

STATE SCHOOL REFORM

In 2008, the U.S. Department of Justice (DOJ) released a report on Texas state schools and centers--facilities that provide 24-hour care to residents with mental retardation. The DOJ findings included numerous cases of neglect and abuse throughout the system, and suggested that many of the facilities were in danger of losing Medicaid funding due to serious problems with care and safety. State School Reform was listed by the Governor as an Emergency Item for the 81st Legislative Session, and SB 643 was the culmination of the Legislature's work on the issue.

- Directs the state schools to now be called state-supported living centers (SSLCs).
- Designates the Mexia SSLC as a facility for "high-risk" alleged offenders.
- Creates the Office of the Independent Ombudsman, and provides each facility with its own Assistant Ombudsman, to serve as a confidential intermediary for residents, clients, family members, or guardians.
- Provides for a toll-free abuse hotline, annual unannounced on-site surveys of facilities, as well as the installation of video surveillance equipment. Cameras will not be placed in designated "private spaces," such as bedrooms and bathrooms.
- Requires fingerprinting, criminal background checks, and random drug testing on all agency employees or volunteers who would be placed in direct contact with residents or clients.
- Refines and increases the amount of training that employees must receive before working in direct contact with residents or clients, and makes that training available to employees of private facilities involved in the care of individuals with mental retardation.
- Increases the criminal penalties for failure to report abuse at a state center.

INSURANCE

When the Texas Windstorm Insurance Association (TWIA) was established it was intended to serve as a "provider of last resort" for those homeowners unable to obtain wind and hail coverage from private insurance companies. Payouts from Hurricanes Dolly and Ike have caused the association to deplete its reserves, and the current funding mechanism can no longer keep pace with the level of damage recently sustained along the Texas coast. HB 4409 creates a new funding structure to address the financial solvency of TWIA and includes provisions to help the state prepare for and respond to natural disasters.

- Authorizes the state to issue up to \$2.5 billion in general obligation bonds on behalf of TWIA after a storm. The first \$1 billion in bonds must be paid using TWIA premium revenue, and additional bonds are to be repaid by charges to coastal property and casualty policy holders and assessments to insurers.
- Grants the Commissioner of Insurance the authority to designate the areas where TWIA is allowed to write policies.
- Directs the Texas Department of Insurance (TDI) to develop programs to incentivize private insurers to offer coverage in sea-coast territories.
- Prohibits TWIA from insuring any new applicant whose home is not in compliance with any applicable building codes and standards.
- Creates the windstorm insurance legislative oversight board to monitor windstorm insurance in the state and make recommendations for legislative action necessary to foster stability, availability, and competition within the windstorm insurance industry.
- Requires the Sunset Advisory Committee to review TWIA in 2015 (but does not subject it to abolishment), and mandates that TWIA cover the cost of the review.
- Directs the General Land Office, the Texas Department of Transportation, and the Texas Department of Housing and Community Affairs to enter into pre-event contracts for disaster response activities such as debris removal from beaches and state highways.



Rep. Howard with her colleagues from the Culture, Recreation and Tourism Committee. She was appointed vice-chair of the committee by Speaker Joe Straus.

SPECIAL SESSION

The First Called Special Session of the 81st Legislature convened on July 1, 2009 and was gavelled to a close the next day. Governor Perry issued a narrow call including only three topics: transportation funding, the sunset review schedule, and comprehensive development agreements (CDAs). An agreement could not be reached on the issue of CDAs, and no legislation was voted on.

HB 1: Enables the issuance of \$2 billion in transportation bonds that were approved by voters in 2007 and included in the budget for 2010-2011. About \$1 billion of the bond proceeds will pay for new construction and right-of-way acquisition. The remaining \$1 billion will be placed in the newly created Texas State Infrastructure Bank to provide loans to local public entities for additional mobility projects. The bill stipulates that money deposited in the Infrastructure Bank may not be used to convert free roads into toll roads or loaned to private, for-profit corporations.

SB 2: Aligns the sunset review schedule by grouping agencies based on subject matter in an effort to balance the workload of the Sunset Commission. The bill also serves as a two-year safety net for agencies like the Department of Insurance, Department of Transportation, and Racing Commission whose sunset legislation did not pass during the regular session. Without it, these agencies would have ceased to exist on September 1, 2009.



Rep. Howard and Rep. Patrick Rose (Dripping Springs) review legislation.



