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The Legislature Has Adjourned

AUSTIN -- The 81st Regular Session of the Texas Legislature has adjourned, and the outcome of several important issues has become apparent, including the result of many proposals authored by State Senator Jane Nelson, R-Flower Mound. The governor has until June 21, 2009, to sign bills, veto them or let them become law without his signature. The Legislature reconvenes in January 2011 unless called into a special session.

"This was a difficult budget session, as predicted, but thankfully our fiscal situation is not as dire as that of other states. We pulled together to help our citizens and businesses who are struggling through a difficult economy. While other states faced multi-billion dollar deficits, we were able to add resources to prioritize issues such as transportation, access to health care and education, including a much-deserved teacher pay increase," Senator Nelson, a former teacher, said. "I am particularly proud of our work to better protect Texans with developmental disabilities and address the problems in our state schools."

Senator Nelson filed 109 bills this session, 80 of which were approved by the Senate and 38 of which also passed the House, despite the 5-day "chub-a-thon" that delayed the calendar in the Texas House. Several others survive in the form of amendments to other bills. Additionally, the Legislature voted to increase the transportation budget by nearly \$1.3 billion, the education budget by \$3.4 billion and the health and human services budget by \$5.2 billion. Following are some additional observations by Senator Nelson about the legislative session and a status report on her legislative agenda:

Positives: "Our greatest asset this session has been our economic health. Were it not for previous legislatures making responsible fiscal decisions, we would not be in position to meet our basic needs, let alone increase funding. This Legislature took actions that are going to help individuals through these tough times."

Negatives: "The federal government cast a long shadow over this session -- too long, in my opinion. I worry about the strings that are coming with portions of the stimulus, as well as the false sense of financial security that these funds might have created. Some individuals seem to think this money fell right out of the sky, but that is not the case. It comes from taxpayers, current and future."

Greatest Accomplishment: "I was deeply saddened to learn of the abuse and neglect that has occurred in many of our 13 state schools. Texans with developmental disabilities should be treated with dignity and respect. They deserve our protection, our oversight and our compassion. I am grateful that the Legislature approved SB 643, which I authored to improve oversight and quality of care, and SCR 77, my concurrent resolution to approve a settlement reached with the federal government to resolve its probe of our state schools. I

firmly believe these reforms will improve the lives of Texans with disabilities and ensure they receive proper care."

Biggest Disappointment: "Fair elections are at the very core of our representative government. Most Texans are surprised to learn that -- even though we show an ID to rent movies, board a plane or lease an apartment -- there is no photo identification requirement to secure elections. Poll after poll re-affirms the public's strong support for this legislation, yet a group of individuals prevented an up-and-down vote on it and, in the process, killed many good bills, including legislation I authored to help children as they age out of the foster care system."

Legislative Highlights

State School Reform - SB 643 by Senator Nelson, an emergency reform plan to better protect state school residents, passed both chambers and will soon be on its way to the governor. It creates the Office of Independent Ombudsman, strengthens background checks and directs the installation of video surveillance cameras to detect and deter abuse. Additionally, SCR 77 by Senator Nelson provides legislative authorization to a settlement reached with the U.S. Department of Justice in its investigation of abuse and neglect at our state schools. "The abuse that has taken place in our state schools is inexcusable. It does not reflect the good will and compassion of the people of Texas. We are all deeply saddened by these events, but these reforms will ensure that these individuals are protected and receive proper care."

No-Fail Grading SB 2033 by Senator Nelson, which is on its way to the governor's desk, prohibits school districts from adopting policies that require teachers to give students a minimum grade for their schoolwork. She filed the bill after learning that several campuses or districts had implemented policies that prevent a teacher from assigning grades below a 50, 60 or, in some cases, 70. "Students will live up to the expectations we set for them. Minimum grade policies reward minimum effort. Teachers are in the best position to judge a student's work and should have the freedom to assign grades that reflect the merit of a student's performance."

Children's Health Insurance - SB 66 by Senator Nelson establishes a health insurance pool for children in the child support system, funded by re-directing cash medical support paid by the non-custodial parent. This bill passed the Senate unanimously but stalled due to delay tactics in the House. It was amended to another bill and sent to the governor. "This is an important bill because it is revenue neutral and has the potential to connect approximately 200,000 Texas children without health insurance to the health coverage they need," Senator Nelson said.

Medicaid Reform - For the first time, the state will have the authority to deny or reduce taxpayer-supported payments for catastrophic, preventable medical errors in government-run health care programs under SB 7 by Senator Nelson. The bill also requires the reporting of preventable re-admissions to hospitals, the reporting of adverse medical events, and expanded use of technology to reduce bureaucracy and administrative burdens, and emphasize quality of care over quantity of services. "With a tight budget, it is vital that we are making the best possible use of our tax dollars that support health care services," Senator Nelson said. This bill passed the Senate, was killed by delay tactics in the House, but sections were amended to other bills.

