eligible organizations” that give assistance to pregnant women who are considering placing their children for adoption. BUT organizations that provide abortions or abortion-related services or make referrals to abortion providers or are affiliated with such referrers or providers would not be “eligible” to receive these funds.

Measures restricting minors' access to abortions:

SB 230 (Nelson, Shapiro) OPPOSE would require a minor seeking a judicial bypass to parental consent for an

abortion to submit the application to a court in her home county, if the county has a population of 50,000 or more. This requirement would threaten the minor’s anonymity and privacy in seeking a bypass.

HCR 25 (T. Smith) OPPOSE would also adversely impact minors – it is a resolution calling on the Texas Legislature to urge the US Congress to remove confidentiality mandates for minors who are served in family planning programs operating under Title X of the Public Health Service Act and under Medicaid.

Measures prohibiting funding or insurance coverage of abortions:

HB 85 (Simpson) OPPOSE would prohibit any person or facility that performs abortions or abortion-related services from receiving support or resources from the state or a governmental entity. **HJR 22 (Simpson) OPPOSE** proposes a state constitutional amendment with the identical prohibition.

HB 552 (Phillips) OPPOSE would prohibit health benefit exchanges established pursuant to the Affordable Care Act of 2010 (health care reform) from providing coverage for abortions. A similar bill is **HB 636 (Zerwas) OPPOSE** that would establish a state health benefit exchange and prohibit it from covering abortions.

On the “good bill” side:

HB 419 (Villarreal) SUPPORT would renew the Texas Women’s Health Program (WHP), also known as the Medicaid waiver program. (If not renewed in this session, the program will expire in September 2011.) WHP expands eligibility for preventive family planning healthcare through to women living at or below 185% of the federal poverty level and who are US citizens. The state pays only 10% of the costs for WHP family planning services, while the federal government pays 90%.

The WHP serves women who do not qualify for other government-funded family planning programs but who would qualify for Medicaid prenatal and delivery care if they were to become pregnant. According to the Texas Health and Human Services Commission, WHP helped an unduplicated 217,377 women receive such services as well-woman exams, contraception, diabetes and cancer screening, treatment of gynecological infections between January 2007 and December 2009.

TEXAS CONSTITUTIONAL REVISION

No activity in this area.

Administration of Justice

CAPITAL PUNISHMENT Susybelle Gosslee (Dallas) sgosslee@airmail.net

No activity to report this issue

DRUG LAWS AND POLICIES Elaine Talariski (San Antonio) etalariski@earthlink.net

HB 117 (McClendon) SUPPORT Related to disease control through outreach programs to reduce the risk of certain communicable diseases transmitted through use of unclean needles and syringes. The bill would allow for outreach program health services under a local health agency or an organization that contracts with a county or

municipality, hospital district or other governmental entity health authority charged with protection of health. The following services authorized under the bill are an anonymous exchange of new needles and syringes, education, treatment for substance abuse and blood borne testing.

IMMIGRATION Sally M. Bolster (San Antonio) sallybolster@aol.com

LWV-TX supports appropriate state services for undocumented immigrants, especially in the areas of education and healthcare. It will monitor any attempt to curb civil rights of immigrants.

The 82nd Legislature has more than 30 proposed bills relating to immigration, none of which appear to warrant LWV-TX support.

Social Policy/Human Resources

CHILD ABUSE & NEGLECT Joyce Robinson (Sherman/Grayson County) jbrobinson@cableone.net

The Department of Family and Protective Services (DFPS) and others involved in the system are working to redesign part of the Texas foster care system. Their goal is to be able to place children in the foster care system closer to their home communities by distributing providers and services more evenly across the state and making sure the residential providers offer the spectrum of services children and youth need. We will follow their progress and provide further updates. The following five bills have been filed in the area of child abuse and neglect:

SB 218 (Nelson) SUPPORT Related to procedures in certain suits affecting the parent-child relationship and the operation of the child protective services and foster care systems.