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State Representative

**DONNA
HOWARD**

Capitol Report District 48



CONSTITUTIONAL AMENDMENTS

On November 3rd, voters across the state will be asked to cast their ballots on eleven proposed constitutional amendments. The language for each proposition as it will appear on the ballot is as follows:

Proposition 1	The constitutional amendment authorizing the financing, including through tax increment financing, of the acquisition by municipalities and counties of buffer areas or open spaces adjacent to a military installation for the prevention of encroachment or for the construction of roadways, utilities, or other infrastructure to protect or promote the mission of the military installation.
Proposition 2	The constitutional amendment authorizing the legislature to provide for the ad valorem taxation of a residence homestead solely on the basis of the property's value as a residence homestead.
Proposition 3	The constitutional amendment providing for uniform standards and procedures for the appraisal of property for ad valorem tax purposes
Proposition 4	The constitutional amendment establishing the national research university fund to enable emerging research universities in this state to achieve national prominence as major research universities and transferring the balance of the higher education fund to the national research university fund.
Proposition 5	The constitutional amendment authorizing the legislature to authorize a single board of equalization for two or more adjoining appraisal entities that elect to provide for consolidated equalizations.
Proposition 6	The constitutional amendment authorizing the Veterans' Land Board to issue general obligation bonds in amounts equal to or less than amounts previously authorized.
Proposition 7	The constitutional amendment to allow an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices.
Proposition 8	The constitutional amendment authorizing the state to contribute money, property, and other resources for the establishment, maintenance, and operation of veterans hospitals in this state.
Proposition 9	The constitutional amendment to protect the right of the public, individually and collectively, to access and use the public beaches bordering the seaward shore of the Gulf of Mexico.
Proposition 10	The constitutional amendment to provide that elected members of the governing boards of emergency services districts may serve terms not to exceed four years.
Proposition 11	The constitutional amendment to prohibit the taking, damaging, or destroying of private property for public use unless the action is for the ownership, use, and enjoyment of the property by the State, a political subdivision of the State, the public at large, or entities granted the power of eminent domain under law or for the elimination of urban blight on a particular parcel of property, but not for certain economic development or enhancement of tax revenue purposes, and to limit the legislature's authority to grant the power of eminent domain to an entity.

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Rep. Howard with Sara Hickman who has been named the Texas State Musician for 2010.



Rep. Howard with Chairman Dan Branch (Dallas), retired supreme court justice Andrew Jackson ("Jack") Pope, Jr., and Speaker Joe Straus (San Antonio).



Rep. Howard with constituent Matt Love of Boy Scout Troop 399. Matt's project on native plant species was the inspiration for HB 2088 filed by Rep. Howard.

Please join me at one of my upcoming Town Hall meetings:

These informal gatherings are designed to give you the opportunity to ask questions, voice your opinions, or simply listen to the concerns of your fellow HD 48 residents.



WEDNESDAY, OCTOBER 7th
6:00 - 8:00 P.M.
OLD QUARRY LIBRARY
7051 VILLAGE CENTER DRIVE
AUSTIN, TX 78731

WEDNESDAY, OCTOBER 14th
6:00 - 8:00 P.M.
WESTBANK COMMUNITY LIBRARY
1309 WESTBANK DRIVE
AUSTIN, TX 78746

WEDNESDAY, OCTOBER 21st
6:00 - 8:00 P.M.
COOK ELEMENTARY
1511 CRIPPLE CREEK DRIVE
AUSTIN, TX 78758

SATURDAY, OCTOBER 24th
10:00 A.M. - 12:00 P.M.
TRAVIS COUNTY NORTHWEST RURAL COMMUNITY CENTER
18649 FM 1431
JONESTOWN, TX 78645

