



Summer/Fall 2009

## *The Capitol Report*

**Dear Friends,**

*The 81st Regular Session of the Texas Legislature was a good one for North Texas and state senatorial District 23 in particular. While many bills will impact residents of the region, the expansion of the University of North Texas at Dallas and the creation of a school of law will both create economic opportunities and change the face of higher education in Dallas County and the State of Texas for years to come.*

*We had plenty to do in Austin this spring. The regular and special sessions of the now concluded legislature saw 7,636 individual bills filed. One hundred twenty-three were filed by me. Of course, the system is set up so that most bills do not pass. A bill has to be posted for a hearing by the chair of the committee to which it is referred, be acted upon favorably by that committee, be approved by the full chamber in which it originates (House or Senate), then the process repeats in the other chamber. Finally, a bill must be signed by the governor. And as we were reminded this session, an unexpected turn of events can have the unintended consequence of preventing passage of scores of non-controversial bills. As you can see, there are numerous hurdles to a bill becoming law, and these are just the ones visible on the surface!*

*Despite the inherent difficulties of the legislative process, we were able to take care of important and necessary state business. We passed a sensible budget (with considerable help from federal stimulus money) while leaving the state's Rainy Day Fund intact to help with what promises to be a tight budget scenario in 2011. We cut taxes for small businesses, improved our state schools, and stabilized the Texas Windstorm Insurance Association so that Texans affected by hurricanes will get the relief they need. And by passing legislation I introduced, the legislature improved the prospects of Texas children who have been removed from their homes due to abuse or neglect by making it more likely they can be adopted or placed under the guardianship of a relative.*

*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.*

*Royce West*



Senator West and staff poised to represent the constituents of Senate District 23

# CAPITOL REPORT

## EDUCATION - CHARTING TEXAS' FUTURE

Legislation passed during the 81st Session, provided an overhaul of Texas' educational accountability system. This was done by adding growth in student achievement as a criterion to be used in determining accountability ratings and by adding a "distinction tier" to recognize high-achieving campuses.

We de-emphasized the TAKS test as the ultimate "high-stakes" measure of student achievement and replaced it with more emphasis on end-of-course exams that are a better indicator of course/content proficiency and will count as part of the student's grade.

We added college readiness as an accountability indicator and replaced the current accountability ratings with a campus and district accreditation system. And a revamped Texas' Pre-Kindergarten plan will allow for full-day programs.

We added more flexibility to options available to address failing campuses by putting the student's academic success first. The plan includes community input and halts the "cookie cutter" approach to campus intervention efforts.

I worked closely with teachers, including those from District 23 to provide support for our teachers. And although my advocacy for a "13th check" was not successful, we were able to provide retirees with an additional one-time \$500 payment.

### ***UNT at Dallas – UNT-D Law, Dallas' First***

The term "University of North Texas at Dallas" can now be officially used after the passage of SB629 that authorizes the University of North Texas – Dallas Campus, to begin classes as a fulltime, four-year, public university, Dallas' first.

Spring 2009 enrollment was certified at more than 1,000 full-time students, the number required for UNT- Dallas Campus to become a freestanding university. Construction of the second building has begun that will accommodate increased enrollment, faculty and course offerings.

In addition, the passage of SB956 created Dallas' first ever, state-supported law school. The law school will be operated by the UNT System until the permanent campus has existed for five years. Then it will become part of UNT-Dallas.

The City of Dallas played a major role by donating and rehabilitating the law school site at "Old City Hall" in downtown Dallas. Ongoing dialogue between UNT - Dallas and the American Bar Association's Accreditation Board will help prepare for the law school's inaugural class of 75 set for Fall 2011.

### ***Higher profile for higher education***

This session, the legislature showed unwavering commitment to adequately funding higher education. As chairman of the Senate Finance - Higher Education Workgroup, I was charged with the daunting task of reviewing the appropriation requests of Texas' public and private colleges and universities.

The approved budget represents an increase of \$22.7 billion in All Funds for higher education for FY2010-2011. This is a \$1.56 billion (7.4 %) increase over 2008-2009.

Many of our students enter higher education through Texas' community college system. So we appropriated \$5



*Senator West talks with students from the District.*

million to community and technical colleges to develop more effective developmental education programs.

Since the Legislature deregulated college tuition in 2003, tuition has increased on many Texas campuses. I co-authored SB1443 that would have limited tuition increases to a maximum 5 percent per year (or the average rate of inflation, if lower) if tuition is above the state average. SB1143 passed the Senate, but stalled in the House.

