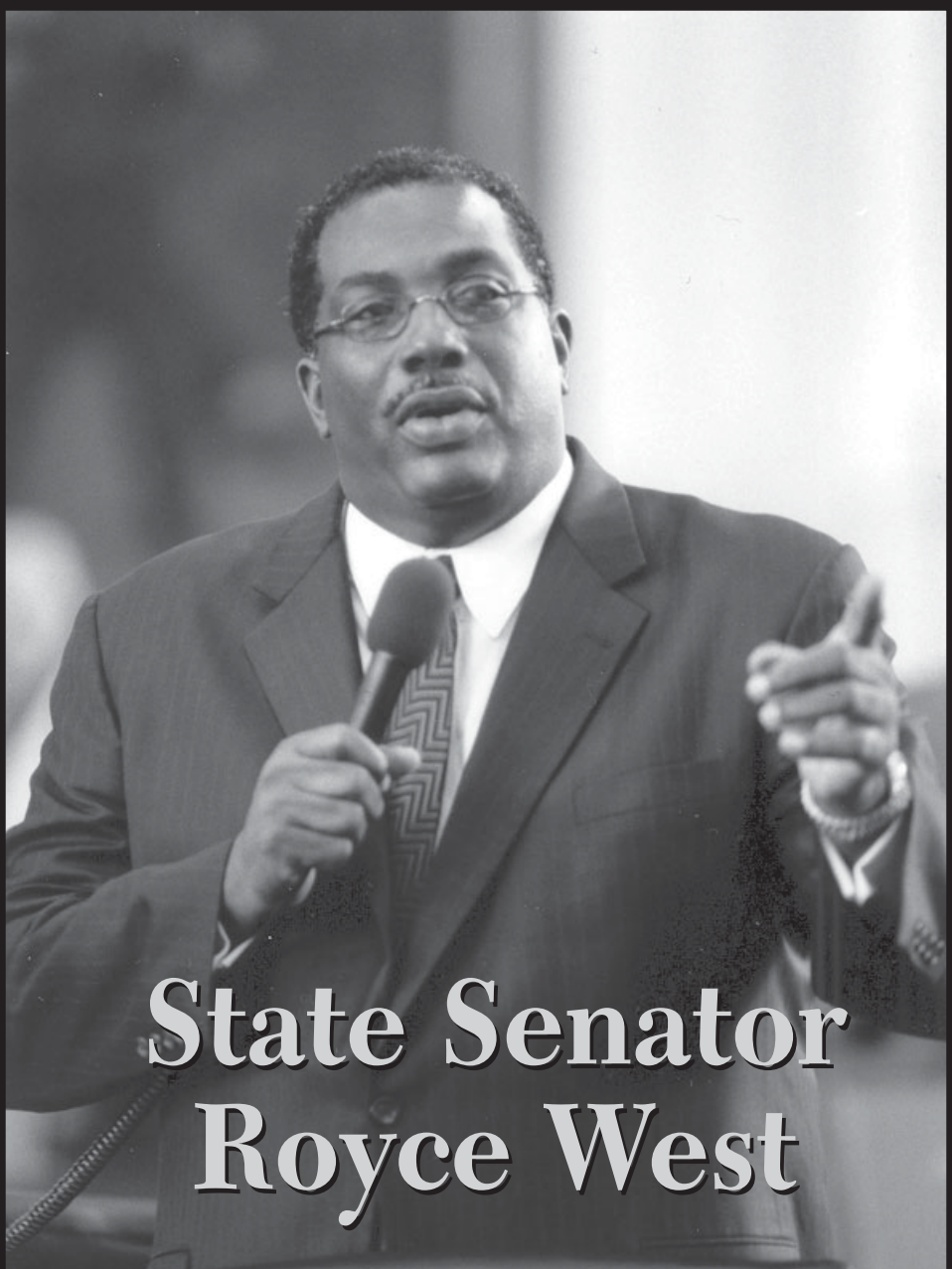




The Capitol Report

78th Legislature Update

Senate District 23



State Senator Royce West



Dear Friends:

The 78th Legislature presented Texans with a number of challenges. A large state budget shortfall that threatened cuts in many essential services, combined with a gloomy economic forecast, loomed ominously as the legislative session began. Add to that a near crisis situation caused by increasing homeowner and auto insurance rates, proposed changes to our tort and medical malpractice system, and a nasty redistricting battle. Needless to say, we had our work cut out for us in Austin.

