



Public Policy Report 81st Legislative Session

Alcohol & Addiction

SB 1344 - Sen. Watson (D-Austin) This bill would require the State Board of Education, in adopting the essential knowledge and skills for the health curriculum, to adopt essential knowledge and skills that address the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning. Requires the Texas Education Agency to compile a list of evidence-based alcohol awareness programs from which a school district is required to choose a program to use in the district's middle school, junior high school, and high school health curriculum. **Signed by the Governor, effective 6/19/09**

Children & Family Issues

SB 2248 - Sen. Zaffirini (D-Laredo) This bill directs public school systems to provide transition assistance to students in foster care to ease the process of changing schools. **Signed by the Governor, effective 6/19/09**

SB 282 - Sen. Nelson (R- Lewisville) This bill creates a nutrition outreach program through the Texas Department of Agriculture to promote better health and nutrition programs and prevent obesity among children in this state. It also creates a grant program that promotes nutrition education. **Signed by the Governor, effective 6/19/09**

“Choose Life” License Plates - Despite overwhelming support in both chambers, the “Choose Life” license plate **failed to pass this session**. When both stand-alone bills (**SB 1098 by Sen. Carona (R-Dallas)** and **HB 109 Rep. Phillips (R-Sherman)**) failed to pass the House Transportation Committee, the bill was amended on to the Texas Department of Transportation “sunset” bill, **HB 300**. That critical reauthorization bill failed at the last minute in spite of its necessity to continue the operation of the agency. The failure of HB 300 is one of the reasons why Governor Perry has promised to call a special session. The original bills had support from more than two-thirds of the Senate, 82 of 150 members of the House. The Choose Life license plate would have promoted adoption by helping to raise funds for adoption agencies, maternity homes, pregnancy



resource centers and other organizations that assist women with crisis pregnancies. There may be an opportunity for the program to gain approval during the special session.

Church & State

HB 492 - Rep. Zerwas (R-Katy) This bill aims to expand the outreach capacity of small and medium sized faith- and community-based organizations to serve Texans in need of basic social services. The bill also establishes governmental liaisons, an interagency group, a non-profit task force, and an advisory committee that will coordinate all functions to increase the effectiveness and efficiency of faith- and community- based organizations and improve the collaboration between state agencies and these organizations. **Signed by the Governor, effective immediately.**

Criminal Justice

HB 498 - Rep. McClendon (D-San Antonio) Known as the Timothy Cole Advisory Panel this bill is named for a young man falsely convicted of rape and found innocent after his death in prison. The bill creates an advisory panel to assist the Task Force on Indigent Defense with a study regarding wrongful convictions. The Task Force would with the advisory panel's assistance conduct a study regarding: (1) the causes of wrongful convictions; (2) what procedures and programs could prevent wrongful convictions; (3) "effects of state laws on wrongful convictions" and (4) whether an innocence commission should be created. **Signed by the Governor, effective 9/01/09**

HB 2386 - Rep. Castro (D-San Antonio) This bill allows the juvenile court to seal a juvenile's record after completion of confinement, parole, community supervision or court order drug treatment. Records would be sealed immediately without hearing if youth is found not guilty. The bill would also allow the court to automatically seal records without a hearing in misdemeanor and most felony cases. It reduces the age for sealing records from 19 to 17 to trigger automatic sealing of the records. This allows the young person a fresh start towards adult life. **Signed by the Governor, effective 9/01/09.**

HB 1629 - Rep. Naishtat (D-Austin) This bill establishes policies for the care and protection of foster children committed to Texas Youth Commission and gives joint authority to the Department of Family and Protective Services (DFPS) and the Texas Youth Commission (TYC). It closes a loophole where foster children in TYC lost rights and protection provided under the Family Code. DFPS could transfer authority for consent to make medical, psychological, dental or surgical treatments to TYC for youth in their custody. Youth would retain protections of attorney or guardian ad litem and required