We stepped-up our investment in higher education through an unprecedented increase in financial aid funding, surpassing the \$1 billion level for the first time in Texas higher education history, an overall increase of \$259.4 million.

The legislature also approved funding to create more nationally recognized research institutions in Texas with the passage of HB 51. From a group of emerging research institutions that includes: the University of North Texas, UT-Arlington, UT-Dallas, the University of Houston, Texas Tech, UT-El Paso and UT-San Antonio, more universities may be added to existing Texas tier one universities UT-Austin, Texas A&M and Rice University.

### ***Evolution of the Top 10 Percent Law***

Over the years, I've fought hard to preserve the Top 10 Percent law, which guarantees college admittance to those who graduate in the Top 10 percent of their high school class, because it gives our children an incentive to succeed; it gives them hope.

When colleagues sought to tweak this law, I was committed to working with them to continue this worthwhile program.

Key among provisions is a 75 percent cap placed on first year, undergraduate Top 10 admits for 2011-2012 at UT-Austin which sunsets following the 2015-2016 academic year.

### ***State funds teacher centers at Paul Quinn College***

Continuing efforts started in 1995, I was able to maintain funding for the Centers for Teacher Education, a program at the five private institutions that comprise the Texas Association of Developing Colleges (TADC).

As a TADC school, Paul Quinn will share equally with other TADC member schools Huston-Tillotson University, Jarvis Christian College, Texas College and Wiley College, \$6.4 million in funds approved in the FY10-11 budget.



## OUR BUDGET - OUR TAXES

The 81st Legislature faced a difficult budget process. Although Texas did not face a severe budget shortfall like many other states, we had to address a faltering economy and prospects of a slow recovery. Thanks to an ample injection of stimulus funding, we were able to pass a budget that did not increase the burden on taxpayers. In fact, we lessened the tax burden on the many small businesses that serve as the state's economic engine by raising the small business margins tax exemption to \$1 million.

Despite the challenges, we passed a budget that appropriates \$182.3 billion in All Funds for FY 2010-2011, including \$80.7 billion in General Revenue. This represents a two percent increase annually over the previous biennium, excluding the one-time use of stimulus money. Overall, the budget utilizes some \$12.1 billion in federal stimulus funds.

The budget's final version maintained \$14.2 billion in property tax relief for the FY10-11 biennium and left the "Rainy Day Fund" intact. It is projected that by August 2011, we should have a \$9.1 billion balance available for emergencies and future needs.

### Public school finance

Even after many recent Special Sessions, public school finance was revisited during the 81st. HB3646 injected some \$1.9 billion into the state's education budget. The per student daily allotment was raised by \$135 to \$4,750 and the allotment for Career and Technology programs that help students hone marketable workplace skills was also raised by \$50.

Teacher groups advocated for pay raises over more incentive programs. We also eliminated the Texas Educator Excellence Grants (TEEG), but kept intact the District Awards for Teacher Excellence (DATE).

## SPECIAL SESSION

On June 25th, Governor Perry called the legislature back to Austin starting July 1st for a potential 30-day special session. Our work was done in three days with the passage of two bills.

SB1 allowed the Texas Transportation Commission to issue \$2 billion in bonds to be used to fund transportation projects and created the Transportation Revolving fund from which local entities could borrow to build roads.

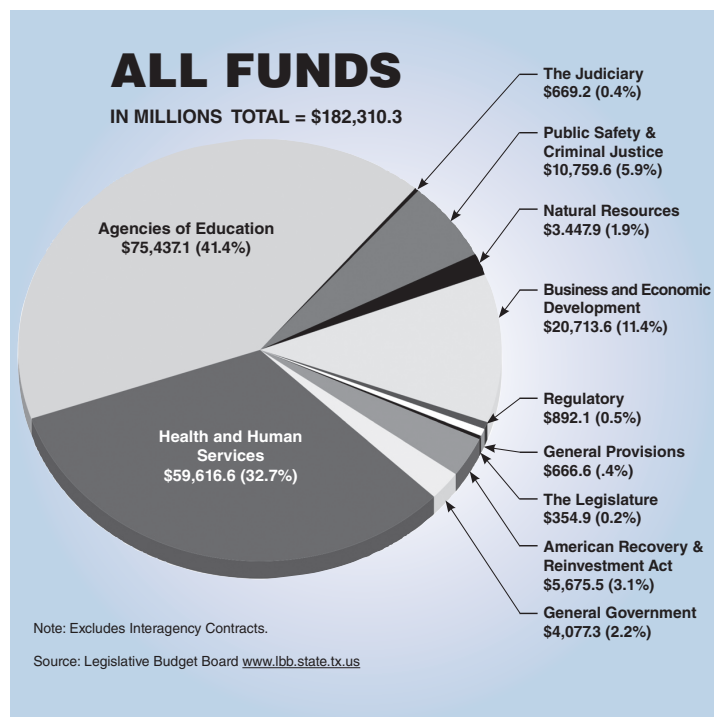
Senate Bill 2 altered the review schedule of various state agencies to balance the workload of the Sunset Commission, and continued for two years, five agencies which would have shut down in 2010 had no further legislative action occurred:

