



Summer/Fall 2008

The Capitol Report

Dear Friends:

Many times as I meet and speak with my Dallas County constituency, they're not sure if I'm coming or going from Austin; in or out of session. With my hectic schedule, I must admit that sometimes I'm not so sure myself. But here's a fail-safe clue. If it's an odd-numbered year, from January until June, the Legislature is in session. But an even-numbered year doesn't preclude me from being in Austin. Those around the legislature commonly use "the interim" when referring to these even-numbered years. During the interim, standing and special committees are charged with studying numerous topics of interest, and submitting reports and recommendations on those topics to the legislature for the upcoming session. These reports contain recommendations that may become the basis for new bills next session. More than **6,500** bills were filed last session and I'll tell you that it's a lot easier to kill a bill than to pass one. But if your bill is backed by an interim committee recommendation, its chances of passage are greatly enhanced. This newsletter will detail the activities of the committees on which I serve, as well my efforts to inform and seek your input on a number of issues, some gathered through a series of town hall meetings held over the last year.

I'd like to take this moment to recognize the contributions of some iconic individuals who have helped me to accomplish the litany of initiatives ventured in my efforts to represent the citizens of District 23 while a member of the Texas Legislature. I'll begin by honoring the legacy and vast influence of Dr. C.A.W. Clark, my pastor and spiritual sage as a longtime member and deacon of Good Street Baptist Church. To this list, I'll add my godfather Pancho Medrano, the Hon. Barefoot Sanders, Mrs. Kathlyn Gilliam, Al Lipscomb, Judge L.A. Bedford, Mrs. Mattie Nash, Rev. Zan Holmes, Francis Dirks, Bernice Conley, Millie Bruner, James Whitlow, Dorothy Dean, Lucious Wagner, Lunita White, Dan Weiser, Annie Mae Hunt, Josephine Torres, Leroy Fisher, Sally Moore, and Mrs. Willie Mae Butler.

This is an exciting time to be engaged in public service. The March primaries leading up to this November's presidential election saw unprecedented levels of public interest and participation. It is my great hope that this level of involvement will remain high, for the very essence of democracy demands the voice of the people to be heard. One way to do that is by way of the ballot. If you think for even one second that your vote doesn't matter, consider the following. A Texas House primary contest this past March was decided by only 17 votes. In a 2004 Texas House general election contest, the winner gained public office by a mere 33 votes. In 2000, we elected a president by a 537-vote margin out of 105,396,641 votes cast. Yes, your vote matters.

I hope you find this newsletter informative. As always, on behalf of my wife Carol and my entire family, thank you for allowing me to serve you as a member of the Texas Senate.

Signature



Sen. West is joined by school and city officials from DeSoto, Duncanville, Cedar Hill, Lancaster and Dallas for a ribbon-cutting ceremony to start the "It's About Our Community" Summer Employment Fair held at the Cedar Hill 9th Grade Center.

CAPITOL REPORT

EDUCATION

Throughout my legislative career, my strongest advocacy has been for accessibility to a quality public education. Education has been at the forefront of the past several sessions and each of the special sessions and the 80th Session was no exception. We modified new laws on public schools and passed legislation that created dropout prevention programs, high school success initiatives, college and workforce readiness, curriculum alignment and educational infrastructure.

Last year's property tax reductions are now having a financial impact on schools. During the interim, we are reviewing current school property tax rates. We face the delicate task of attempting to increase school funding during harsh economic times, while not negatively impacting the quality of instruction offered.

As a member of the Senate Education Committee, my colleagues and I are also conducting a comprehensive review of the current accountability system that measures the performances of students at both the district and campus levels. We will monitor programs that promote student achievement and measure this achievement - or lack thereof - as it relates to the effectiveness of teachers, curriculum and funding.