SB 269 (Uresti) SUPPORT Related to a bill of rights for foster children.

HB 148 (Raymond) SUPPORT Relating to requiring parties in a suit affecting the parent-child relationship to disclose to the court knowledge of certain registered sex offenders in their extended family.

HB 149 (Raymond) SUPPORT Relating to the appointment of a parenting coordinator or parenting facilitator in a suit affecting the parent-child relationship.

HB 487 (Dutton) SUPPORT Relating to testimony by certain children (at least 8 years of age) at a hearing on an application for a protective order.

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

In addition to the priorities listed above, we will be following other measures related to the physical well-being of children, such as programs for child nutrition and prevention of childhood obesity. Any attempts to undermine Health Care Reform measures will, of course, merit special attention and concern.

To maximize lobbying effectiveness we will work as part of coordinated efforts. LWV-TX is a member of the Texas CHIP Coalition and participates in the Texas Finish Line Campaign and Texans Care for Children. We support the approach of Texas Forward in seeking to insure that the state's budget balances financing for a wide variety of important areas, including children's issues.

Pre-filed bills with the potential to affect the health of the children of Texas include:

SB 39 (Zaffirini) SUPPORT. The bill seeks to streamline and improve intake procedures and enhance the capacity and effectiveness of community outreach programs for certain benefits programs, including CHIP and Medicaid.

HB 57 (Martinez, Mando) SUPPORT. The bill would restore the medically needy program under the state Medicaid program.

HB 474 (Lewis) OPPOSE. The bill would establish requirements for certain public benefits programs, including CHIP and Children's Medicaid. An applicant for the pro-

grams would have to provide documentation of identity and eligibility to work in the United States, using a specific form (I-9), as part of the individual's employment verification.

HB 503 (Walle) SUPPORT. The bill would strike out assets and resources, leaving only income level, for certifying eligibility and need for certain public benefits programs, including CHIP and Children's Medicaid.

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

School readiness is more than academics. Research consistently demonstrates that children's positive well-being encompasses successful development in areas such as their physical, social-emotional, cognitive, and language development. Federal and state economic conditions impact child care and impact resources, academic success, and future workforce development.

Presently, child care consumes 31.5% of the median single parent Texas income. With 2,336,220 Texas children ages 0-6 years impacted (52% or 1,214,835 are classified low-income 200% below the federal poverty level and 24.7% or 577,047 are classified below federal poverty level) as reported in the 2008 U.S. Current Population Survey.

The [2011 Pre-k Day at the Texas Capitol](#) is scheduled February 1, 2011 to raise awareness about high quality early childhood care and education.

Bills that LWV-Texas is following:

HB 129 (Alvarado) SUPPORT relating to prohibiting the manufacture and sale of certain children's products containing bisphenol-A or certain other substances.

HB 133 (Villarreal) SUPPORT relating to a full-day prekindergarten program provided by public school districts.

HB 283 (Lucio III) SUPPORT relating to the wheelchair accessibility of new or renovated park playgrounds to children with disabilities.

HB 434 (Parker) SUPPORT relating to the minimum standards for licensed child-care facilities and registered family homes.

SB 76 (Nelson) SUPPORT relating to requiring FBI background checks for relatives who provide unregulated child care and receive federal subsidies.

SB 185 (Nelson) SUPPORT relating to physical activity requirements for students in public schools, including those in public school pre-kindergarten.

SB 260 (West) SUPPORT relating to minimum training standards for employees of certain child care facilities.

SB 264 (Zaffirini) SUPPORT relating to provision of information about quality of child care providers by local workforce development boards.

SB 265 (Zaffirini) SUPPORT relating to training for employees and operators of certain child care facilities (including Head Start).

SB 269 (Uresti) SUPPORT relating to a foster children's bill of rights.

SB 270 (Uresti) SUPPORT relating to newborn hearing screenings.

EQUAL OPPORTUNITY/INCOME ASSISTANCE Libbie Terrell Lee (Dallas) libbie_lee@yahoo.com

No activity to report this issue.