Christian Life Commission



presence (by telephone, video conferencing or actual attendance) at DFPS custodial reviews and hearings. **Signed by the Governor, effective immediately.**

HB 3689 - Rep. McClendon (D-San Antonio) A “sunset bill” that allows the Texas Youth Commission (TYC) and the Texas Juvenile Probation Department (TJPD) to continue operation and undergo sunset review again in 2011. The organizations must continue changes ordered under 2007’s SB 103 and legislation from the 2009 session. The bill incorporates several independent bills including: (1) joint strategic planning; (2) coordination activities and services between TYC, TJPD and county juvenile justice functions; (3) office of inspector general to investigate crimes committed by commission employees; (4) office of independent ombudsman to investigate complaints brought by youth committed to TYC; (5) comprehensive reentry and reintegration plan for children with full continuum of care; (6) improvement in reading skills; (7) standards for probation officers; (8) standards for TYC educators; (9) assessments of youth physical and mental needs at first contact with juvenile justice system and provide continuum of care throughout system. **Signed by the Governor, effective 6/19/09**

SB 839 - Sen. Hinojosa (D-Mission) provides the sentencing option of life with the possibility of parole for juveniles 14 years of age or older when transferred to adult court and the State is not seeking the death penalty. They are eligible for release after serving 40 actual years. The bill does not change the law for 14 or older when the State is seeking the death penalty. The mandatory sentence remains death or life without parole. **Signed by the Governor, effective 9/1/09**

HB 1711 - Rep. S. Turner (D-Houston) establishes a comprehensive reentry and reintegration plan for discharged offenders. The bill directs the Texas Department of Criminal Justice to develop a comprehensive plan to reduce recidivism and ensure successful return to family and community. The plan is to include a continuum of assessments from initial detention to release. The assessments are to assist in developing educational, technical, and vocational and family/life skills prior to release and continuation of services and referrals for housing and drug or mental health services after release to assist in transition to independent living. **Signed by the Governor, effective 6/19/09**

HB 4451 - Rep. McReynolds (D-Lufkin) provides for continued medical/mental impairment care services or mental health commitments proceedings for youths with mental illness or mental retardation for youths under the custody of the Texas Youth Commission (TYC). The bill allows a youth discharged, transferred or paroled from TYC and not yet old enough to be eligible for adult services to receive continuity of care from the Texas Correctional Office on Offenders with Medical or Mental Impairments until old enough for adult services. It allows juvenile court a variety of options for a youth committed to an inpatient mental health facility, including a new motion for continued commitment if appropriate, transfer to the Texas Department of Criminal Justice or release. The bill strongly encourages establishing, maintaining or building on existing programs for prevention,

Christian Life Commission



intervention and continuity of care for juveniles with mental health and substance abuse problems.

Signed by the Governor, effective 6/19/09

Education

SB 1 - Floor Amendment #85 - Rep. Heflin (D-Crosbyton) The amendment states that “none of the funds appropriated above may be spent to pay for a public education voucher program or a public education voucher pilot program.” **Signed by the Governor with line items vetoed totaling \$288.9 million**

Adult Basic Education

Budget - The CLC was successful in getting **\$10 million dollars in new funding** for Adult Education through TEA. The CLC supported the TEA Legislative Appropriations request of \$50 million in new funding and organized other advocates and acted as the lead support for the TEA LAR and for positive Adult Education legislation.