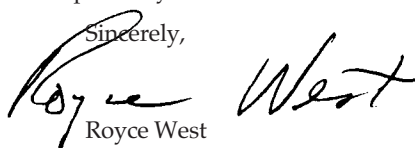
Despite the challenges, I was able to pass several key pieces of legislation that will benefit not only the constituents of Senate District 23, but all Texans. That's why this past session, my priority was to fight for adequate funding for health and human services and for public and higher education. As Chairman of the Subcommittee on Higher Education, I know only too well that the future of Texas depends on ensuring equal access to an affordable quality education that will prepare our next generation for the challenges ahead.

I'm sure you heard all about the redistricting saga that lasted for the better part of last year. It has been debated in Austin, Ardmore, Albuquerque, Washington D.C. and now, at the ballot box. Maybe you were among the thousands of Texans who shared their opinions on this critical issue - one that will impact state and national politics for the next decade. Despite the fact that 90 percent of all Texans who testified opposed any new redistricting, the desires of a few Washington-based power brokers ultimately prevailed, causing the political disenfranchisement of many.

Rather than being a symbol of defeat, this lesson should renew our faith in the importance of the ballot. This year, there'll be ample opportunity for each and every voting age citizen to make themselves heard. With issues such as changes in our system of public school finance, workers compensation reform, and soaring health care costs, my work is far from over.

It's always good to hear from my constituents and I encourage you to stay involved. I certainly appreciate all your input and my staff and I are always ready to respond to your inquiries and suggestions. On behalf of my wife Carol and our entire family, thank you for continuing to allow me to represent you in the Texas Senate.

Sincerely,


Royce West



Senator West introduces minority business leaders to Lieutenant Governor David Dewhurst.

THE BUDGET

As a member of the Senate Finance Committee, I can say that the 78th Session was a difficult time for me. The Comptroller began talking about a \$5.5 billion shortfall in General Revenue early in 2002, but that dismal projection turned worse last January when she announced an actual \$9.9 billion General Revenue shortfall for the 2004 - 2005 biennium. Worse still was the Comptroller's later announcement that the state would have \$1.8 billion less to operate on for the remainder of 2003.

First, to cover the \$1.8 billion shortfall, we asked each state agency and institution of higher education to reduce its 2003 budget by 7 percent, a savings of \$1.4 billion. To cover the remainder, the Legislature approved the Comptroller's borrowing authority. As the session progressed, it became apparent that no new tax bill would emerge from the House, so the Senate Finance Committee had to identify \$5.8 billion in additional state resources.

Next, we went to work on the 2004-2005 state budget by identifying essential services and then making reductions where possible, while continuing to fund our most critical services. As a result, the General Revenue appropriation for 2004-2005 amounted to \$57.7 billion - a 5 percent decrease from FY02-03.

Despite some pretty severe cuts, it wasn't all doom and gloom. The upcoming budget fully funds the Foundation School Program for enrollment growth and equity. It restores higher education to an "All Funds" reduction of only 1.3 percent. And because public safety is a top priority for Texans, we made sure that we maintained a strong criminal justice system. Although cuts were necessary, they were implemented without compromising the ranks of security staff, parole or probation officers.

Although it wasn't the budget I would have liked, we were still able to increase funding in important areas. For example, education funding amounted to \$2.8 billion, of which \$1.5 billion was spent on public education, \$720 million on higher education, and \$500 million on the Teacher Retirement System. We were also able to increase funding for TEXAS Grants by approximately \$40 million over the FY02-03 appropriation and created the no-interest, B-On Time Student Loan Program.

In the area of health and human services, we managed to maintain income eligibility for the Children's Health Insurance Program at 200 percent of the federal poverty level. We also ensured there were no changes to Medicaid income eligibility for children and long term care clients.

Although belt tightening was the order of the day, I worked hard to ensure that key budget items for Dallas were well represented in the budget process, such as:

- The creation and funding of the Texas Enterprise Fund to encourage investment in education and research, and to attract jobs and industry to Dallas.
- The creation of the \$12 million Nobel Laureate program at Southwestern Medical Center.
- The approval of \$2 million in tuition revenue bonds for UNT System Center.
- House Bill 1941 authorizes revenue bonds, including a maximum of \$56 million for UT Southwestern Medical Center at Dallas to be used primarily for biomedical research.

EDUCATING THE NEXT GENERATION: OUR TOP PRIORITY

While we weren't able to pass a comprehensive public school finance plan this session, we did move forward by passing a senate bill that hopefully, will provide a blueprint for future discussions on this urgent issue. I fully expect that Governor Perry will soon be calling us all back to Austin to grapple with school finance and give it the attention that it deserves.