Often overlooked in the debate over the virtues of public versus private schools is that public schools have an obligation to educate each and any child that comes through its doors, regardless of disability or needs. Last session, concerns were raised regarding the quality of instruction and services provided to special education students - including those students with autism. To that end, we are evaluating whether special education programs are adequately preparing students for post-secondary opportunities.

Even as we would like to impart such influence, we also know that every child is not college bound. That said, career and technology programs have afforded students with other windows to future success and we are looking to make recommendations that will continue to address the present and future economic and workforce needs of Texas.

More than ever, we must control educational costs. So, we are looking at ways to control the cost of textbooks and instructional materials. With aging facilities and increased needs for fast growth districts, we are examining the condition of facilities, space needs, construction and land costs, and even class sizes.

With alarming dropout numbers that see nearly half of urban minority males leaving without graduating, we implemented legislation that focuses on dropout prevention, high school success and completion. Through passage of a high school allotment, we now provide additional dollars for districts to encourage high school completion and expand the availability of advanced-level coursework.

SUBCOMMITTEE ON HIGHER EDUCATION

For many Texans, college is becoming less affordable with each passing day. So it is imperative that the Higher Education Subcommittee take a hard look at the effects of **tuition deregulation** on college enrollment and accessibility. A few years ago, a MTV/Bill and Melinda Gates Foundation poll found that 87 percent of young people want to go to college. What's stopping them? Costs! When public colleges and universities bemoaned the state's shrinking subsidization of college costs in 2003, the legislature gave control over tuition to university boards of regents. Since that time, tuition has increased dramatically at public institutions all over the state. We must find a way to preserve the dream of a college education for all who want it.

A concept I'm developing involves the creation of **higher education enhancement districts**. The idea is for a school district and community to partner with a local college. Local voters could opt for an incremental sales or property tax increase and dedicate the proceeds to fund scholarships to attend an area college or university and to promote general excellence at that school. We could also offer partial scholarships to schools outside the district.

We can't replace the role of parental involvement in a child's education, but we can offer **hope** in the form of a college scholarship. A school-age child who knows there is money for college upon graduation has hope and is encouraged to stay in school. By finishing high school, that child increases his earning power over his lifetime. Earning a college degree increases his earning power even more.



Sen. West takes part in an installation ceremony for student government officers at El Centro College in Downtown Dallas.

Let me again stress that everything about this proposal is **voluntary**. A college has to want it, the state has to find it will provide a benefit, local voters must approve it, and there will be public input through open hearings at every step. This is still a work-in-progress and there are many hurdles to getting it done. But if you like this idea, there'll come a time when it will need your support. We all want a better life for our children - I say we give them a little hope.

FINANCE

There is a strong possibility that the legislature will face significant budget challenges when the 81st Session convenes in January 2009.

The state's budget provides funding for the services and programs that we all have come to expect, including education, public safety, road construction and maintenance, healthcare, and economic development. The state's total expenditure for the current 2-year budget cycle (2008-2009) is approximately \$167.8 billion - all funds (\$86.2 billion general revenue).

In November 2007, Texas Comptroller Susan Combs' official revenue estimate for the state projected a \$2 billion ending cash balance to carry forward for the 2010-2011 budget. This carry forward represents just 2.5 percent of general revenue spending. The most recent estimates say Texas' population is growing 6 percent per year and inflation at a rate of 4 percent. This means we must find an additional \$3.2 billion in revenue for the next budget cycle just to keep up with inflation and \$5 billion more to accommodate population growth. In preliminary comments, the Comptroller has not indicated that state sales taxes and the new business margin tax will generate sufficient funds to cover a 10 percent increase. The picture will become much clearer in January when the Comptroller releases the initial revenue estimate for the next biennium.

As always, I will continue to work to ensure appropriate funding for the key needs of District 23. But, my reality is that every dollar spent comes from a tax dollar raised. I therefore remain committed to spending every one of your dollars wisely.

