

# The Capitol Report



## 2007 Update

### Dear Friends:

The 80th Legislature convened in Austin in January with a wide variety of issues to address. Perhaps our most pressing concern was the much-needed reorganization of the Texas Youth Commission. With the health and well-being of so many young people at stake, I'm pleased to report that the Legislature acted swiftly and decisively to correct the problems and make sure the agency is run properly in the future.

Our other top priority this session is one that faces us every biennium; passing a responsible and well-balanced state budget that addresses the needs of Texans while ensuring we can plan for the future. Even though it took five months for us to get it done, we passed a budget that achieves many of our goals.

I passed over sixty pieces of legislation that will benefit not only you, the constituents of the 23rd Senatorial District, but all Texans. As a member of the Senate Finance Committee, I fought to increase funds for public and higher education, and for essential health and human services such as the Children's Health Insurance Program. Other top priorities included funding high school drop-out prevention programs, ensuring the successful rehabilitation of youth offenders, and finding new ways to deal with the burden of uncompensated and indigent care. As Chairman of the Senate Intergovernmental Relations Committee, I spent a great deal of time tackling local issues in many regions of the state. As we know, one size doesn't fit all and many local communities have very specific needs.

It seems a long time ago now, but on November 18th last year, after being nominated by my colleagues in the Texas Senate to serve as its President Pro Tempore, I was sworn in as Governor for a Day for the State of Texas! It was truly humbling to see the number of Texans - constituents and non-constituents alike - who turned out to make the day such a huge success. From a spectacular parade up Congress Avenue in the morning, through the inauguration ceremony in the Senate chamber and lunch on the Capitol grounds, right up to the Gala that evening, the event was an unprecedented success for everyone involved. When 'Texas Went West', we brought the best of Dallas to Austin, and my thanks go out to everyone who made it a great day to remember.

What most inspires me when I sit at the table to discuss legislation with my Senate and House colleagues is the input I receive from you, my constituents. Your letters, e-mails, visits and phone calls are always important to me. I greatly appreciate you letting me know what you think about the issues of the day. Keep those messages coming!

On behalf of my wife Carol and our entire family, thank you for continuing to allow me to serve you in the Texas Senate.

Sincerely,



Senator West and staff stand ready to serve the constituents of Senate District 23.

Top: Governor West and First Lady Carol West at his Governor For A Day inauguration in November, 2006.

## OUR BUDGET, OUR TAXES

For the first time in four years, the session began with a rosy fiscal outlook. But passing a budget requires due diligence. After all, it's your hard-earned tax dollars that we're spending. With this in mind, it took us all 140 days of the session to get the job done. Here's how we did it:

- ★ With money already dedicated in future years to property tax decreases for Texans, we attempted to limit spending by requiring that **each agency cut 5% from its budget request**. Although we restored most of these reductions, this careful approach meant that we approved a \$152.5 billion budget that contains no new taxes.
- ★ Since the Comptroller has projected that state revenue will grow by \$14 billion over the next two years, the new budget **increases spending by 7%**, with most of the growth in health and human services, public and higher education, and border security.
- ★ We were able to set aside \$2.5 billion to hold down **property tax rates** and maintain \$14.2 billion in property tax relief for the FY 08-09 biennium.
- ★ We tackled likely increases in **homestead property appraisals**. Currently, the 10% limit on increases is multiplied by the number of years since the property was last appraised, meaning that property tax bills can increase as much as 30% in one year. Now, there will be a strict, 10% limit on annual homestead appraisal increases.

- ★ After hearing from **small business** about the business margins tax we passed last year, we lightened the load on thousands of businesses that have gross receipts of less than \$900,000 a year.
- ★ Despite proposals to increase the local sales tax (and my own efforts to ensure that, if such an increase passed, a portion of it would be spent on higher education), the legislature created **no new transit taxes** and did not allow any city to exceed the existing two-cent local sales tax cap.
- ★ **Parks** advocates won a \$180 million increase in funding. However, this amount is not guaranteed for future biennia and money for park repairs depends on voters approving \$1 billion in bonds this November.
- ★ As a watchdog for your tax dollars, we passed legislation requiring a database of **state agency expenditures** so that the public can see how money is being spent down to the last cent.
- ★ Contributions to the "**Rainy Day Fund**" mean that by August 2009, \$4.3 billion dollars will be available for emergencies. Who knows when the next hurricane will strike or if a global recession might affect our fortunes? No matter how optimistic our projections for continued prosperity, experience shows that it's always best to plan for the worst.