LEGISLATIVE ACCOMPLISHMENTS

SB 476	Requires hospitals to adopt and enforce a nurse staffing policy while allowing each facility the flexibility to set its own nurse-to-patient ratios with the goal of guaranteeing high-quality patient care. To help increase retention, nurses must be given the opportunity via a Nurse Staffing Committee to provide input on how they would like to see their work environment structured.
HB 770	Allows a property owner whose home is destroyed or damaged beyond repair by a natural disaster to maintain their homestead exemption for two years while they are rebuilding their residence. If at any point during the two years, the property owner sells the property, the bill requires repayment of the taxes they would have owed had they not continued to receive the exemption.
HB 772	Requires TEA to provide a live webcast of SBOE meetings and make archived webcasts available on their website to make it as easy as possible for taxpayers to participate in the process of determining public education curricula.
HB 1218	Directs the Health and Human Services Commission (HHSC) to create a pilot program to examine the costs and benefits associated with exchanging medically secure health information for Medicaid and other clients with local or regional health information exchanges. Also includes a major component of SB 7 - an omnibus bill aimed at improving the quality and efficiency of Medicaid and the Children's Health Insurance Program - to require HHSC to develop its own electronic health information exchange system that is compatible with existing information technology systems used by health care providers.
HB 1739	Designates the third full week in October as Texas Native Plant Week.
HB 1740	Allows an ophthalmologist or therapeutic optometrist to dispense a new product called a "therapeutic contact lens," a corrective lens that also delivers a pharmaceutical agent like allergy medication directly into the eye. This will ensure patients can obtain this product at their eye care provider's office in the same hassle-free way they obtain regular contact lenses.
HB 2927	Clarifies laws prescribing how known and unknown burials are treated statewide and creates a more efficient reporting process for the discovery of such burials. Other provisions will encourage cities to improve their maintenance of municipal cemeteries like the Austin Memorial Cemetery. This proposal came from an interim study conducted by a subcommittee of the House Committee on Culture, Recreation and Tourism, which I chaired.
HB 3756	Updates state law affecting the Texas State Library and Archives Commission (TSLAC). Key provisions include new authority for TSLAC to recover appropriate pre-statehood (Republic of Texas) government records and more flexible rules for numerous libraries throughout the state so they may access TSLAC programs and other regional library systems.

LEGISLATION AMENDED TO OTHER BILLS

HB 3270	Directs HHSC to pursue a waiver from the Secretary of Health and Human Services that provides an alternative to the requirement that a physician hand write "brand medically necessary" on a prescription covered by the Texas medical assistance program to ensure there is a way to convey this information in an electronic prescription. (Attached to my HB 1218)
HB 3755	Creates consistency between state Medicaid requirements and Texas State Board of Pharmacy rules and regulations by extending the maximum life of a prescription allowed for individuals enrolled in need-based health care programs to one year. (Attached to HB 2030 by John Zerwas, Richmond)
HB 4355	Addresses concerns that have been raised nationwide about the web-based Excelsior nursing education program. The program does not require any clinical training, which has led some states to stop licensing Excelsior graduates altogether and others to require additional training of these graduates. HB 4355 mandates a study managed by the state's Center for Nursing Workforce Studies and conducted by an independent third party to look at best practices for the clinical component of professional nursing education, and determine whether the Excelsior School of Nursing program is "substantially equivalent" to Texas-approved programs. The bill also ensures that: <ol style="list-style-type: none"> Excelsior graduates will continue to be eligible for licensure during the study period and beyond; Excelsior will have a reasonable period of time to modify its program in the event the study finds it is not substantially equivalent to other nursing education programs operating in Texas; and If the study is not adequately funded by the state, Excelsior graduates will continue to be eligible for licensure. (Attached to HB 3961 by Jim McReynolds, Lufkin)



Cub Scout Pack 511, Den 11 visited with Rep. Howard as part of their community service.



Rep. Howard had the chance to spend time with Brownie Troop 939 (Eanes Elementary third grade) during their visit to the Capitol.

THE BUDGET

SB 1, the state's general appropriations act for fiscal 2010-11, authorizes total spending of \$182.3 billion in all funds, an increase of 7.4 percent over fiscal 2008-09. This includes a \$1.2 billion increase for higher education and an additional \$264 million to boost financial aid programs like TEXAS Grants. Another \$421 million is available for one-time bonuses and targeted pay raises for the state workforce and retired teachers and state employees. Even with these increases, the Rainy Day Fund was not tapped and general revenue spending was reduced by 1.9 percent.

The decrease in spending is primarily due to the \$12.1 billion in funds from the federal American Recovery and Reinvestment Act of 2009 (ARRA) included in SB 1. Each agency and institution of higher education receiving money through ARRA must submit plans on the intended use of the funds and obtain approval from the Governor and the Legislative Budget Board. Agencies are prohibited from using Recovery Act funds in a way that might create a liability for the state to repay any funds to the federal government or to continue payments to beneficiaries of programs administered with the funds.