HEALTH CARE for THOSE OF LESSER MEANS and for OLDER TEXANS Lynda Ender (Dallas) LEnder@theseniorsource.org

Medicaid funding in Texas has a double whammy against it going into this 82nd State Legislative Session.

Firstly, because of the shortfall, legislators will especially be looking hard at the big pots of money and Medicaid is right up there after education.

Second is a mathematical formula that calculates how much the federal government pays and what's left over for the state. Already facing a record budget shortfall, Texas' Federal Medical Assistance Percentage (FMAP) will drop more than 2 percentage points in late 2011, equivalent to a \$1.2 billion hit. Only two states—Louisiana and North Dakota—will face a bigger percentage drop. And that's after federal stimulus funds that have been artificially enhancing this match dry up in the spring, another blow to

cash-strapped state Medicaid programs in Texas and across the nation.

Therefore, advocates will be asked to make some hard decisions about where cuts should be made in a system that needs more funding and not less. The big decisions will be in the budget debate.

The following are some bills for the League to monitor:

SB 278 (Wendy Davis) SUPPORT It would up the personal needs allowance for those in a nursing home on Medicaid from \$60 to \$75.

HB 636 (John Zerwas) SUPPORT This bill would create the Texas Health Insurance Connector which is the exchange required by the federal Patient Protection & Af-

fordable Care Act. When people apply, it requires checking eligibility for Medicaid.

HB 70 (Armando Martinez) and SB 293 (Kirk Watson) SUPPORT Companion bills that would promote telemedicine medical services, telehealth services and home telemonitoring services provided to certain Medicaid recipients.

SB 30 (Judith Zaffirini) and HB 329 (Ryan Guillen) PROBABLE SUPPORT Companion bills to create a pilot project to establish a comprehensive access point for long-term services and supports provided to older persons and persons with physical disabilities.

SERVICES FOR THE SERIOUSLY MENTALLY ILL Linda Camin (Dallas) lrcamin@hotmail.com

Support maintenance of current funding for treatment of serious mental illnesses and substance abuse. Texas ranks near the bottom of all the states in per-capita spending on public mental health and substance abuse treatment. Lack of access to treatment drives up the cost of health care, law enforcement and criminal justice, in addition to preventable losses in functionality, productivity, and employability. Economist Ray Perryman estimates

SB 222 (Jane Nelson) PROBABLE SUPPORT Creating access to certain long-term care services and supports under the medical assistance program.

HB 309 (Jose Menendez) SUPPORT It would establish a supportive living facility program.

SB 72 (Jane Nelson) SUPPORT Streamlining of and utilization management in long-term waiver programs.

SB 45 (Judith Zaffirini) SUPPORT Creating a hospital level of care waiver program for certain medically fragile individuals.

that every dollar spent on mental health services yields a return on investment of \$23.

Over 25 bills relative to mental health and substance abuse services have been pre-filed and will be monitored. As these bills, and the budget, move through the legislative process, LWV members will be notified of the need to support or oppose.

Natural Resources

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

While there have been several bills filed thus far with regard to air quality and climate change, our major emphasis will be to follow those bills relating to the Sunset Commission recommendations for the Texas Commission on Environmental Quality (TCEQ). The commission recommendations were quite good in several areas: increasing penalties, public input, visibility, and increased attention to permit changes; the authority to revoke or suspend permits, licenses, certificates or registrations when warranted in enforcement actions; requiring TCEQ to analyze cumulative impacts of new or expanded pollution emissions on the overall air quality, public health and property; and that public health and safety should be the primary objective of TCEQ. We are hopeful that some, if not all, of these changes will be implemented in law—a major step forward! Bills filed thus far include:

SB 338 (Gallegos) SUPPORT Relating to penalty assessments for violations of the Texas Clean Air Act committed by major sources. This act requires that penalties for major sources shall be equal to or more than the economic benefit gained due to the violation and

be sufficient to deter future violations. The current penalty is \$10,000 per day, and the Sunset Commission is recommending \$25,000 per day.

