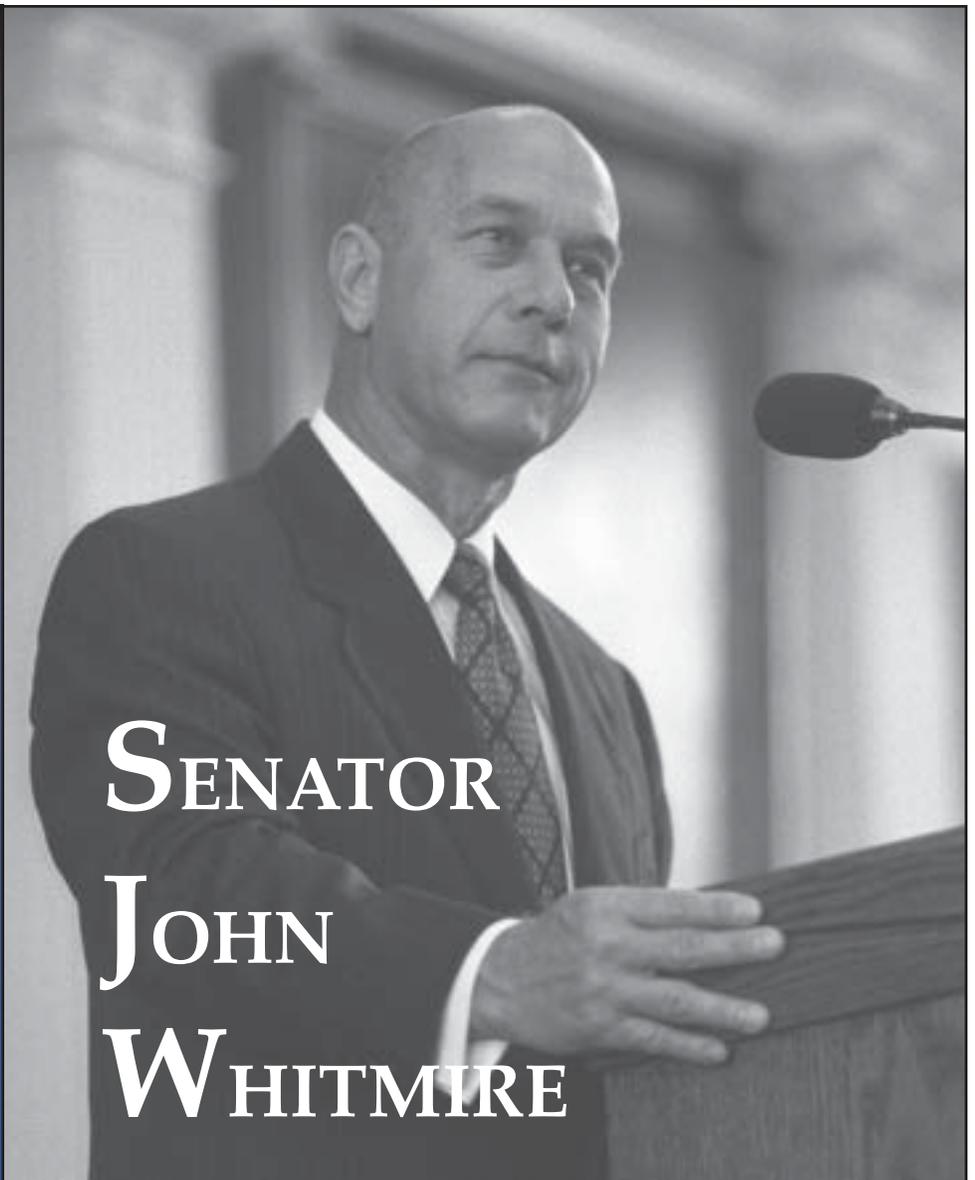




# LEGISLATIVE REPORT

Senate District 15 • Fall 2004



## SENATOR JOHN WHITMIRE

### *Dear Friend,*

The 78th Legislature and the four special sessions that followed were both historic and unusually difficult. Although the regular session of the legislature ended June 2, 2003, the governor called the legislature back to Austin three more times in 2003 for special sessions on congressional redistricting. In the spring of 2004 the governor called a 4th and inconclusive special session on Public School Finance.

I was honored to represent you in the Texas Senate and to use the years of experience you have given me for citizens of Senate District 15. In January 2003, having served in the Texas Senate longer than any of my colleagues, I assumed the title of "Dean of the Texas Senate." While the Dean of the Senate has various ceremonial roles like presiding over the Committee of the Whole Senate and adjourning the session at the end of each day, I was also able to use my position and seniority to help bring the Senate together during times of intense debate and negotiations.

