



National Council of Jewish Women

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Texas State Public Affairs
81st Texas Legislative Session Update**

The 81st Legislature Regular Session adjourned on June 1, 2009. During the 140 days that the Legislature met, 7419 bills were introduced, 1457 passed, and 39 were vetoed. Representative Joe Straus was elected the new Speaker of the House. During a slow down in the House during the final days of session, many bills died due to the lack of time. These are counted among our failures. During the two-day called session in July, another two bills passed. NCJW State Public Affairs and our network of NCJW member advocates throughout the state lobbied on behalf of our priority issues concerning women, children, and families. In response to our action alerts, we presented testimony, telephoned, wrote, faxed, and emailed letters to key elected officials. We supported our allies by signing onto petitions and press statements. Here is a recap of the more significant actions by the legislature on bills of interest to NCJW.

State budget

A budget of \$182.3 billion for 2010-11, including \$1.9 billion increase for public education, \$1.2 billion increase for higher education, \$450 million in bonds for cancer research, and \$208 million increase to help people with mental disabilities live in community settings rather than in institutions was passed.

Children Health Care and Insurance

NCJW supports policy changes and legislation to restore and strengthen the Children's Health Insurance Program and Children's Medicaid.

SB 187 (Deuell) allowing Medicaid buy-in for certain children with disabilities in families with up to 300% Federal Poverty Level (FPL) passed.

HB 2962 (Coleman) would have expanded the Children's Health Insurance Program (CHIP) to children whose family income was between 100% and 200% of the FPL, and in its original version had significant provisions for improving the eligibility system, including 12-month eligibility for Children's Medicaid and removing asset tests that serve as barriers for family eligibility. **SB 841 (Averitt)** would have allowed families between 200-300% of the FPL to buy into CHIP on a sliding scale based on income. Neither bill was passed. Despite many calls to Governor Perry, he did not allow any CHIP legislation to be considered in the special session.

One bill that did pass is **SB 865 (Harris)** that creates a health insurance program for uninsured children whose parents receive child support services. Noncustodial parents who are court-ordered to provide medical support for their children, but unable to find affordable health insurance coverage, will pay monthly health insurance premiums to purchase coverage through a health insurance plan called ChildLink.

Early Care and Education

NCJW supports quality, comprehensive childcare, early childhood programs, and school age programs that are affordable and accessible to all.

Success!

HB 136(Villarreal), which will ensure that parents of eligible children are aware of pre-k classes are available to them, amends the Texas Education Code, authorizing the development of strategies to increase awareness of the availability of pre-k programs.

HB 1240 (Villarreal) requires that information related to health and safety concerns be provided to Medicaid parents with infants.

SB 68 (Nelson) creates new definitions for before and after school programs and single skill programs. Gives the Department of Family and Protective Services authority to create minimum standards and investigate, as well as clarify fingerprint and background check requirements.

SB 395 (Lucio) creates a council to improve nutrition, health, and physical activity in early childhood programs.

SB 572 (Shapiro), “Jacob’s Law,” expands the training hours specifically related to safe transport of children under the age of nine. This legislation mandates two hours of annual training for an owner, operator, or employee of a child care facility.

SB 1646 (Van de Putte) establishes the Council on Children and Families under the Office of Program Coordination for Children and Youth. It examines funding needs and sets policy for organizations to deliver services.

Riders to the Budget (SB 1)

SB 1 will provide budget funds for numerous child-serving programs, including maintaining funding for all critical health and human services programs. There will be \$4.4 million more for research based programs that prevent child abuse and neglect.

Federal funds from the Fostering Connection to Success Act will be used to provide \$3.6 million for caseload growth and subsidies to relatives caring for children who otherwise would be in the foster care system.

SB 49 (Zaffirini) amends the Texas Education Code, establishing criteria for administrative and financial oversight of the State Center of Early Childhood Development. The language of the bill was added to **Rider 41** of TEA’s budget.

Disappointment!

HB 130 (Diane Patrick)/SB 21 (Zaffirini) would have made high quality, full day pre-kindergarten programs available to eligible children across the State of Texas. Although it passed with widespread bipartisan support from over two thirds of the House and Senate, the Governor vetoed the bill. The good news is that in spite of the veto there will be an additional investment of \$25 million to the current pre-k program.

All bills related to reimbursement rates for child care providers failed to be considered by either the Senate or the House.

SB1730 (West) proposed raising the standards for training of child care professionals. It passed the Senate but stalled in the House. Attempts to amend this language to HB 2224 (Parker) failed as well. The Texas Child Care Minimum Standards are up for review in 2009. Compromises that were reached during the legislative session will be brought up during the review.

State Board of Education (SBOE)

NCJW supports religious freedom, individual liberties, and the prevention and elimination of censorship of educational resources and the promotion of scientifically sound public information. The religious right's block on the Texas SBOE continues to challenge Texas school children's right to a sound education. This spring brought science curriculum revisions that only partially closed the door on creationism. Revisions to the social studies standards are already controversial.

While most bills to place the SBOE under more control failed, there were a few successes. **HB 772 (Howard)** provides for the broadcast of SBOE meetings on the Internet. Previously, only the audio portion of its meetings was available to the public, which make it difficult to follow the deliberations of the board. **HB 2488 (Hochberg)** allows the state's largest research institutions of higher education to provide open-source instructional materials to public schools with limited SBOE oversight.