SB 339 (Gallegos) SUPPORT requiring that emissions events be reported to a number of local officials (i.e., state senator and representative, county commissioners, mayor) and what that report should contain. The information shall also be on the TCEQ web site.

SB 340 (Gallegos) SUPPORT This bill changes the length of time an emissions event is reported from 24 hours to three.

SB 347 (Watson) SUPPORT A Center for Sustainable Business is created by this bill. It's purpose is to assist Texas businesses in reducing greenhouse gas emissions and transitioning successfully to a low-carbon economy.

HB 540 (Turner) WATCH requires that the value of federal allowances for carbon dioxide emissions for electric or gas utilities be passed through to the customer and reflected on the customer's bill.

ENERGY Penny Miller pmiller737@aol.com

As the legislative session gets underway, there are fewer energy-related pieces of legislation introduced than in the last session. However, very few bills passed last session. The state's energy position is based upon the national position in this area. The state does not have a separate position.

Of note are some bills relating to environmental issues surrounding oil and gas extraction which have been in the news.

HB 444 Creighton (SUPPORT) Would require copies of permits for injection wells to dispose of industrial or municipal wastes to be sent to groundwater districts. If

hydraulic fracturing wastes are not considered industrial wastes, the benefit of this legislation is more limited. (Overlaps with Water Chair).

SB 104 Davis (SUPPORT) Regulates the release of natural gas from gas wells Would only apply to adjacent counties each of which has a population of 1.4 million or more i.e. Tarrant and Dallas Counties. (Overlaps with Air Quality Chair.)

SB 105 Davis (SUPPORT) Relating to a restriction on the formation in which certain commercial disposal wells

HAZARDOUS WASTE Susybel Gosslee (Dallas) sgosslee@airmail.net

SB None filed. HB None filed.

The Texas Low-Level Radioactive Waste Disposal Compact Commission approved rule changes that made Texas the low-level radioactive waste disposal site for an additional 36 states. The Commissioners were appointed by Governor Perry. The proposed rules were presented to the public for comment the day after Thanksgiving and ended the day after Christmas 2010. The Commission met on January 4th to make a decision after receiving more than 4000 public comments.

The League of Women Voters made comments at the public hearing at TCEQ on December 9 in Austin. The League is concerned about the risks to public health and safety for people and the environment and the cost to the state. Please go to the League public comments for more information at:

<http://www.tllrwdcc.org/pdf/League%20of%20Women%20Voters.pdf>

The League is concerned about the volume of hazardous waste concentrated in the vicinity of the storage site. Originally, Texas and Vermont were in a compact agreement to store both states' low-level radioactive waste (LLRW) at a 1300 acre disposal site, located in Andrews County, Texas which is across the border from Lea County, New Mexico where LES uranium enrichment facility has recently come on line. Lea County is next to

LAND USE Karen Rankin (Austin Area) karenrankin@austin.rr.com

In an unexpected move, Gov. Perry opened the legislative session by proclaiming the protection of private property rights in eminent domain cases an "emergency" issue. Bills of primary interest filed on the topic so far include: **HB 279 (Geren, et al.)**, **SB 18 (Estes)**, **SB 106 (Davis, Wendy)**, **SB 180 (Estes)**. At this time, we are taking a **NEUTRAL** position on all of the listed bills pending further research and possible additional bills.

permitted by the Railroad Commission of Texas may inject oil and gas waste. As with SB 104, this regulation would apply only to adjacent counties each of which has a population of 1.4 million or more. (Overlaps with Water Chair)

In addition to the above, another set of bills to watch would restrict the ability for Homeowners Associations to restrict solar energy devices. These bills are **HB-362/SB-238/SB-302 (SUPPORT)**

Eddy County, New Mexico where transuranic waste material is licensed for storage for 10,000 years.