Domestic Violence - Two bills by Senator Nelson designed to reduce domestic violence have passed the Legislature and are on the governor's desk. SB 82 by Senator Nelson raises

revenue for domestic violence shelters through probation fees of up to \$100 levied on domestic abuse offenders. SB 83 allows early lease termination for survivors of domestic abuse and sexual assault who need to re-locate to escape abuse. She is also the Senate sponsor of two domestic violence bills: HB 2066, which elevates the penalty for the act of strangulation from a Class A misdemeanor to a third-degree felony, and HB 2240, which creates a new 3rd degree felony offense for continuous family violence. "In this tough economy, I worry that we are going to see an escalation in domestic violence," she said. "We need strong laws to deter abuse, and we need to support our shelters that serve as a lifeline to individuals, especially those with children, trying to escape abusive situations," Senator Nelson said.

Healthy Students - With more than 40 percent of Texas' young people overweight or obese, Senator Nelson filed several bills this session to improve student health. "Our rate of child obesity is more than double the national average," Senator Nelson said. "We need to teach our young people lessons of fitness and nutrition." Both chambers have approved SB 891, defining physical education in state law to ensure that students receive an actual health benefit and that the instruction is "sequential," meaning there is a progression from year to year. It also requires 30 minutes of daily exercise for students in pre-kindergarten. The House also passed SB 283, clarifying the role of school health advisory councils. SB 282 by Senator Nelson, establishing nutrition and nutrition education grants for schools, pre-kindergarten and community or faith-based youth organizations, and SB 892 by Senator Nelson, directing schools to report on the progress of their coordinated school health programs to local school boards.

Access to Health Coverage - The House and Senate have approved SB 78 by Senator Nelson, establishing TexLink, an office at the Texas Department of Insurance devoted to connecting small businesses and individuals to private health insurance. It also allows the state to partner with small employers to share in the risk associated with health insurance with the goal of reducing costs. "One of the barriers to health insurance in Texas is education," Senator Nelson said. "We need to help small businesses wade through the various types of health plans that are available on the private market." The House also approved SB 79 by Senator Nelson, creating an optional certification process for insurance agents, signifying that they have specialized training in connecting health insurance to small employers.

Disaster Preparedness The Legislature approved four bills this session to prepare the state for medical, natural or man-made disasters. SB 292 requires that licensed physicians provide additional emergency contact information, including e-mail addresses, to the Texas Medical Board. SB 346 creates the option for parents to maintain their child's immunization records beyond their 18th birthday. SB 347 makes it easier for immunization records to follow children to other regions or states if they are relocated in an emergency or natural disaster. SB 1328 relates to a study on the feasibility of providing vaccines to first responders and their families due to being deployed to a disaster area. "When disaster strikes, especially a medical emergency, it is vital that we have information about vaccination records, especially for our first responders. These bills ensure confidentiality but help ensure we are prepared."

Supporting our Military - SB 279 by Senator Nelson, preventing an individual's military deployment from being construed as abandonment in a custody hearing. The bill has been sent to the governor's desk, along with SB 1325, creating a veteran-to-veteran peer mental health intervention program. "When our service men and women deploy, they are not abandoning their children. They are serving our country. That service should be honored -- not used against them in court," Senator Nelson said. "When our service men and women

return from duty, we need to help heal the emotional scars that they bring home. Having their own peers available to provide counseling -- other veterans who can relate to their ordeal -- will help with that effort."

Child Abuse Education - SB 1877 by Senator Nelson establishes the Texas Child Abuse Resources and Education System, or MedCARES, to support regional facilities specializing in the assessment, diagnosis, and treatment of child abuse and neglect. The bill died on the House calendar but was amended to another bill before being sent to the governor. Senator Nelson secured \$5 million in funding for this effort. "These pediatric centers of excellence are envisioned to treat both physical and psychological wounds of child abuse," Senator Nelson said. "They will provide medical and forensic expertise to assist in child abuse investigations. They will develop "best practices" to help our medical community to identify and treat cases of abuse and neglect."

Small Business Tax Relief - Legislation co-authored by Senator Nelson (HB 4765) will provide franchise tax relief to small businesses. "Tax relief is precisely the type of stimulus we need in Texas, especially for our small business owners who are struggling in this economy," Senator Nelson, who co-owns and operates an aircraft component manufacturing company in Denton, said. "Small business owners provide the majority of jobs in Texas. They represent the lifeblood of our state economy, which is faring far better than other states. It is vital that we keep our small business healthy and productive." HB 4765 reduces the state's franchise tax on 90% of the businesses who pay it; increases the exemption to small businesses with gross receipts less \$1 million rather than the current amount of \$300,000; and waives margins tax altogether for businesses with a total franchise tax bill of less than \$1,000.