	Total Recovery Act Funds Available	General revenue freed by Recovery Act funds	Recovery Act funds available minus freed general revenue
General government	\$402.7	(\$27.3)	\$375.1
Health & Human services	\$2,707.0	(\$2,513.0)	\$194.0
Public education	\$5,870.9	(\$3,611.8)	\$2,259.1
Higher education & other government programs	\$338.4	(\$227.0)	\$111.4
Economic development agencies	\$2,657.9	(\$0.0)	\$2,657.9
Other	\$82.2	(\$4.2)	\$78.0
Total	\$12,058.8	(\$6,383.3)	\$5,675.5

Totals may not add precisely due to rounding
Source for data: Legislative Budget Board

In addition to the full budget, HB 4586, the supplemental appropriations act contained some crucial items including more than \$327 million for state agencies and institutions of higher education to cover costs related to natural disasters like Hurricane Ike (\$150 million went to the University of Texas Medical Branch at Galveston). Community colleges were provided with \$153 million as a reimbursement for group health benefit payments made in fiscal 2009 - these payments were vetoed by Governor Perry in 2007. Finally, \$11 million will go toward beginning repairs to the Governor's Mansion, which was damaged by arson in June 2008.



Rep. Howard with the fourth grade classes from Valley View Elementary.

PUBLIC EDUCATION

HB 3646: Public School Funding

As a result of HB 1 passed during the Third Called Special Session of the 79th Legislature, funding for school districts has been frozen at a target amount. This has been a hardship for most districts who are struggling to keep up with inflation and increased educational demands. HB 3646 returns us, to the extent possible, to a formula-driven public school finance system and addresses the unintended consequences of HB 1.

- Directs \$1.9 billion of new money into public schools, though it's important to note that the State realized a windfall of that same amount due to HB 1 (increased property values offset the state's contribution).
- Provides every district a minimum \$120 per student increase above the target revenue.
- Improves equity by increasing the basic allotment, guaranteed yield, and equalized wealth level, putting districts with low revenue targets back onto formula funding.
- Reduces recapture payments and eliminates recapture for 26 districts.
- Provides an across-the-board educator pay raise of a minimum of \$800 per year.
- Allows districts to include Teacher Retirement System and Social Security payments in funds allocated for pay increases. This is especially important for Austin ISD, which is one of less than 20 Texas school districts that pay their teachers Social Security.
- Provides an additional \$50 career and technology allotment for students in sequences leading to certification, and provides for funding of certification exam fees.

HB 3: Public School Accountability

HB 1 from the Third Called Special Session of the 79th Legislature also put into place a new intervention structure for low-performing campuses. The first school closures under that system were Sam Houston High School in Houston ISD and Johnston High School in Austin ISD - both effective with the 2008-2009 school year. Now Pearce Middle School, also in Austin ISD, has been ordered closed. HB 3 makes some much-needed changes to the current accountability system by recognizing that a single test score is not always the best measure of success and placing more emphasis on student improvement while still requiring schools to correct poor performance.

- Establishes a college readiness standard on the English III and Algebra II end-of-course exams and guarantees students who meet this standard will not have to enroll in developmental courses in these subjects upon entering higher education.
- Increases flexibility in the Recommended High School Plan by allowing students to take six electives in addition to four credits in each of the four core subject areas, two credits of the same foreign language, one physical education credit, and one fine arts credit.
- Authorizes districts to provide math and science courses in an applied manner, while ensuring quality by requiring TEKS coverage and end-of-course exams.
- Allows districts to earn distinction designations for outstanding academic achievement in the core subject areas, fine arts, or physical education; growth in student achievement; progress toward closing the gaps in student success; 21st Century Workforce Development; and second language learning.
- Allows student growth to count toward meeting the passing and college-readiness standards, and provides districts the option to meet performance standards outright or use a 3-year rolling average.
- Grants campuses an additional year after reconstitution to meet accreditation standards.
- Removes mandatory closure requirements for campuses with consecutive years of poor performance and provides the option of repurposing in lieu of closure.
- Allows the delay of alternative management, repurposing, and closure by one year if the commissioner determines that the campus is making significant progress toward accreditation.
- Prohibits the commissioner from requiring the name of a campus to be changed.

ADDRESSING THE NURSING SHORTAGE

One of my top priorities again this legislative session was addressing the state's critical nursing shortage. I worked closely on this issue with the Texas Nursing Workforce Shortage Coalition, founded by the Texas Hospital Association and the Texas Nurses Association. The coalition's 100+ member organizations - which included business groups and Chambers of Commerce as well as education and health care groups - pressed the issue throughout the session by meeting one-on-one with legislators and talking to newspaper editorial boards.