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HEALTH AND HUMAN SERVICES

A fundamental and common theme of every legislative session is the hard fact that our *limited resources* are insufficient to meet our *vast needs*. This underscores the challenges that face the Health and Human Services Committee. The committee will examine 14 specific charges over the interim. Those topics of study include foster care, developmental disabilities, child abuse prevention, mental health services, nursing homes and home health care, ongoing Medicaid reform, and the state's preparedness for a flu pandemic. In addition, the issue of the uninsured and under-insured - how we get those people the care they need - and how we compensate care providers, looms ominously over the committee's work.

In light of my assertion about needs and resources, consider the following:

- ★ We have more than 30,000 Texans on waiting lists for nursing home care.
- ★ The reimbursement rate for Medicaid is too low - so low that doctors are reluctant to see low-income patients, and essential personnel like home health care aides are in short supply because employers cannot pay them a competitive salary.
- ★ The availability of primary care physicians in our 32 border counties is much less than in the rest of the state because the population, still growing at an astonishing rate, is the least-insured in Texas, and not all of a doctor's practice can be charity work.
- ★ Low salaries contribute to a high turnover rate among caseworkers who deal with abused children. They are also stressed by high caseloads.

How will we address these and countless other issues? Through the **Medicaid reform** bill passed last session, we will employ new and creative strategies to help access federal funds. We can also do things like:

- ★ using technology to practice medicine and train nurses via the Internet;
- ★ relieve administrative burdens on doctors; and
- ★ offer incentives to young physicians to locate their practices in certain areas.

But, at the end of the day, the answer more often than not involves money. So we have to be smart and efficient with what we have. Being smart means not cutting state spending that is used to draw down matching money from the federal government.

Being smart means finding a way to promote **kinship care** as an alternative to foster care. Supplementing the efforts of relatives to raise their kin has proven less costly and produces far better results for kids.

It means realizing that while we must always be prudent and careful with your tax dollars, *some* spending is an *investment* that will save money in the long run. Making the smart choice on the front end saves money, and *oh-by-the-way*, improves the quality of life for everyone in the long term.

INTERGOVERNMENTAL RELATIONS

As chairman of Senate Intergovernmental Relations, we have been studying a number of issues this interim, including several items related to **affordable housing**. For example, during two February hearings in Austin we took up charges related to how the Texas Department of Housing and Community Affairs (TDHCA) awards the state's allotment of **federal tax credits**. The commit-



Senator West makes sure he and the witness are on the same page in the IGR Committee.

tee also explored finding a permanent funding source for the state's **Housing Trust Fund**, which is currently the state's only source of revenue for affordable housing. At our Dallas hearing this past March, we heard both invited and public testimony on charges relating to:

- ★ **economic displacement** of low-income individuals in areas where redevelopment is taking place - some people call this "gentrification;"
- ★ **habitability of single- and multi-family housing** and ways for tenants to address health and safety violations in these dwellings; and
- ★ whether **title insurance** should be required under certain seller-financed transactions, such as a contract-for-deed.

These issues must be addressed by the legislature because the ability to own a home is so crucial to the American dream. Studies show that homeownership contributes to lower dropout rates, lower crime, and higher college attendance, which I think we can all agree to as vital to our shared future. Also, displacement of existing communities due to circumstances beyond their control is something that we as a state need to address. While families have left our inner-cities looking for bigger homes and the lure of suburban living, emergent factors such as the rising cost of gasoline, are enticing people back into our urban centers. The committee is reviewing this topic to ensure that this return to the inner-cities does not disrupt and displace existing residents who have perennially made these urban cores their homes.

COMING ATTRACTIONS

Any one interim charge could develop into part of a member's legislative package for next session. Here is a brief rundown of some hot issues likely to be discussed and debated by the legislature next session.