Among the bills that failed to pass are **SB 440 (Ellis)/HB 3382 (Coleman)** that would have transferred statutorily assigned powers and functions and activities of the State Board of Education to the Texas Education Agency. This includes control over setting curriculum standards and adopting textbooks. Several other bills tried to remove this power from the SBOE; they all failed. **SB 513 (Ellis)/HB 710(Rose)** would have placed the State Board of Education under periodic review by the Sunset Advisory Commission. **HB 420(Howard)** would have made SBOE elections nonpartisan. Also failing to pass was **HB 4224 (Christian)**. This bill would have inserted directly into the Texas Education Code a requirement that students learn "strengths and weaknesses" of scientific theories.

The Senate refused to confirm the nomination of Don McLeroy as chairman of the State Board of Education. The Senate's rejection of a governor's appointee is very rare. Gail Lowe of Lampasas has now been appointed as chair.

Women's Health Services and Sexuality Education

NCJW supports accessible family planning and reproductive health services, regardless of age or ability to pay, and comprehensive human sexuality education programs in public schools. NCJW also believes in the protection of every female's right to reproductive choice, including safe and legal abortion, and the elimination of obstacles that limit reproductive freedoms.

Education Works! (HB 741 (Castro)/SB 515 (Ellis)), an abstinence-plus sexual health education bill that would require medically accurate information, did not make it onto the floor of either chamber. **HB 741** received a hearing in the House Public Education Committee, but that was it. **SB 515** was not even granted a hearing. Attempts to attach amendments to **SB 283 (Nelson)** (an education-related bill) that would require information taught in sexuality courses be medically accurate were not accepted by the sponsor, Rep. Mark Shelton, and were thus defeated, but this bill does require school districts to notify parents about the content of sex education instruction.

Prevention Works! (HB 1694 (Strama)/SB 1100 (Watson)) would have expanded outreach efforts to extend access to family planning education and services among low-income communities. Neither bill received a committee hearing.

A bit of good news – no anti-choice bills were passed!

“Choose Life” license plates (**HB 109 (Phillips)/SB 1098 (Carona)**) would have had the State produce and sell license plates with the proceeds going to unlicensed crisis pregnancy centers (CPCs). These bills were not passed, but an amendment creating “Choose Life” license plates was added to a transportation related bill (**HB 300**). Due to political concerns unrelated to license plates, this bill also failed.

Two other “bad bills” that failed to pass are Mandatory Ultrasound (**HB 36 (Corte) /SB 182 (Dan Patrick)**), which would have forced women seeking a safe, legal abortion to undergo and view an ultrasound before the procedure, and the Mandatory Reporting Bill (**HB 3796 (Morrison)/SB 2571 (Shapiro)**), which would have forced physicians who perform abortions to submit private information about their patients to the Health Department.

HB 44 (Corte), which would have required pharmacies to provide and display false information about emergency contraception, never made it out of committee.

HB 1371 (Rodriguez) tried to prevent Texas from accepting federal abstinence-only education funding. This failed. **SB 592 (Van de Putte)**, which would have allowed teen mothers to access contraception without parental consent, never left the Senate floor.

Another failure was **HB 3796 (Morrison)/SB 2571 (Shapiro)**, the so called “coerced abortion” bill. This bill would have imposed burdensome new reporting requirements on women seeking and physicians performing abortions.

In the budget, **Rider 56** was passed. It takes away \$20 million from family planning health care providers and gives it to Federally Qualified Health Centers (FQHCs). While FQHCs provide important services to the community, they do not have the capacity to see large numbers of family planning patients.

Also in the budget, the “Alternatives to Abortion” program was renewed with increased funding of \$8 million. This program is public funding for unregulated, unlicensed CPCs that provide no medical services and do nothing to help women prevent unintended pregnancies.

Other Areas of Concern

Gun Control

HB 1893 (Driver), Guns on Campus would have allowed students with state handgun licenses to carry guns on campus. Due to the slow down in the House, this bill died.

HB 3352 (Naishtat | Rodriguez), a bill to block mentally ill people from buying firearms, passed. This bill requires Texas to enter the names of those adjudicated mentally ill into the background check system for gun purchases, which would block gun sales to those who a court says could be a danger to themselves or others.

Sexual Orientation and Gender Identity Discrimination

HB 538 (Villarreal) would have prohibited employment discrimination on the basis of sexual orientation or gender identity. This never made it out of committee.

HB 1323 (Strama), relating to bullying and harassment in public schools, died in the House.

Repeal of the Death Penalty

HB 682 (Farrar) got a hearing in the House Criminal Jurisprudence Committee's Subcommittee on Capital Punishment. This bill was left pending in the subcommittee, but gained four House members as co-sponsors.

Stem Cell Research

A budget rider prohibiting the use of state dollars for embryonic stem cell research was defeated. This rider would have effectively restricted all academic institutions, both public and private, from receiving state funds if embryonic stem cell research was conducted within their facilities.

Vouchers

Voucher legislation was very low-eye this session. Several bills tried to create voucher programs for students with disabilities. **HB 41 (Corte)** tried to create a voucher pilot program. All attempts failed. Included in the budget was the provision that no public funding could be used for private school vouchers.

Voter Id

The Republicans in the Senate suspended their rules to pass a voter suppression bill, **SB 362 (Fraser)**, requiring a voter to present proof of identification at the polling place. This identification would be the voter's voter registration certificate and either one or two specific forms of identification. Voter ID requirements place costly and time-consuming new bureaucratic barriers between voters and the ballot box that will make it harder for all of us to vote, especially seniors, minorities, women, and students who may not have photo ids with addresses or names that match voter records. In an effort to prevent this bill from reaching the floor of the House, during the final days of the session, House Democrats slowed the movement of all remaining bills in the House. As time ran out, this bill died.