As Chairman of the Senate Subcommittee on Higher Education, one of my top priorities was to take a hard look at our higher education system. My recent appointment to the Select Committee on Higher Education will allow me to continue my work in this vital area during the interim.

Despite our successes last session, we had to remain vigilant. With less than 26 hours remaining in the Regular Session, I exercised the time-honored parliamentary tradition of filibustering a bad bill that would have capped the number of

students eligible for college admittance under the state's "Top 10%" rule. At a time when Texas lags behind in its attempt to bridge the achievement gap, here was a short-sighted attempt to limit the number of students eligible admission. Because

we'd never had the benefit public debate on this amendment to the bill - it had "piggy-backed" its way through the parliamentary process without ever being debated as a stand alone issue - I chose to filibuster.

Another key piece of legislation, H.B. 3015, established tuition deregulation. It allows a governing board to set different tuition rates for each

program and course level offered by each college or university and to set a different tuition rate as the board considers appropriate to increase graduation rates, encourage efficient use of facilities, or enhance employee performance. It is effective spring 2004.



Senator West reviews legislation on the senate floor.

UNIVERSITY OF NORTH TEXAS AT DALLAS

There's no doubt in my mind that the University of North Texas at Dallas will grow into a higher education engine and an economic catalyst for the entire North Central Texas region. Last session we achieved several major accomplishments that will benefit UNT-D such as:

- Authorizing the sale of \$25 million of tuition revenue bonds to fund the campus' first building.
- Authorizing the University of North Texas to use existing revenue bond authority to develop the campus and facilities of the University of North Texas - Dallas.
- Changing enrollment thresholds from the 2,500 full-time students required to operate as a general academic teaching institution for the University of North Texas at Dallas to 1,000 full-time students each semester.
- Combining oversight between the System Center and the Universities Center at Dallas

(Downtown) and moving funding of the System Center from the UNT Denton to the UNT System.

Other key education legislation this session that I sponsored include:

- Allowing community colleges to waive tuition and fees for a high school student who is concurrently enrolled in high school and taking community college courses.
- Establishing the Prairie View A&M Undergraduate Medical Academy to boost the number of minority students in our medical schools.
- Establishing the Middle College Education Pilot Program for students who are at risk of dropping out or who wish to accelerate high school completion. The program allows concurrent/dual enrollment, giving students the ability to earn both a high school diploma and associate degree by the time of graduation.

HIGHLIGHTS OF THE 78th LEGISLATIVE SESSION

CHIP & MEDICAID

Texans should be aware of changes in the Children's Health Insurance Program and Medicaid.

CHIP coverage is maintained at 200 percent of the Federal Poverty Level (\$36,800 for a family of four), but deductions were eliminated. Now, eligibility is based on gross income. Eligibility is restricted for families at or above 150 percent of Federal Poverty Level to those with assets within allowable levels. And the continuous eligibility period has been shortened from 12 months to six months. There's also a 90-day waiting period between eligibility determination and coverage and the benefit package is now more limited. Please contact my office or see your provider for details!

Medicaid continues coverage for all children currently eligible and maintains their continuous eligibility period at six months. There are new procedures for verifying assets and a personal interview may now be required to determine eligibility. In addition, adult cash assistance recipients must comply with a personal responsibility agreement. Cost-sharing through co-pays and monthly premiums are now allowed based on federal maximum levels. Coverage for adult pregnant women above 158 percent of the federal poverty level has been discontinued. There are also changes in prescription drug eligibility and service coverage. Again, please don't hesitate to contact my office or your medical provider if you need more information.

RISING MEDICAL MALPRACTICE INSURANCE ADDRESSED

In response to doctors' complaints about being driven out of the state by the high cost of medical liability insurance, the legislature passed House Bill 4. Under this bill, non-economic damages in healthcare claims would be capped at \$250,000 for a claim against doctors and other health care providers, excluding health care institutions such as hospitals and nursing homes. A claimant would have a separate \$250,000 cap on non-economic damages against institutions with a total \$500,000 cap on multiple institutions. As an incentive for reasonable settlement offers, a party who refuses a good offer will be ordered to pay litigation expenses to the side that made the offer if they recover less at trial. An "innocent retailer defense" was also created under which a retailer cannot be held liable for a product's defects unless they are directly responsible.