- Office of Public Insurance Counsel
- Texas Department of Insurance;
- Texas Department of Transportation;
- Texas Racing Commission; and the
- Texas State Affordable Housing Corporation.

### Are you eligible for tax credits?

Recent data from the IRS says that about 20 percent of eligible Texas households fail to file for the EITC. Approximately \$1.2 billion in EITC go unclaimed by low-income Texas families alone and that figure is projected to rise. Most are unaware of the available credit. The average refund for families who file is about \$2,200.

A bill I sponsored, HB2360, will help single or low-income parents qualify for federal income tax purposes. HB2360 requires employers to provide information to their employees regarding their eligibility to receive the Earned Income Tax Credit (EITC) and provides them direction in discovering their eligibility for the credit.



## BUSINESS AND COMMERCE

### Help for small businesses

One of the criticisms of the public school finance legislation previously passed was the revamped franchise tax's impact on small businesses. HB4765 modifies the business franchise tax by raising the exemption to exclude businesses whose receipts total up to \$1million. This revenue cap will run for two years, then adjust to \$600,000 and will impact the bottom line of about 40,000 Texas businesses.

Texas' business climate is already among the nation's best and two bills, HB394 and HB2169 will only enhance that reputation.

Under HB394, some of the incentives from the Texas Enterprise Fund that's used to attract big corporations to Texas will now also go to small businesses. Grants will also be awarded to for-profit, small businesses who will create or bring new jobs to Texas. And HB2169 will allow the Texas Workforce Commission to award grants from the state's Skills Development Fund to assist new businesses in providing job training.

### Storm relief for the Texas Coast

In 2005, there were Hurricanes Katrina and Rita. Then, along comes Hurricane Ike in 2008. This series of disasters forged the will of lawmakers to pass legislation during the 81st Session to protect property owners from the type of catastrophes endured in recent years.

SB14 passed the Senate and was amended onto HB4409. The bill reforms the Texas Windstorm Insurance (TWIA) Association by providing \$2.5 billion in public funding resources and establishes TWIA as the insurer of last resort in response to catastrophic storms.

The new law orders the Department of Insurance to compile a list of insurers who voluntarily write windstorm policies and to develop incentives to encourage insurers to write windstorm policies.

### More lights, more cameras, more action

Texas' existing film incentive program was no longer enough to attract top filmmakers. A bill I co-sponsored will help remedy that situation. HB673/SB605 provides \$68 million for film incentives and lowers the spending threshold to help projects qualify for a film incentive grant from \$1 million to \$250,000 and reduces the amount of the film which must be shot on-location in Texas from 80 to 60 percent.

## INTERGOVERNMENTAL RELATIONS

Since 2007, I've served as chair of the Senate Committee on Intergovernmental Relations (IGR). The committee has jurisdiction over a broad range of issues including those of affordable housing and those impacting tenants rights. Of the more than 450 bills referred - topping all other Senate committees - many focus on city and county government as well as local communities.

Legislation I authored will help protect the rights of tenants, assist families in obtaining safe and affordable housing, and help communities address problems of neighborhood blight and neglect.

- ★ SB 1448 allows tenants to file suit for repairs in local justice of the peace courts for a small fee – and, in some cases, for free. Counties can now issue repair orders for up to \$10,000.
- ★ SB1449 ensures the safety of residents living in apartments by expanding city receivership options that allow the rebuilding of dilapidated structures. Local community groups and non-profit organizations can also partner with cities to fight neighborhood blight.
- ★ HB 2344 improves the effectiveness of the Dallas Land Bank by giving the City of Dallas additional flexibility to use land bank property for mixed-use, affordable housing developments.
- ★ SB 1715 requires landlords to install visual smoke detectors for tenants who are deaf or hearing-impaired. Texas already requires audible smoke detectors, but there have been tragic consequences for deaf tenants.