## HERE'S TO YOUR HEALTH

Senate Bill 10 contains sweeping Medicaid reforms that give Texas greater control over health and human service benefits. Included in the bill are new initiatives for making **health insurance** available and affordable.

In 2005, local taxpayers coughed up \$10.2 billion to cover uncompensated care costs! Clearly, the time for action is now. My SB1751 would charge a nominal fee for each customer entering a strip club with the money being used to prevent sexual assault and to help offset the costs of uncompensated care. It's designed so that for every dollar we raise in Texas, we draw down two dollars from the federal government.

We fought to revise the Children's Health Insurance Program (CHIP), expanding coverage to an additional 127,000 children. We also restored many of the services that had been cut in 2003, when we faced a \$10 billion budget deficit. CHIP now covers primary and preventive health care such as immunizations, wellness exams, eye exams, and dental check-ups for children who do not have private health insurance or who do not qualify for Medicaid. For more details: <http://www.hhsc.state.tx.us/chip/index.html>

I was proud to co-author legislation proposing a \$3 billion **cancer research** initiative over the next 10 years. If approved by voters in November, our state will become a leader in the battle against a disease that kills 35,000 Texans a year, and it will help us attract the best and the brightest cancer research scientists to Texas.

**Other highlights** of our new health and human services budget include:

- ★ \$799 million to restore and increase rates for ambulance services, dental, home health, foster care, physicians and vendor drug dispensing;
- ★ \$345 million to reduce waiting lists;
- ★ \$14 million to maintain call center staff at existing levels;
- ★ \$20 million to expand the Breast and Cervical Cancer Program to serve women in family planning and public health clinics;
- ★ \$82 million for crisis mental health services to divert patients from state mental health services hospitals, reduce the burden on counties for transporting patients, and reduce the number of persons arrested that are identified as needing mental health services;
- ★ \$49 million to meet staffing ratio requirements at our state schools;
- ★ \$8 million for foster children who are aging out of the system;
- ★ \$18 million for guardianship staffing needs;
- ★ A 3-5% rate increase for nursing homes;
- ★ An additional \$100 million in TANF funds to increase staff levels to lower caseloads, enhance training, and provide additional technology.

# EDUCATING THE NEXT GENERATION:



Senator West greets students from the district.

I'm pleased to report that beginning in fall 2011, **no student will be denied a diploma because of failing a single exam.** Instead of the current exit-level TAKS exam, students entering the ninth grade will have end-of-course tests. I hope to discuss more testing reforms before next session.

If we're going to invest in our children, we have to invest in our teachers too. We gave school districts additional funds for a well-deserved **pay increase for Texas schoolteachers** of up to \$425 a year. This is on top of the \$2,000 increase and the restoration of \$500 of the \$1,000 health benefit stipend provided during the 2006 special session.

We haven't forgotten the contributions made by our retired educators. That's why we found \$635 million to increase the state's contribution to the **Teacher Retirement System.** With additional investment authority - and provided TRS is on strong financial ground - retirees, who haven't seen a cost-of-living increase since 2001, will receive a 13th check next January.

In response to alarming **drop-out rates**, HB2237 includes language that I developed for drop-out prevention, high school success, and college and workforce readiness in public schools. It's a holistic approach that identifies those students most at risk of dropping out, bolsters job skills, employment and continuing education opportunities, and encourages parental and community participation. In short, it's a recovery system that goes far beyond the walls of the school. Local school districts and open-enrollment charter schools may apply for funds to collaborate with local businesses, government and law enforcement, nonprofit organizations, faith-based organizations, and higher education institutions.