Foreclosures

National experts say that compared to many parts of the country, neither Texas nor Dallas County has been impacted by the foreclosure crisis that has helped tip the American economy into a downward spiral. But try telling that to any of the 150,000 Texas homeowners who were in foreclosure in 2007. Forty-nine thousand of those homeowners lived in Dallas. Hit particularly hard also were Cedar Hill, DeSoto and Grand Prairie.

The crisis that began in 2006 has not yet ebbed. Across the U.S., more than 400,000 homeowners were foreclosed in 2007. Nationally, more than 243,300 properties were reported to be in foreclosure in April this year. The same month, one in every 809 Texas households was in foreclosure. In Dallas County (including Garland, Irving, Mesquite and Grand Prairie) during May, more than 11,300 properties were in foreclosure.

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Many point to subprime loans as a major contributor to the foreclosure crisis. But many prime borrowers have been swept into the foreclosure morass as well. Specifically blamed are ARM (adjustable rate mortgage) loans. Sold at introductory "teaser" interest rates, when these rates reset, borrowers find themselves with mortgages at levels they cannot pay. More than 1.5 million subprime/ARM loans will reset in 2008. Another 500,000 will do so next year.

Greed and unscrupulous lending practices are also at fault. Thousands of loans have gone to borrowers who - under standard underwriting practices - would not have qualified. These kinds of shady practices are where we will look as we head to the 81st Session.

Are loan packages chockfull of hidden or unwarranted fees? Do borrowers really understand what they are signing? Do borrowers realize what it means in dollars when their terms say the interest can increase to a rate as high as 14 percent? And how many borrowers have been shoved into subprime/ARM loans when they actually qualify for prime, fixed-rate loans? Although federal help is on the way, relief for Texas homeowners cannot come fast enough!



Sen. West (pictured top left) hosts students from District 23 schools as part of Nov. 2007 Student Advisory Committee food drive benefiting the North Texas Food Bank.

Insurance

The Texas Department of Insurance is under "Sunset review," the process by which the legislature routinely evaluates state agencies and determines whether changes should be made in their operation and even whether they should continue to function at all. In 2003, the legislature addressed skyrocketing homeowners insurance premiums by enacting both statutory and regulatory insurance reform. Since that time however, homeowners insurance premiums have not declined as forecast. Indeed, our premiums are still the nation's highest, while insurers are more profitable than ever. I have asked the Sunset Advisory Commission to investigate the failure of past reforms to bring needed relief, and to take a long look at regulatory approaches used by states where premiums are lower than those in Texas.

Margin Tax

Like many local business owners, I paid my revised franchise, or "margin" tax earlier this summer. This new tax scheme - created by HB3 - is the result of the special sessions on school finance held in 2006. Those court mandated sessions were called for lawmakers to address Texas' over-reliance on property taxes to fund public schools. Prior to its passage, many businesses had figured out ways to avoid paying the franchise tax. Our intent was to achieve a greater degree of tax **equity** by bringing some of those non-payers back into the system, and to reduce the burden on property owners. HB 3's fiscal note projected that it would generate \$3.4 billion in revenue

in FY 2008. Those businesses with gross receipts of less than \$300,000 would owe **no** taxes. Last session, with HB 3928, the legislature revised the revised tax even before it was implemented. A sliding scale was implemented for gross receipts between \$300,000 and \$900,000, reducing the original revenue estimate by \$3.5 million.

Some want to revisit the margins tax. On one hand, supporters of HB 3 point to the fact that we are just now collecting it - after the due date was extended - and suggest that its impact or effectiveness cannot yet be properly evaluated. On the other hand, some, such as the lieutenant governor, have indicated a preference to scrap this new approach - even before full implementation - and instead, extend the old franchise tax to services; an approach previously endorsed by the senate.

Democrats presented an alternative in 2006 that would provide property tax relief by raising the **homestead exemption** from \$15,000 to \$30,000 or \$45,000, rather than lower the tax rate. Many of us felt that giving **everyone** the same savings, instead of applying a reduced rate to the total taxable value, was more equitable in that it did not disproportionately benefit those with more valuable properties and homes.