PROTECTING OUR FRAIL AND ELDERLY

A recent federal report revealed that out of 1,148 nursing homes in Texas, 86 percent had at least one violation with the potential to cause more than minimal harm to residents or worse. More startling, the report revealed that 39 percent - that's 443 of our nursing facilities - had a violation that caused actual harm to nursing home residents; violations such as

dehydration, physical abuse, sexual assault or others that placed them at risk of death or serious injury.

In response, I filed legislation to help protect one of our most vulnerable populations; our elders. S.B.1073 calls for greater scrutiny of nursing home employees and expands the list of offenses that bars their employment to include assault, burglary, theft, and crimes of deception and fraud. In addition, my S.B.1074 requires a nursing home owner or employee to report certain cases of abuse or neglect to the Texas Department of Human Services and to law enforcement. It also provides for joint investigations of elder abuse and neglect. I also passed S.B.177 to allow electronic monitoring devices to be placed in the rooms of those suffering from Alzheimer's disease.

THE REDISTRICTING DEBACLE

By now, I'm sure you've all heard about Congressional redistricting. More people testified at the July 2003 Dallas redistricting hearing than at any other hearing in the state. Of the 3,071 Texans who testified statewide 2,747 (89%) opposed a new congressional map. I am proud that so many of you took time out from your busy schedules to attend in order to make your opinions known.

As you know, Governor Perry called the Legislature back for a Second and Third Special Session on redistricting where this controversial proposal eventually prevailed, partly due to the Lt. Governor's decision to suspend our cherished Senate "two-thirds" rule. Eleven Democrats - myself included - then felt that to uphold the integrity of the democratic process and to protect minority representation in Congress, the quorum necessary to approve legislation should be denied. And so, it was off to Albuquerque. In January, a federal three-judge panel upheld the state's redistricting plan.

The whole process demonstrates the fact that only your increased participation in the democratic process will ensure government "of the people, by the people, and for the people."

HOUSING

This session I worked closely with my colleagues to see that the needs of established neighborhoods were balanced with the needs of those looking for a clean, safe and affordable place to live. Among the measures I was to able incorporate into law this session were:

- A mandatory reserve account required for multi-family affordable housing to ensure that they do not become urban blights.
- A buffer zone which prohibits similar types of state-supported affordable housing developments from being built within one mile of each other.

I also worked to resolve the frequent conflicts that occur between neighborhood groups and affordable housing developers. As a result of these discussions, developers agreed to increase their application fees to fund studies on ways to

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Senator West discusses the significance of M.L.K. Day with children at Lida Hooe Elementary.

HIGHLIGHTS OF THE 78th LEGISLATIVE SESSION

Continued from page 4

enhance mutual cooperation. Both must work together to preserve communities while still providing much-needed affordable housing to Texans.

I sponsored H.B.2801, a bill that creates a pilot project in the City of Dallas that allows the city to purchase undeveloped land for inclusion in an urban land bank. The land can then be conveyed to non-profit affordable housing developers to create quality housing.

I worked with the City of Dallas to pass S.B.1010. It enhances the ability of cities and counties to rid themselves of multi-family units - apartment and hotels - that are used for illegal purposes such as drug trafficking, prostitution or gambling operations.

CRIMINAL JUSTICE/PUBLIC SAFETY

With little to no opposition, I was able to pass S.B.566. This legislation provides protection to persons against a form of identity theft that arises when a person who has been arrested gives false identifying information to law enforcement. The result is that a completely innocent person can be arrested and strapped with a criminal record for an offense they did not commit. S.B.566 requires appropriate agencies to contact the innocent party when it is discovered that their identity has been used falsely. The innocent party is then provided

instructions on how to have their records corrected without costly court proceedings.

S.B.1477 has generated considerable interest from all over the state. It allows persons who have satisfactorily completed deferred adjudication sentences to petition the courts to have those records sealed from public disclosure. The premise of deferred adjudication is that successful completion allows a case to be dismissed. It is not a conviction. This bill helps those successful in their efforts to pursue a productive life. And that's good for Texas.

If a loved one is incarcerated...

My office often receives calls from concerned family members regarding a loved one who is in the Texas Department of Criminal Justice system. While my staff is pleased to assist constituents with general information and inquiries regarding an inmate, I am unable to advocate for or influence matters of sentencing, pardons, or paroles.

Sometimes the quickest way to address any concerns for an incarcerated family member is to contact TDCJ yourself. You might also review TDCJ's website, which contains a special informational section for families of offenders. The web address is www.tdcj.state.tx.us.