Once again, attempts to eliminate Texas' **Top 10% rule** failed. The rule guarantees every Texas high school senior who graduates in the top 10 percent of his or her class automatic admission to Texas' universities. It's the

## UNT DALLAS - MOVING ON UP!

I've always championed the idea that we should bring educational opportunities to the students - which is why I've worked long and hard to invest in UNT Dallas. This session we appropriated \$10.2 million for the UNT Dallas Campus - an increase of over \$6 million. In addition to increasing the number of students at the UNT Dallas Campus, \$3 million will be used to support 14 additional faculty we added last time, add 26 new faculty positions, and authorize an extra \$1 million for additional course offerings.

fairest way to ensure that students from all walks of life and from all parts of our state have access to a quality education. Contrary to rumors, students admitted under Top 10% exceed expectations by achieving better GPAs and graduation rates than non-Top 10 students with higher SAT scores. Recruiters can still make a guarantee to any high school student, that if they study hard and finish in the top 10% of their class, they can attend any Texas public college or university - including our flagship schools.

## STATE AID CONTINUES FOR PAUL QUINN COLLEGE

Continuing my efforts begun in 1995, Paul Quinn College will again receive funding to enhance the Center for Teacher Education Program, which recruits, trains, and places highly qualified graduates in the teaching profession and integrates technology into teacher preparation programs - including distance education. \$6.4 million will be shared among Huston-Tillotson University, Jarvis Christian College, Texas College and Wiley College, with each receiving approximately \$1.3 million over the next two years.

I am thrilled to report that the popular **Texas Tomorrow Fund is back**, offering an affordable savings option for families who want to lock in tomorrow's tuition at today's prices. Beginning September 2008, parents can plan ahead for their children's higher education needs.

For higher education, the budget provides a 35% **increase in student financial aid** by adding \$140 million for a total of \$534 million to serve 163,000 students over the next two years. The budget doubles funding for the Advanced Research Program and the Joint Admission Medical Program, funds an incentive program to improve teaching excellence, and provides \$100 million in scholarships for Top 10% students.

I find it unfortunate that just when the state has committed to "Closing the Gap" in higher education, Governor Perry vetoed \$3.3 million in funding for new community college campuses. In addition, he vetoed \$154 million for community college group health insurance - \$16 million for the Dallas County Community College District - for 2008 and 2009. Enrollment in our community colleges is increasing steadily. With community colleges serving as the gateway to higher education for most Texas students, I am puzzled and concerned by Governor Perry's actions.

During session, concerns were raised regarding the administration and fiscal responsibility of **Texas Southern University.** I worked to appoint a new Board of Regents and to create a reorganization plan to address TSU's financial problems. When this plan is implemented, TSU will receive \$13.6 million for maintenance, repairs, contractual payments, and summer school. \$25 million will go towards the Academic Development Initiative for proven programs, existing graduate studies, undergraduate education, and to target enrollment growth.

As **student participation** is essential to any good education, my SB1007 creates a student seat on the Higher Education Coordinating Board. It's a great opportunity for students to become more involved in the policy-making process.

# A NEW APPROACH TO CRIMINAL JUSTICE

After disturbing reports surfaced about physical and sexual abuse of youth at state juvenile correction centers by **Texas Youth Commission** employees, we passed SB103 which completely overhauls the agency. The bill separates youth in the system by age, prohibits anyone age 19 or older from being committed, sets up an independent ombudsman and advocacy groups for inmates, and gives the inspector general the authority to investigate any future crimes at the facilities.

Based on findings that institutionalized youth are more likely to engage in future criminal activities, language from my SB1295 creates a pilot program redirecting repeat juvenile misdemeanor offenders away from TYC and into intensive **community-based programs**.

In becoming “smart on crime,” we provided approximately 9,000 **additional treatment and rehabilitation** beds for those whose incarceration can be attributed to addiction and substance abuse. We know that “**progressive sanctions**” are an alternative to incarceration. In Dallas county alone, giving courts and probation departments additional resources has seen a 12% reduction in revocations. And statewide, there were 1,538 fewer revocations in 2006 than in 2005. My SB166 codifies progressive sanctions statewide, diverting offenders who might otherwise be sent to prison and add to the problem of prison overcrowding. Just in case these efforts don’t produce the projected outcomes, we earmarked money for three new prisons - but only if we really need them.

Along with other cities, Dallas is suffering an epidemic in the **theft of valuable metals** like copper, bronze and brass. I've heard from churches, home-builders, utility companies and railroads regarding the theft of power grid equipment, railroad signals, air conditioners, copper piping... and when constituents told me that sections of I-35 and I-45 were unlit, I discovered the reason was because thieves had ripped the wiring out of the light fixtures. Legislation that I authored creates a reporting system for regulated metals sales, requires salvage and metal recycling plants to register, and bans the redemption of items that contain such metals by those who can't prove ownership or legitimate use.