Regardless of whether we stand pat, tweak the tax further, scrap it altogether, or adopt the homestead exemption increase, the plan that prevails should levy a tax rate that spreads the financial burden as fairly as possible.

Voter ID

I joined Senate Democrats last session in blocking a bill that would have replaced the current requirement - that a voter simply present their voter registration card - with a requirement that a voter present along with the registration card, either one acceptable form of photo identification or two forms of acceptable documents. We believe that those less likely to have things like drivers' licenses are the elderly and the poor. I believe we should be doing more to protect the rights of our most vulnerable populations rather than making it harder for them to exercise a sacred right like voting.

Proponents of Voter ID changes have struggled to produce substantive evidence of the type of fraud they strive to prevent. Nevertheless, the U.S. Supreme Court has upheld an Indiana Voter ID law and I expect this to embolden supporters of such measures around the country. This fight is likely to resume in 2009.

SENATE DISTRICT 23

While the goings-on at the Capitol are certainly keeping me busy this interim, my staff and I have been hard at work in the district as well. One of the ways I am striving to improve the quality of life for all of us in District 23 is through the establishment of programs to give our children a boost in their pursuit of educational achievement and professional success. These efforts include the **Dr. Emmett J. Conrad Leadership Program**, and more recently **It's About Our Community**. And of course I could not close this newsletter without updating you on the progress of the **University of North Texas at Dallas**.

THE DR. EMMETT J. CONRAD LEADERSHIP PROGRAM

This summer marks the 16th summer class of the internship program established in 1993 that has afforded local college students the opportunity to obtain paid internships in their chosen fields of study. The program was created to expand and explore career choices, leadership capabilities and job marketability of college students from District 23. Named for the renowned African-

American physician and education advocate, Dr. Emmett J. Conrad, the program continues our common desire to grow our own leaders. It is much more than *just finding a job*. Interns participate in community service projects and gain insight through topic-driven workshops that help them prepare for the road ahead.

Conrad interns represent the best and brightest the district has to offer. This year's class has 117 interns and since program origin, more than 1,500 summer job placements have been secured. To be considered, applicants must be enrolled in a 4-year college/university and be a resident of Senate District 23. Students must maintain a 2.25 cumulative GPA. The next application process begins in November 2008 with the deadline being January 16, 2009. To learn more about the program and its requirements, please visit www.conradleadership.com and apply on-line.

It's About Our Community

I went from serene to outraged in a matter of moments when thuggery and violence threatened tradition as American as a Friday night football game - one I attended! Several other incidents - two deadly - happened within a span of two weekends. We convened immediately, a coalition of school and city officials, law enforcement, business, civic, faith-based leaders and parents that has become what is now ***It's About Our Community***. This effort focuses on fostering citizenship and academic achievement in students backed by parental and community involvement. While we swiftly respond to inappropriate and criminal behavior, we also believe there should be positive reinforcement when our kids do good.

It is well known that juvenile crime reaches its peak in the summer when idle minds don't always lend to constructive behaviors. I found it inexplicable that a region as large as Dallas County lacked a formal summer youth employment program. In Summer 2006, our Best Southwest schools, cities and businesses found jobs for 409 students. This year, Dallas ISD joined in and through commitments and a joint job fair, 26 area employers interviewed and hired incoming junior and senior students for jobs paying above the minimum wage. But this is just a start. We need more commitments from local business and industry and we need incentives for our younger students when they study hard and do the right thing. So employers and entertainment venues, don't be surprised when we come calling.

University of North Texas at Dallas

The University of North Texas - Dallas Campus is bursting at the seams, literally. This past Spring some 1,837 (764 FTE) students were enrolled at the \$25 million, state-of-the-art building that sits majestically atop the 264-acre campus located at Camp Wisdom Road and Houston School Road. With a faculty and staff of 72, the campus' first building has already reached capacity. This is a good thing because it illustrates the necessity for a state-supported, higher education venue in Dallas as well as the support and commitment of area residents to attend the Dallas Campus.