MISCELLANEOUS ITEMS



S.B.1111 will allow Dallas County voters to decide whether to approve an increase in hotel occupancy and car rental taxes to pay off bonds issued by a Dallas County Sports Authority in much the same way as Houston and San Antonio have done. This would enable the Dallas Cowboys to build the type of world-class stadium that can draw millions of visitors to events as the Super Bowl, the Final 4 and the Cotton Bowl.

We have just witnessed a Super Bowl in Houston's Reliant Stadium, a stadium built using a similar public funding strategy. Early estimates are that the week's activities would bring \$360 million to the local economy. During tough economic times, this development could provide a major boost for local growth and job development...which is why the bill had the full support of our County Commissioners and the entire Dallas County Senate delegation.



Recently, an increasing number of tenants have been evicted from their residences because they called law enforcement in response to domestic violence. According to the Salvation Army, many women do not report domestic violence or abuse because of their fear of being made homeless. The passage of my Senate Bill 92 will prevent landlords from

limiting or penalizing a tenant who calls for emergency assistance in response to family violence.



In the area of insurance reform, insurers will be required to file rates and rating manuals with the Insurance Commissioner. I inserted language preventing insurance companies from "red-lining", or discriminating against neighborhoods based on ZIP codes. The bill also imposes strict limitations on using a consumer's credit history to determine rates. Under S.B.127, insurance adjusters and mold remediators will now have to be licensed so that citizens are protected when filing a claim.



I continued working against predatory mortgage lending practices by amending bills so that all loans bearing over 12 percent interest are disclosed to consumers, and to ensure that home equity borrowers know the actual costs of their loan at least 24 hours prior to closing.



Texas has grown at such a pace that our transportation infrastructure just hasn't been able to keep up. While DART is one of the best mass transit systems in the nation, continued highway gridlock is a major disadvantage to our local economy - not to mention the quality of the air we breathe. These factors were cited by Boeing in their decision not to relocate within the Metroplex. The Trans-Texas Corridor proposal - which combines multi-lane roadways with rail lines and utilities - will cost \$150-\$200 billion over a 50-year period. Needless to say, the state is looking for significant investment from within the private sector.



Beware bad drivers! Texas is number one in the nation when it comes to the number of car accidents and traffic fatalities. Victims require thousands of dollars in emergency and trauma care, much of which is a burden on counties. Sometimes patients have been diverted away from emergency rooms because counties can't afford to provide service. Through a new point system of fines and surcharges, bad drivers will help pay for trauma care in Texas.

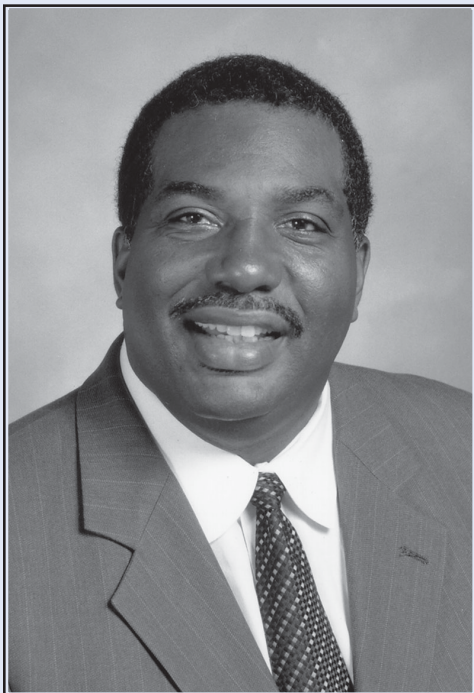


Senator West meets with local schoolchildren in his capitol office.

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THE TEXAS SENATE IS AN EQUAL OPPORTUNITY EMPLOYER AND DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, RELIGION, AGE OR DISABILITY IN EMPLOYMENT OR THE PROVISION OF SERVICES.

HELPFUL TOLL-FREE NUMBERS

Texas Performance Review Hotline	1-800-531-5441
Runaway Hotline	1-800-392-3352
Child Find/Missing Children	1-800-426-5678
Abuse Hotline (Children, Elderly, Disabled)	1-800-252-5400
Voter Registration, Elections Information	1-800-252-8683
Drug Abuse Hotline	1-800-662-4357
AIDS Hotline	1-800-299-2437
State Sales Tax Information	1-800-252-5555
Suicide Prevention/Crisis Intervention	1-800-643-1102
Governor's Assistance Line	1-800-843-5789
Assistance for the Blind	1-800-252-5204
Child Support Enforcement	1-800-252-8014
Texas Crime Stoppers	1-800-252-8477