HB 3 - Rep. Eissler (R-The Woodlands) the “Public School Accountability” bill included the Jobs and Education for Texans Program (JET). The JET program will provide grants to public junior colleges, public technical institutes and nonprofits organizations to prepare students for careers in high-demand occupations. **Signed by the Governor, effective 6/19/09**

HB 1935 - Rep. Villarreal (D-San Antonio) This bill establishes the Jobs and Education for Texas grant program to counter the shortages in skilled labor by providing grants to public junior colleges, public technical institutes, and eligible nonprofits that foster workforce development in emerging industries and high-demand occupations. In addition, the comptroller of public accounts is authorized to award scholarships to public junior college or public technical institute students who demonstrate a financial need and are training for a high-demand occupation. **Signed by the Governor, effective 6/19/09**

HB 4328 - Rep. Strama (D-Pflugerville) This bill creates the Interagency Literacy Council and requires it to develop a statewide action plan to address literacy needs, including literacy needs relating to workforce and economic development in Texas. **Signed by the Governor, effective 6/19/09**

Environment

SB 184 - Sen. Watson (D-Austin) This bill, often referred to as the “no regrets” bill, would direct the Texas Commission on Environmental Quality to compile a list of strategies for reducing emissions

AUSTIN OFFICE

221 East 9th Street, Suite 410 • Austin, TX 78701

(512) 473-2288 FAX (512) 473-2707

E-mail: suzii.paynter@bgct.org or stephen.reeves@bgct.org

www.bgct.org/clc



of greenhouse gases in this state. SB 184 requires that the strategies either result in net savings for consumers or businesses or can be achieved without financial cost to consumers or businesses. **Signed by the Governor, effective date 9/01/09**

HB 469 - Rep. Phil King (R- Weatherford) dubbed the “clean coal bill” because it offers up to \$100 million in franchise breaks for up to three projects that prove they can capture at least 70 percent of the CO₂ from coal-fired power plants and keep the at least 99 percent of the byproduct safely sequestered for 1,000 years. It also provides additional tax breaks to be made available for the use of the sequestered CO₂ in enhanced oil recovery projects. **Signed by the Governor, effective date 9/01/09**

Gambling

Not a single gambling expansion bill passed the legislature this session despite the millions of dollars in campaign donations by the gambling industry and millions of dollars spent on lobbyists. Three dangerous bills advanced a few steps in the legislative process.

HB 222 by Rep. Menendez (D-San Antonio) would have legalized poker rooms throughout Texas including Class III electronic poker tables. The bill was set for a House floor vote near the end of the session but Rep. Menendez withdrew the bill after a promise from Governor Perry that should it passed the Senate, it would be vetoed.

HCR 220 by Rep. Kuempel (R-Seguin) was a resolution asking the Lt. Governor and Speaker to appoint an committee to study how to best legalize gambling in the state. The bill successfully amended with language from the CLC which pointed out many of the downsides to gambling expansion and would have required the committee to conduct a true cost benefit economic analysis as well as the effect on Native American gambling rights in the state. The resolution failed to pass the Senate.

HCR 252 by Rep. Thompson (D-Houston) was a resolution asking for an interim committee to study how to improve the horse and dog racing industry in Texas. The legislation passed both houses but was vetoed by Governor Perry because he said the racing commission already had the authority to conduct such a study without the resolution.

One positive bill is **HB 358 by Rep. Flynn (R – Canton)** passed, was signed by the Governor and will give law enforcement one more tool in their efforts to crack down on illegally operating eight-liner machines by allowing them to seize just the circuit board of the gambling device rather than the entire

AUSTIN OFFICE

221 East 9th Street, Suite 410 • Austin, TX 78701

(512) 473-2288 FAX (512) 473-2707

E-mail: suzii.paynter@bgct.org or stephen.reeves@bgct.org

www.bgct.org/clc



machine that is large, heavy and expensive to store. **Signed by the Governor, on 06/19/2009 and the effective date is 9/1/09.**

Health & Long Term Care

SB 6 - Sen. Duncan (R-Lubbock) is the Healthy Texas Plan. This bill provides small business owners and non-profits (including churches) with access to quality, affordable health insurance through a public private partnership with the state. SB 6 died in the House but was attached to SB 78 by Sen. Nelson about the availability of health coverage, while that bill was in conference committee in the final days of the session. The budget contains \$35 million allocated for Healthy Texas. **SB 78 was signed by the Governor, effective date is 9/01/09**