We increasingly depend on **criminal history background checks**, particularly for employment and licensing. But someone who's had a record expunged doesn't know if out-dated or inaccurate information is undermining their search for a job or housing. Under my SB1737/HB1303, the Department of Public Safety must notify all private entities that a record has been expunged, and businesses have to use only updated criminal history data.



Senator West holds a press conference on his veteran's re-integration bill.



Senator West debates from the Senate floor.

## In other criminal justice measures...

- ★ HB1551 eliminates the ability of a business that's found to be a **public nuisance** from continuing to operate by posting a bond, and permits a judge to order a landlord to terminate a lease if a tenant has violated a temporary or permanent injunction.
- ★ HB2644 tightened requirements for **massage therapists** and will help our DA crack down on massage parlors that are fronts for prostitution.
- ★ We got tough on **car burglars** by passing HB1887. It builds on the graduated approach I introduced in 2005 but adds a mandatory jail term for a second offense to the state jail felony punishment for a third conviction.
- ★ Language from my SB130 provides stricter penalties for adults who use drugs such as **methamphetamine, heroin, crack or cocaine** in the presence of a child under the age of 15.
- ★ SB74 establishes an **address confidentiality program** to protect victims of family violence, sexual assault, and stalking so their assailants cannot locate them. And I carried HB764, which will bring approximately \$150,000 to Dallas County and Faith and Liberty's Place (on Harry Hines Blvd.) to provide a safe haven for **victims of family violence**. I also passed legislation requiring additional training by judges in the area of child abuse and neglect.
- ★ We beefed up **border security** by channeling \$100 million to stop drug and human trafficking and gave state troopers a 5% pay raise.
- ★ HB1768 improves methods for calculating overtime by **Dallas police officers**. And because Dallas is one of the last major metropolitan areas to have it, I sponsored HB866 which authorizes the City to meet and confer with the municipality's police officers and firefighters.
- ★ Under HB8, “Jessica’s Law,” **sex offenders** will now face a minimum 25 year sentence for sexually assaulting a child and the death penalty could be imposed on a repeat offender. New provisions define “continuous sexual abuse” of a child, because young victims are often unable to link specific dates or times to acts of abuse, but can testify that they did occur.
- ★ Texas’ version of the “**Castle Doctrine**” repeals the statutory duty for would-be crime victims to retreat from an attacker by providing a defense for the use of deadly force if it's in self-defense.

# PROTECTING OUR NEIGHBORHOODS

First enacted in Austin, **Homestead Preservation Districts** will now be available in Dallas. Through the Homestead Community Land Trust, Tax Increment Financing zones and the Dallas Land Bank, we can now protect neighborhoods and assist low-income urban families in danger of displacement by rapid development and rampant speculation in areas like the Trinity River Corridor and Fair Park. I was also proud to sponsor HB2514 which allows Dallas to create an arts and entertainment district, solicit grants and donations, and incentivize development.

Back in 1999, the legislature granted the Harris County area the ability to acquire and operate adequate water and wastewater facilities in their unincorporated areas. This session, my SB1271 gave Dallas County the same ability. Now, the City of Hutchins can issue bonds for a proposed **inland intermodal port** designed to expedite the flow of goods and bring new jobs to the area.



*Overcome with pride, Governor West's mother, father and oldest son witness his inauguration as Governor For A Day.*

Traditional methods of pay-as-you-go road financing are projected to meet only 36% of demand. In 2003 Gov. Perry rolled out plans for the Trans-Texas Corridor, allowing private investors to build and operate **toll roads** in exchange for millions of dollars in concessions to the state. In response to citizen outrage over the private operations of public roads, we passed a two-year moratorium on further projects this session, while exempting those projects that are already in progress, such as the long-awaited Loop 9 corridor connecting southwest Dallas and Tarrant counties, the proposed Trinity Parkway, SH121, SH161 and others. The bill gives regional and county transportation authorities the first opportunity to build local projects, determines the market value of a toll project, and allows surplus proceeds from projects to be used for non-toll facilities.