For years, Houston has used management districts to address its critical needs. This Session, I was also able to bring these tools to District 23 by creating the North Oak Cliff (SB2501 – West/Alonzo) and Trinity West (HB4720 Anchia/West) Municipal Management Districts.

## HEALTH AND HUMAN SERVICES

Three hundred and seventy-three bills were referred to the Senate Health and Human Services Committee during the 81st Legislative Session. From the many topics, I will focus on two issues of statewide urgency: state schools and kinship care.

### Overhauling State Schools

As the legislative session began, our state institutions for the developmentally disabled were under a cloud of suspicion produced by a U.S. Department of Justice investigation. Their findings included: 450 confirmed incidents of abuse of residents in FY 2007; more than 114 deaths in Texas' state

schools since September 2007 and more than 800 employees suspended or fired since 2004 for resident abuse.

In response, the legislature lessened the burden on state-run facilities by providing more community-based living alternatives. And to strengthen state oversight, we passed Senate Bill 643 that:

- ★ Establishes an ombudsman for state schools that requires the office to operate independently of the Department of Aging and Disability Services (DADS);
- ★ Requires video surveillance in common areas of all state schools;
- ★ Requires the Health and Human Services Commission (HHSC) to contract with an independent party to review any deaths occurring at a state school; and
- ★ Designates one state school specifically to serve high-risk resident offenders.

As part of a \$112 million five-year settlement agreement with the Justice Department, the state must hire 1,160 more direct care workers. And under new state law, the number of state school residents must be reduced while allowing residents who wish to remain to do so.

### Kinship Care - Keeping Kids With Families

H.R. 6893 - the Fostering Connections to Success Act, was passed by Congress in late 2008. It provides new federal, Title IV-E matching funds for states with programs that provide payments to relatives who become legal guardians of foster care children. Research shows that children who have been removed from their homes due to abuse or neglect fare better when they are placed with "kin," rather than with non-relatives.

These programs did not exist in Texas. But soon, they will. As a member of the Conference Committee that crafted the state's budget, I was able to secure \$7.2 million which makes Texas eligible for matching federal funds.

The bill I filed - Senate Bill 1411 - to implement Fostering Connections *did not pass*. I was however, successful in amending it onto HB1151 (Thompson/West) and SB2080 *that did*.

The new state law provides for **permanency care assistance agreements** between the Department of Family and Protective Services (DFPS) and kinship care providers who meet eligibility requirements and become the child's permanent managing conservator. To qualify, the relative must become licensed as a foster parent.

Should you have questions about the new permanency (kinship) care program, please contact DFPS at [fostering-connections@dfps.state.tx.us](mailto:fostering-connections@dfps.state.tx.us), or feel free to call my office.

### Safety and fun under the hot Texas sun

You may recall reports from last Summer that chronicled an outbreak of the cryptosporidiosis virus, a disease born in the untreated waters of recreational facilities. While swimming pools, wading pools and spas are regulated, the water parks and spray fountains that have become wildly popular in recent years were under no regulations requiring the use of chlorine or other sanitation measures.

We worked with Dallas County Director of Health and Human Services Zachary Thompson, to craft SB968. The bill sets minimum, statewide sanitation requirements on any interactive water feature or fountain that re-circulates water for recreational use. Water parks will now be subject to inspections. Cities and counties will have the power to close facilities for non-compliance.

We also passed SB 1732 a federally-mandated safety measure that requires all swimming and wading pools, water parks, spray fountains or baby pools to install anti-drowning drain covers.



Chairman West during IGR Committee hearing.



## TRANSPORTATION

A local options funding bill favored by many in North Texas would have allowed voters in Dallas, Denton and Collin counties the choice of funding regional rail. The regional rail debate has mixed support in District 23.

Early versions of SB855 included raising the gas tax, increasing registration or license fees, an emissions fee and a tax on new residents. Revenues generated by voter-approved options in transit cities would be spent on road projects.

When SB855 died in the House, portions were amended to Sunset legislation that ultimately failed. This debate will not die locally and I fully expect to see another incarnation, possibly one that does not require legislative approval.

### ***TxDOT - 'Too big to fail'***

Senate Bill 1019, the TxDOT Sunset bill, would have continued the state's lead transportation agency. TxDOT has come under intense scrutiny over the past few years related to the controversial Trans-Texas Corridor Project and a \$1 billion accounting snafu in 2007.