Human Trafficking & Immigration

HB 533 - Rep. Anchia (D-Dallas) This bill allows victims of human trafficking to file civil suits against their traffickers and seek a monetary judgment. **Signed by the Governor, effective date 6/19/09**

HB 4009 - Rep. Weber (R-Pearland) Establishes a grant program, maintained by Health and Human Services Commission, for non-governmental organizations who provide direct services to victims of domestic trafficking. Due to the stalemate in the House in the final days of the session SB 89 failed to pass and was then added to HB 4009 on the Senate floor. The Conference Committee ran into an unexpected problem on the funding for the SB 89 provisions now included in HB 4009. The contingency rider in SB 1 was removed from the budget when SB 89 died on the last day for SB's to pass the House. When SB 89 was added to HB 4009 the funding did not make it back in SB 1, Weber and Van de Putte are still at this time, even after the House has Sine Die, working on a solution to the funding issue. There is a case to be made to the LBB that since the contingency rider was mistakenly removed from SB 1 therefore, through "budget execution" the money can be made available after the legislature adjourns. **Signed by the Governor, effective date 9/01/09**

SB 89 - Sen. Van de Putte "Omnibus Human Trafficking" bill (now included in HB 4009) will enact several agency recommendations from both the Health and Human Services Commission (HHSC) and the Office of the Attorney General (OAG) interim reports on human trafficking. Major reforms in SB 89 include: (1) the creation of a state wide human trafficking task force; (2) increased funding for nonprofits who provide direct victims services and for law enforcement to conduct investigation and prosecute trafficking offenses; (3) increased officer training on human trafficking; (4) a study of alternatives to juvenile justice system for children who engage in

AUSTIN OFFICE

221 East 9th Street, Suite 410 • Austin, TX 78701

(512) 473-2288 FAX (512) 473-2707

E-mail: suzii.paynter@bgct.org or stephen.reeves@bgct.org

www.bgct.org/clc



acts of prostitution; (5) amends the penal code to give law enforcement greater tools to protect victims. **See HB 4009**

HB 1372 - Rep. Shelton (R-Fort Worth) this bill includes human trafficking victims in the existing definition of "victim" in the Code of Criminal Procedure, which will allow victims of human trafficking to be eligible for benefits and protections under the Victims' Bill of Rights and the Crime Victims' Compensation Act. **Signed by the Governor, effective date 6/19/09**

Bills that Passed the Legislature but were Vetoed by Governor Perry

Education

HB 130 - Rep. Patrick (R-Arlington) This Pre-K expansion bill would have been a grant program to enable public school districts, partnering with community providers, to offer full-day, enhanced-quality pre-k programs for eligible students. The programs would have had curriculum requirements, satisfy a 22-to-1 pupil-teacher ratio (and an 11-to-1 pupil-to-adult ratio) in each preschool classroom, and teachers would have to be appropriately certified and trained in early childhood development. The new pre-k program was designed as a voluntary pilot project that will benefit currently eligible four year olds in Texas. The bill would have helped to sustain many school districts' pre-k programs that are in jeopardy of losing funding for full-day classes. Under HB 130, high quality programs negatively impacted by the changes to Pre-kindergarten Early Start Grant would receive priority in the new funding stream created by the bill. The bill specifically states that funds provided through the program are not to be used for a school voucher program or pilot. The Texas Education Agency would be required to submit to the Legislature an interim and final report, by December 1, 2010 and 2012 respectively, on the program's effectiveness in promoting student achievement and school readiness. **Vetoed by the Governor**

Environment

HB 821 - Rep. Leibowitz (D-San Antonio) This bill would have created a TV recycling program with manufacturer responsibility much like the computer take back law that became law last session. **Vetoed by the Governor**

AUSTIN OFFICE

221 East 9th Street, Suite 410 • Austin, TX 78701

(512) 473-2288 FAX (512) 473-2707

E-mail: suzii.paynter@bgct.org or stephen.reeves@bgct.org

www.bgct.org/clc