Nelson Bills Passed Report

- SCR 77 validates a settlement agreement between the State of Texas and the U.S. Department of Justice in its investigation of abuse and neglect in our state schools for Texans with developmental disabilities.
- SB 68 improves protection for children in day care by standardizing child care licensing requirements.
- SB 78 establishes TexLink, an office within the Department of Insurance, to help educate Texans about the availability of health plans. Was expanded to include the provisions of SB 6, allowing the state to partner with small employers to improve access to health insurance.
- SB 79 establishes an optional accreditation for insurance agents signifying an expertise in health insurance for small businesses.
- SB 80 allows employers the option of covering 100% of an employees' costs if they do not want their employees to be charged premiums.
- SB 82 requires offenders to pay a probation fee to benefit domestic violence shelters.
- SB 83 makes it easier for domestic violence survivors and sexual assault victims to terminate a lease to ensure their safety.
- SB 279 prevents an individual's military service overseas being used as grounds for removing custody rights.
- SB 281 protects judges and their families from retribution by extending confidentiality protections afforded to Texas judges to their spouses, including removing their home address from the appraisal rolls.
- SB 282 establishes nutrition and nutrition education grants for schools, pre-kindergarten and community or faith-based youth organizations.

- SB 283 clarifies the role school health advisory councils should play in school health policy.
- SB 291 refines the hepatitis B vaccination requirements for students pursuing health care professional degrees.
- SB 292 requires that licensed physicians provide additional emergency contact information, including e-mail addresses, to the Texas Medical Board.
- SB 343 establishes an advisory committee to study the retail availability of healthy foods in underserved areas of this state.
- SB 346 creates the option for parents to maintain their child's immunization records beyond their 18th birthday.
- SB 347 makes it easier for immunization records to follow children to other regions or states if they are relocated in an emergency or natural disaster.
- SB 476 seeks to reduce turnover rates of hospital nurses by improving the working environment for hospital nurses, giving nurses a stronger role in staffing plans, and eliminating mandatory overtime.
- SB 526 establishes grants to help federally qualified health centers treat the uninsured.
- SB 527 ensures that women are notified if a mammogram facility fails certification.
- SB 529 allows Texas wineries to manufacture brandy, which is needed to blend port and sherries, to sell to other wineries rather than import from other states.
- SB 643 seeks to ensure the safety of developmentally disabled Texans living in our State Schools. It creates an independent ombudsman's office, strengthens
- SB 703 waives the state fee for birth certificate copies for adopted or foster children.
- SB 704 requires new PBM contracts with state agencies to allow for the sharing of pharmaceutical pricing information.
- SB 705 eliminates the dated Medicaid Consolidated Waiver Pilot and saves \$1 million.
- SB 707, filed in response to a case in Dallas involving a 14-year-old hired to perform as a stripper, requires sexually oriented businesses to keep records verifying employee ages.
- SB 711 allows Texas wineries to sell products at farmer's markets and festivals.
- SB 806 relates to the imposition of a disciplinary action on a licensed nursing facility administrator; providing a penalty.
- SB 887 relates to the licensing and regulation of dentists, dental hygienists, dental assistants, and dental laboratories; providing penalties.
- SB 891 defines physical education in law as needing to provide an actual health benefit and be "sequential," meaning it progresses from year to year. It also requires 30 minutes of physical activity for students in pre-kindergarten.
- SB 892 directs that coordinated health programs be included in the campus improvement plans of public schools.
- SB 893 relates to the authority of a county to regulate and inspect day-care centers and group day-care homes; providing a criminal penalty.
- SB 894 relates to municipal investment of public funds received from the management and development of mineral rights.
- SB 1325 creates a peer-to-peer veterans mental health intervention program.
- SB 1326 removes obsolete language and conforms with federal law involving the functions of the Statewide Health Coordinating Council.
- SB 1328 relates to a study on the feasibility of providing vaccines to first responders and their families due to being deployed to a disaster area.
- SB 1332 relates to requiring the Department of Family and Protective Services (DFPS) to consider a prior foster placement if a child reenters the CPS system.
- SB 1876 provides additional bonding flexibility for Denton County Transportation Authority.

- SB 1878 expands options for seniors who may be able to live at home independently with housing-enriched services.
- SB 2033 prohibits no-fail grading policies in our public schools.

Senator Nelson also successfully guided 37 House bills through the Texas Senate.

SENATOR JANE NELSON represents District 12, including portions of Tarrant and Denton Counties. She is Chairman of the Senate Committee on Health & Human Services.

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