

LEGISLATIVE UPDATE

79th Texas Legislature

Compliments of:

Representative XXXXXX

The Texas Legislature enacted a lengthy list of laws affecting Texans' daily lives. From child and adult protective services reform to workers compensation reform and the state budget, Texans will feel the direct impact of these new laws as they take effect during the next two years. The bills listed below may be read online at <http://www.capitol.state.tx.us> (enter Bill Number, see Enrolled Version). Please note that not all of the bills have yet become law; at the time of printing, many are awaiting action by the Governor.

BIENNIAL BUDGET BALANCED WITHOUT NEW TAXES

As always, education and healthcare - rising enrollment in public schools and the state's Medicaid program - drove spending decisions. The fiscal outlook during this legislative session was much brighter than the \$10 billion shortfall the state faced during its last budget cycle. The state leadership began the session by requiring each agency to cut 5 percent from its budget requests. The fiscally conservative approach paid off and once again, the Texas Legislature passed a budget with no state tax increase.

Senate Bill 1 (Senator Steve Ogden/ Representative Jim Pitts), the state's two-year budget, restored some cuts from the

last biennium in health and human services, put additional dollars into public education, and even managed a pay raise to state employees. For health and human services, we were able to increase the budget fifteen percent over the last biennium. Public education saw a 6.9% increase to keep up with enrollment and help improve Texas schools, and public safety and criminal justice saw an increase of 6.5%. All without increasing state taxes.

CHILD AND ADULT PROTECTIVE SERVICES OVERHAULED

Prior to the Legislative Session, Governor Perry ordered a statewide investigation into the practices and procedures of Child and Adult Protective Services. Senate Bill 6 (Senator Jane Nelson/Representative Suzanna Hupp) is the comprehensive protective services reform plan that will remedy the problems and provide greater protection for Texas' most vulnerable citizens. The Legislature passed the legislation, which includes adding 2,500 child-abuse investigators and additional protective service workers who will be better trained, better equipped and better compensated for their tremendously important job.

WORKER'S COMPENSATION FIXED

The state's worker's compensation system badly needed to change. Worker's compensation reform was one of the top business issues for the 79th Session. The failures had been costing

In Millions FUNCTION	ESTIMATED BUDGETED 2004-2005	PROPOSED GENERAL REVENUE SPENDING FOR 06-07	CHANGE	PERCENTAGE CHANGE
Article I – General Government	\$1,480.3	\$1,674.3	\$194.0	13.1%
Article II – Health & Human Services	15,508.6	17,862.0	2,353.4	15.2
Article III – Agencies of Education	34,383.5	36,859.4	2,475.9	7.2
Public Education	24,233.8	25,877.4	1,643.6	6.8
Higher Education	10,149.7	10,982.0	832.3	8.2
Article IV – The Judiciary	318.0	334.7	16.7	5.3
Article V – Public Safety & Criminal Justice	6,569.9	6,998.5	428.6	6.5
Article VI – Natural Resources	485.3	437.1	(48.2)	(9.9)
Article VII – Business and Eco. Devo	256.0	252.9	(3.1)	(1.2)
Article VIII – Regulatory	377.0	404.1	27.1	7.2
Article IX – General Provisions	0.0	439.0	439.0	NA
Article X – The Legislature	321.4	313.7	(7.7)	(2.4)
Grand Total	59,700.0	65,575.7	5,875.7	9.8%

SOURCE: LBB, Summary of Conference Committee Report for Senate Bill 1, General Revenue Funds (State Tax Dollars).

jobs and livelihoods in Texas. The Legislature's fix to workers comp will create networks so employers will have the ability to control costs and end the waste and abuse in the system. House Bill 7 (Representative Burt Solomons/Senator Todd Staples) is a comprehensive workers compensation reform plan that will bring a real and lasting solution to one of Texas' most pressing problems. The plan agreed to by the Legislature will fix workers comp and improve care, compensation, quality, and cost-savings for everyone involved in the Texas system.

CHILDREN'S HEALTH INSURANCE ENSURED

A key accomplishment this session was restoring benefits for the Children's Health Insurance Program that were cut during the last Legislature. The restoration of benefits such as eyeglasses and vision, dental services and hospice will ensure the health of Texas' children.

SCHOOL FINANCE AND PROPERTY TAX RELIEF

Revising the school finance system and granting property tax relief was at the top of the legislative agenda. Both Houses of the Legislature passed various proposals but ultimately could not agree on a final product. The Texas Supreme Court will hear the issue of the Constitutionality of the current school finance system in the next few months making this a difficult issue to resolve, despite the best intentions to put more money into our public school and cut property taxes for Texans. Unfortunately, Legislative timelines kicked in before a deal was reached between the House and the Senate on the issue. However, the Texas Legislature did cover some important ground in trying to solve these important issues and will be prepared to address them if it is determined by the courts that we need to.

STOPPING COURT SHOPPING

House Bill 755 (Representative Dan Gattis/Senator Robert Duncan) would close a loophole that allowed out-of-state plaintiffs to file their lawsuits in Texas by forum shopping. Under the newly passed

law, judges will have more discretion in deciding whether to dismiss a case on an out-of-state plaintiff, which will help ease backlogs, improve access for Texans to their courts, and lessen the cost of funding our court system to Texas taxpayers.

LITIGATION REFORM

Since 1988, more asbestos-related lawsuits have been filed in Texas than in any other state. In fact, forty percent of all U.S. asbestos claims have been filed in Texas. Senate Bill 15 (Senator Kyle Janek / Representative Joe Nixon) marks the beginning of the end of asbestos lawsuit abuse. Under this legislation, the seriously ill will get more compensation and have their day in court faster, while fraud in the system is eliminated. With as many as many as 89% of all asbestos claims filed by individuals who are not ill or have questionable causes, the new legislation ensures fairness. This important legislation will strike a much needed balance in the Texas civil justice system while taking care of those who are physically impaired.

LIFE WITHOUT PAROLE

Of the 38 states that execute capital offenders, only Texas and New Mexico do not give jurors the life-without-parole option. That could change in Texas. Currently, Texas jurors can sentence capital murder convicts to either death or life in prison with the possibility of parole after 40 years. Senate Bill 60 (Senator Lucio/ Tony Goolsby) would allow jurors the option of sentencing capital murders or to life in prison without parole.

SAME SEX MARRIAGE BAN TO GO TO VOTERS

On November 8th, Texans will be asked to go to the polls and vote on a Constitutional Amendment banning gay marriage. Senate Joint Resolution 6 (Senator Staples / Representative Chisum) which would define marriage as between one man and one woman, passed both Houses of the Texas Legislature – and now it goes to the voters of Texas. If approved in a statewide vote in November, Texas would join 14 states that statutorily and

constitutionally ban same-sex marriage.

PARENTAL CONSENT

The Texas Legislature approved an amendment requiring parental consent before a minor girl can get an abortion in Texas. Senate Bill 419 (Senator Jane Nelson/Representative Burt Solomons) was amended in the Legislative process to require abortion providers to obtain the written consent of a parent before performing an abortion on a minor girl. The goal of the legislation is for teen pregnancy, births, and abortions to decrease significantly as a result of the law's passage.

Note: This newsletter is intended as a guide to some of the major legislation passed during the 79th Texas Legislature and is not intended to be a complete listing of all bills passed. For more specific information, please refer to <http://www.capitol.state.tx.us> or contact our office.