The current enrollment places the campus well on the way to the 1,000 FTEs (full time equivalent students) required to become a stand alone campus - the University of North Texas at Dallas. Additional faculty will come aboard in January with increased degree and course offerings.

I've been working with the Governor, Lt. Governor, and Speaker's offices alongside the UNT System to obtain funds for the campus' second building. In addition, we are currently following transition plans and schedules that will align the campus to open as The University of North Texas at Dallas in Fall 2010.

One of the anchor components of our efforts is the establishment of the UNT College of Law. The UNT System has created a Founder's Board chaired by Jay Patterson, Marcos Ronquillo and DeMetris Sampson to garner support for the Law School, including the solicitation of resolutions and letters of support from area cities, chambers, bar associations, etc.

Work continues with the City of Dallas to make sure everything is in sequence for their \$16 million restoration of the Old City Hall building on Main and Harwood Streets - the proposed site of the law school. And lastly, the UNT System is maintaining communications with the American Bar Association to work within their guidelines and suggestions to pursue the most appropriate and expeditious pathway toward accreditation for the law school.

UNT Dallas Campus continues to be an institution of the first class, offering area residents access to success. It is an educational and economical catalyst that will change Dallas County and North Texas forever.

Copper theft

After much legislative wrangling, I was able to pass a bill that has already begun to change how the sales and purchases of metals such as copper, brass, bronze and aluminum are reported in Texas. Unfortunately, those changes have not been as swift in implementation as the thieves who have made life miserable for many homeowners, businesses and even churches who have had their air conditioning, construction and building materials and now even catalytic converters pilfered for cents on the dollar.



Sen. West joins Dallas Mayor Tom Leppert and Police Chief David Kunkle for press conference to address metals thefts at police headquarters.

This July, the Texas Department of Public Safety (DPS) began operation of a statewide electronic reporting database that will enable police to review purchase records for a possible match with reports of stolen goods. Under the law, all goods sold to scrap yards that contain regulated metals must be recorded and reported. Items such as cemetery vases, guardrails, copper coils from air conditioning units, electronic transmission wire and other items used by telephone, railroad and utility companies can no longer be sold to metal yards unless the seller proves ownership or legitimate access to such materials. The law also imposes a statewide hold policy that requires metal yards to keep items containing regulated metals on their property for at least 72 hours, allowing for police inspection.

Before the new state law, only sales of regulated metals weighing at least 40 pounds were reported.

Recently, the City of Dallas revamped its policy and has urged surrounding cities to pass their own ordinances to help deter regulated (copper) metals theft.

Senator Royce West

District 23
P.O. Box 12068
Austin, Texas 78711

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HOW TO CONTACT Senator Royce West

www.west.senate.state.tx.us

AUSTIN:
P.O. Box 12068
Austin, Texas 78711
512/463-0123 • FAX: 512/463-0299
Dial 711 for Relay Calls

DALLAS:
2612 Main Street, Suite 100 Dallas, Texas 75226
214/741-0123 • FAX: 214/749-7830
5787 South Hampton Rd., Suite 385 Dallas, Texas 75232
(214) 467-0123 • FAX: (214) 467-0050

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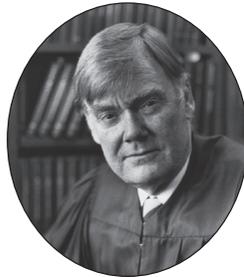
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District 23 Community Icons



Josephine Torres



Judge Barefoot Sanders



Dr. C.A.W. Clark



Millie Bruner



Judge L.A. Bedford

In recognition of the contributions of all the public officials and civic leaders past and present who have given of their time and talents to help build and uplift the Greater Dallas community.



Pancho Medrano