My SB709 requires landlords to provide notice of the grounds for denying an application for housing before accepting any fees from the applicant. HB3191 gives property tax exemptions to non-profits like Habitat for Humanity, extending home ownership to more low-income families.



Two bills I authored this session encourage ethical behavior by officeholders. SB1325 prohibits relatives of university board members from receiving certain scholarships from that institution or system. And SB129 requires lawmakers to disclose the exact amount of any cash or gift when reporting their personal finance statements to the Texas Ethics Commission.



I sponsored HB2935 requiring cigarettes sold in Texas to be self-extinguishing, so we can reduce the number of accidental fires caused by cigarettes that are left burning.

## PROTECTING YOUR RIGHT TO VOTE

I worked with other Democrats to derail efforts to require additional IDs to vote. A flagrant attempt to drive down voter turn-out, it's completely unnecessary, since existing anti-fraud measures work well. As proven in committee, people don't walk around with their birth certificates or passports on them all the time! I will continue to fight efforts to disenfranchise our most vulnerable voters, particularly the elderly and the poor.



My SB1058 develops a directory of counseling programs available through the 211 system to aid veterans and their families in dealing with Post Traumatic Stress Disorder and getting the critical family services they deserve upon their return.



Our first major state water management plan in over a decade focuses on conservation and ecology and provides for two new reservoirs in the North Texas region. And with all the rain we've seen this year, now was an apt time to pass my SB1436, which provides for lower flood insurance premiums and better flood plain mapping to reduce the risk that flooding poses to life and property.



SB12 helps us to comply with federal clean air laws by reducing emissions from electrical generators, updating building energy codes, encouraging more efficient appliances, and providing efficiency standards for public entities. And if a car is over 10 years old and flunks emissions tests, eligible families can receive up to \$5,000 toward the purchase of a new car.



Under my SB640, a Texas Adoption Day will encourage adoption in Texas. This could save us \$4 million a year by placing 10% of kids currently in state custody in loving homes, in just one action day each year. Texas Adoption Day will be the Saturday before Thanksgiving each year.



With Katie's Law, Texas becomes the 16th state to pass laws related to senior drivers. When this law takes effect in September, drivers who are 85 years or older will face a two-year renewal cycle and must be re-tested at renewal.

## THE DR. EMMETT J. CONRAD LEADERSHIP PROGRAM

Since 1993, this program has enabled over 1,500 local students to acquire paid internships in their chosen fields of study in order to expand their marketability, career choices, and leadership capabilities. Named for the renowned African-American physician and education advocate, Dr. Emmett J. Conrad, the program has celebrated its 15th Class. To be considered, applicants must be enrolled in a 4-year college/university and be a resident of Senate District 23. Students must maintain at least a 2.25 cumulative GPA and provide two letters of recommendation, a resume, community service documentation, and a 250 word essay. The next application cycle begins in Fall 2007 with the deadline being January 16, 2008. If you're interested, please contact my office in November to obtain application information.

# Senator Royce West

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

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## THE CAPITOL REPORT



### HOW TO CONTACT

## Senator Royce West

[www.west.senate.state.tx.us](http://www.west.senate.state.tx.us)

#### DALLAS:

5787 South Hampton Road  
Suite 385  
Dallas, Texas 75232  
214/467-0123  
FAX: 214/467-0050

#### AUSTIN:

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

Let me know what you think about the important issues facing our state. Go to the following address and fill out my on-line questionnaire. Your input counts.

[www.west.senate.state.tx.us](http://www.west.senate.state.tx.us)

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## HELPFUL TOLL-FREE NUMBERS

Texas Performance Review Hotline .....	1-800-531-5441
Child Find/Missing Children .....	1-800-426-5678
Abuse Hotline (Children, Elderly, Disabled) .....	1-800-252-5400
Voter Registration, Elections Information .....	1-800-252-8683
Substance Abuse Hotline .....	1-800-662-4357
AIDS Hotline .....	1-800-342-2437
State Sales Tax Information.....	1-800-252-5555
Suicide Prevention/Crisis Intervention.....	1-800-643-1102
Governor's Assistance Line.....	1-800-843-5789
Child Support Enforcement .....	1-800-252-8014
Texas Crime Stoppers.....	1-800-252-8477
Consumer Protection .....	1-800-621-0508
Crime Victims Information .....	1-800-983-9933