SB1019 would also have ended or altered public-private partnerships and upfront cash payments for the right to build or operate new toll roads. Proponents say these tools are needed to build new roads. Foes decry private ownership or operation of toll roads. Neither SB1019 or its companion bill HB300 passed during the regular session.

Fortunately, area projects like Trinity Parkway, the long-awaited Loop 9 connecting southern Dallas and Tarrant Counties and the 635 managed lanes expansion will move forward.

### ***Passenger and child safety come first***

Two new laws have gone into effect that will impact Texas drivers and those who ride with them. HB537 says that all passengers, not just those in the front and kids in car seats, must buckle up for safety. The law encompasses any vehicle that carries up to 14 passengers. An offense is punishable by a fine of up to \$200.

Child safety advocates helped pass legislation that requires children who are too big for a car seat, but too small for seat belts, to be placed in a "booster seat." Now, a child less than 4 ft. 9 in. must be placed in a safety seat. A first time offense will cost \$25, a second violation \$250. *Click-it or ticket!*

Also, new law makes it illegal statewide to operate a cell phone while driving in a school zone if a hands-free device is not used. Cities must post signs at school zones and only emergency calls are a defensible excuse.

## CRIMINAL JUSTICE

New "Smart on Crime" strategies designed to slow the rate of incarceration, while still providing public safety, have proven effective. As a result, plans based on projections made in 2005 saying 17,000 new prison beds would be needed by 2012 have been shelved.

During the 79th Session, I authored legislation creating a statewide progressive sanctions model for adult probation departments. Counties who implemented these new strategies have been able to lower felony technical revocations by 11.6 %, while counties not implementing new programs have seen revocation rates rise by 11.5%.

As a result of the programs put in place in 2005, no new prisons have been built in Texas and none are planned.



*Senator West and Dallas County DA Craig Watkins at Capitol press conference on wrongful convictions.*

The course pursued by the 81st Legislature was to further strengthen adult probation by providing better pay to help retain trained officers.

It costs about \$18,000 a year for each person in prison. Community-based probation supervision costs about \$1,008 a year. How would you prefer your tax dollars spent?

### ***Updating laws on racial profiling***

After attempts in 2005 and 2007, we were able to update laws passed in 2001 that ban the practice of racial profiling by law enforcement.

Under SB1120, we attempted to better define the information that is collected by police during a traffic stop. The bill eliminates the collection of information on passengers and pedestrians. It also calls for the creation of a standardized reporting format and a centralized data repository that will be maintained by the Texas Commission on Law Enforcement Standards and Education (TCLEOSE).

In past years, we have relied on Open Records requests and threatened action by the Attorney General for non-compliance. In 2006 and 2007, 420 law enforcement agencies failed to comply with Open Records requests for their reports.

When SB1120 stalled in the House, an amendment added to HB3389 contained the full text of SB1120. We look forward to a smoother ride for Texas drivers.

### ***More help for the wrongfully convicted***

Texas has the distinction of leading the nation in the number of persons who have been exonerated of crimes they did not commit. Half of the 40 exonerees were convicted in Dallas County courtrooms.

HB1736 increases the annual compensation due a person wrongfully convicted from \$50,000 to \$80,000 for each year of imprisonment. The bill provides free tuition for exonerees to attend college.

A bill I authored, SB1848 was amended into HB1736. It creates a comprehensive reentry plan that assists access to medical services, provides counseling and job training for persons exonerated. The bill also provides a \$10,000 stipend to the exoneree to assist with living expenses. These services will be administered by TDCJ and the Texas Commission on Offenders with Medical and Mental Impairments.

# Senator Royce West

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## THE CAPITOL REPORT



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## DR. EMMETT J. CONRAD LEADERSHIP PROGRAM

One hundred and eight of District 23’s best and brightest college students participated in the 2009 Dr. Emmett J. Conrad Leadership Program and spent most of their summer employed, engaged in character/skills building events and giving back to their community.

Since 1993, this program has enabled more than 1,500 local students to acquire paid internships in their chosen fields of study.

The goal is to help students to expand their marketability, career choices, and leadership capabilities including community volunteerism and civic re-

sponsibility. Named for the renowned African-American physician and education advocate, Dr. Emmett J. Conrad, the program celebrated its 17th Class this summer.



To be considered, applicants must be enrolled in a 4-year college/university and a resident of Senate District 23. Students must maintain a 2.25 cumulative GPA and provide two letters of recommendation, a resume, community service documentation, and

a 250 word essay. The next application process begins in Fall 2009 with online application to [www.conradleadership.com](http://www.conradleadership.com).