Low-level radioactive waste is not low risk waste. The radioactivity can range from just above background levels found in nature to very high radioactivity in certain cases such as parts from inside the reactor vessel in a nuclear power plant. Vermont has scheduled to decommission the Vermont Yankee reactor, and Texas is scheduled to decommission several nuclear reactors in 2028. Is there enough room to store this much more LLRW?

The licensed operator of the site, Waste Control Specialists, stated it needed to import more LLRW from other states to make its business profitable. The League is concerned about the lack of storage space at the WCS site to handle the additional waste and the cost to Texas to monitor, operator, and secure the site when the state becomes responsible for the site. The fees paid to the state by WCS go to the general revenue fund not to a trust fund or other secure savings system to provide the funds needed to monitor and secure the site in perpetuity.

The League is concerned about transparency, monitoring the site and data, public participation in the decision making processes, emergency procedures in transportation and at the site, contamination risks, third party oversight, financial assurances and other issues.

Another bill of note is **SB 137 (Wentworth) SUPPORT** The same legislation has been filed by Sen. Wentworth in several sessions on the topic of the authority of a county to regulate land development. Last session, this issue was a priority of the League, and bills filed in the House reached the Calendars committee, but stalled there. Sponsors of those bills were not re-elected, but **HB 662 (Rodriguez) SUPPORT** is similar to last session's proposals.

Texas Transportation Commission. Sunset Commission voted 7-5 to abolish five-member commission and replace with single commissioner. **HB 116 (McClendon)** reflects Sunset Commission recommendations.

Use of revenue from gasoline taxes, vehicle registration fees etc. **HJR 64 (Pickett)** introduced by Rep. Pickett proposes a constitutional amendment that would limit use of collected funds for transportation improvement instead of being placed in the general fund for uses in other areas. State and federal gas tax rates have been frozen at 38.4 cents a gallon since 1993.

Texas Rail Plan has been through multiple public hearings in different regions to be approved for Texas to be able to obtain federal transportation rail funding. Transportation reinvestment zone legislation is anticipated to be introduced.

With budget shortfall, transportation advocates do not anticipate additional state revenue for transportation even though the state had grown dramatically in population and road usage.

Other related bills address use of wireless devices while driving and revised drunk-driving laws, including sobriety checkpoints.

So far this session, the major water concerns seem to be an effort to establish new methodologies for establishing water use data (gallon uses per capita, per day) in order to quantify the benefits of water conservation strategies. The other focus is adding, slowly, to the definitions and powers of groundwater management districts. The "rule of capture," or the laws in Texas that affirm absolute ownership as a property right to water under one's land, has become extremely difficult to support as state shortages and shared aquifers are forcing some kind of planning and regulation of the state's groundwater supplies. Look for this issue to keep coming up in this and future sessions. The state currently has some 95 local groundwater management districts that cover all or part of 144 counties; 16 of these GMAs are based on shared or similar aquifers.

Bills filed to date:

HB 444 (Creighton) SUPPORT As Penny Miller notes above under **Energy**, if fracking wastes are not considered industrial wastes, this bill's benefits are more limited. However, the thrust of the bill seems to be simply to require the notification of an injection well disposal application include the applicable Groundwater Conservation District. The GCA could then make recommendations --this seems like a good thing in

any case, increased public participation always an LWV goal!

SB 105 (Davis) SUPPORT Again, Penny Miller notes the essentials above. The water-related point is that the bill demands that the Railroad Commission may authorize the waste disposal application for an area located above a hydrocarbon-producing geological formation only in the deepest geologic formations. This would, hopefully, keep the pollution far below a usable water aquifer.

Bill to watch:

SB 181 (Shapiro, Watson, Seliger) NO RECOMMENDATION for the moment Relates to the reporting of water conservation measures by municipalities and water utilities based on changes to the definition of gallon per capita per day. This legislation proposes that g/p/d is not an accurate measure on which to base a reliable comparison. The idea of knowing the impact of conservation strategies on water uses is certainly helpful in establishing where/what strategies are working, but changing the definition used by the Water Development Board for water planning purposes may not be useful.