Thanks in part to the coalition's hard work, I am pleased to report that the state budget includes a total of \$49.7 million in nursing education for 2010-2011 - a \$35 million increase over the previous biennium. This is the largest single investment the Legislature has made in nurse education to date.

- \$14.7 million per year to increase funding for nursing schools following their increased enrollments.
- \$30 million per year in upfront funding so nursing schools can immediately increase enrollments for the fall 2009 semester.
- \$5 million will go to The University of Texas at Arlington to increase enrollments using a simulation lab.

HB 4471: Authorizes the Texas Higher Education Coordinating Board to offer grants to nursing schools with graduation rates of less than 70 percent. The grant process will allow the schools to receive a portion of upfront funds if these schools can demonstrate how they plan to increase their graduation rates. HB 4471 complements the increased nursing education funding in Senate Bill 1 and ensures that all Texas nursing schools will be eligible for upfront funding through the Professional Nursing Shortage Reduction Program.



Rep. Howard congratulated Elizabeth Rose McDonald nursing scholarship recipient Monica Guerra (center) with last year's recipient Jessica Villalobos.

APPRAISAL REFORM

HB 8: Modifies the annual property value study conducted by the Comptroller to include a review of each appraisal district's governance, taxpayer assistance, operating standards, appraisal standards, procedures and methods. Currently, the primary purpose of the study is to ensure the equitable distribution of state funds to public schools. This bill will increase accuracy and increase the uniformity of the appraisal process across the state.

HB 3613: Requires a chief appraiser to assess property used as a residence homestead solely on the basis of the property's value as a residence regardless of whether that is considered to be the "highest and best use" of the property. For this change to become effective, the voters must approve a constitutional amendment that will appear on the ballot this coming November. Also included in this bill was the enabling legislation for Proposition 9 (approved in November 2007) providing a property tax exemption for 100% disabled veterans.

SB 771: Requires a chief appraiser to present substantial evidence for increasing the appraised value of a property if the value was reduced on appeal in the prior year.



Rep. Howard confers with Rep. Dan Branch (Dallas), Chairman of the Higher Education Committee.

HIGHER EDUCATION

HB 51: Tier One University Funding

Currently, there are three tier one institutions in Texas: The University of Texas at Austin, Texas A&M University, and Rice University. In comparison, California is home to nine tier one institutions and New York has five. Our lack of nationally recognized research universities has deprived Texas of research funding, venture capital, top students, faculty, researchers, and scientists. HB 51 will enhance and promote efforts at Texas's seven "emerging research institutions" to attain tier one status.

- Requires each research and emerging research university to develop a long-term strategic plan outlining strategies for enhancing or achieving national recognition.
- Creates the Texas Research Incentive Program to provide matching funds to assist eligible institutions in leveraging private gifts for the enhancement of research productivity and faculty recruitment.
- Creates the Research University Development Fund to supplement formula funding. Allocations will be based on the amount of research expenditures made at each eligible institution.
- Establishes an Excellence Awards grant program to incentivize institutions other than research and emerging research universities to develop premier degree programs that earn national ranking or recognition.

SB 175: Automatic Admissions

The Top Ten Percent Rule was first put in place after a federal court struck down the use of race-based affirmative action policies in Texas college admissions. In recent years, that decision has been overturned; meanwhile, the University of Texas at Austin is finding it increasingly difficult to accommodate students who have earned automatic admission as well as other equally qualified applicants. SB 175 will give UT Austin more discretionary admission slots and allow them to recruit students to fill critical-need programs.

- Limits automatic admits at UT Austin to no more than 75% of the incoming freshman class. (UT accepted 73.3% of its Summer/Fall 2008 freshman under the Top 10% Rule.)
- Limits out-of-state admits to no more than 10% of the incoming freshman class at those institutions electing to cap their automatic admissions. (5.5% of UT Austin's acceptances for Fall/Summer 2008 were from out-of-state or another country.)
- Includes requirements for improved notification and outreach about automatic admissions.
- Allows students transferring from community college to retain their eligibility to receive automatic admission.
- Provides scholarships to Top 10% students who show financial need and are not admitted to UT Austin as a result of the cap.
- Requires UT Austin to report to the legislature on recruiting and enrollment to monitor geographic and ethnic diversity.
- Sunsets these provisions to insure the issue is revisited when the Legislature convenes in 2015