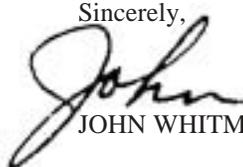
During the 78th Legislature, Lt. Governor Dewhurst appointed me Chair of the Senate Criminal Justice Committee, a position I held from 1993 to 1999. I welcomed the opportunity to resume my work for a tough, but smart, criminal justice system.

I was also pleased to be reappointed to the Senate Finance Committee and to the Conference Committee on the state budget. This was a particularly difficult budget session: we were faced with a \$10 billion budget shortfall and no possibility of increased revenue.

This year the Senate has also been busy studying issues in preparation for the 79th legislative session which convenes in January, 2005. Members of the Senate are serving on twenty six committees looking at a wide range of issues, including how to fund and improve our public schools, meet the insurance needs of our children, and address the state's transportation infrastructure.

After so many months in session, I am glad to be back at home with my family while I work to get prepared for the 2005 Session. I hope this newsletter provides useful information regarding the changes we made last legislative session and where we will focus our attention next session. It is an honor to serve as your voice in the Texas Senate.

Sincerely,

  
JOHN WHITMIRE

# IN OUR COMMUNITY

## Groundbreaking for W. Little York Park

Senator Whitmire helped secure a \$1.5 million Texas Department of Parks and Wildlife grant for improvements to W. Little York Park. The improved 26 acre park will include three baseball fields complete with bleachers, dugouts, lights and scoreboards, picnic tables, a covered pavilion, an education center, a jungle gym and playground, boardwalks and nature trails. The \$2 million park improvement project is also made possible through funding from the City of Houston and donations from AT&T, CenterPoint Energy and Southwestern Bell. "This park is an excellent example of the positive change that is possible in our community when local, state and corporate leaders work together," said Whitmire.



Senator John Whitmire participated in the groundbreaking ceremonies for the \$2 million improvement project for W. Little York Park. Joining forces for the groundbreaking are: City Council member Carol Mims Galloway, City Council member Toni Lawrence, Congresswoman Sheila Jackson Lee, Representative Sylvester Turner, Senator John Whitmire, Kerrick Henny of Southwestern Bell, Sharon Michael Owens of CenterPoint Energy and Michael Jewell of AT&T.



Senator Whitmire, members of the religious community, government officials, and St. Monica's parishioners at a press conference at St. Monica Catholic Church to raise funds for Father Alphonsus Bakyl, a Catholic priest who is in dire need of a kidney transplant. The challenge is that although a willing donor has been found, neither Father Alphonsus' nor the donor's insurance company will pay any of the medical expenses for the donor. The Father Alphonsus Kidney Foundation still needs to raise \$100,000 for medical expenses for the vital operation. For more information call 281-447-0737.

## Beulah Ann Shepard Building

*Acres Homes Center for Business and Economic Development*

Another excellent example of the community coming together for positive change is the Acres Homes Center for Business and Development which is expected to open before the end of the year. The center is located on two acres of land donated by Roy Malonson and his wife, Shirley. Senator Whitmire helped to secure state funds for operating expenses for the center. The \$1.3 million complex will include a computer room, a copy and fax room, office space, and three conference rooms. The center will provide support and training to present and future small business owners, including assistance with bookkeeping, insurance, payroll and other paperwork. It will also offer senior programs such as computer training and will be home to the Acres Homes Citizens Chamber of Commerce. If you are interested in any of the programs offered by the Acres Homes Center for Business and Development call (713) 692-7161.

# FREEING THE TULIA 13

## *Whitmire Passes Bill to Release Tulia Defendants*

Senator Whitmire passed legislation this session to free the Texans who were imprisoned as a result of the notorious Tulia drug raid. That incident resulted in the conviction of 38 Texans based on the testimony of one individual who has since been indicted and arrested for perjury. All parties, including the judge and the prosecutors, agreed it would be a travesty of justice to permit the convictions to stand. Nevertheless, these Texans could have remained in prison for years waiting for the Court of Criminal Appeals to act. The legislation allowed the judge to release the prisoners on bond pending the decision of the Court of Criminal Appeals.

"It was clear to me that the only reasonable alternative was to release these individuals," said Whitmire. "Allowing them to remain incarcerated any longer would only undermine public confidence in our system of justice. It was the right thing to do, so we did it." On June 10, 2003, the Tulia defendants were freed

on bond as provided for in Senator Whitmire's legislation. They were later pardoned by the Governor.



Senator John Whitmire and other state leaders at the Governor's bill signing ceremony for Whitmire's legislation that allowed the Tulia 13 to be released on personal recognizance bonds.

# CRIMINAL JUSTICE

Senator Whitmire was once again named Chairman of the Senate Criminal Justice Committee in January 2003. A tough, but smart, approach to crime and to the criminal justice system has always been a top priority for him. Due to the reforms championed by Senator Whitmire over the last 20 years, Texas remains one of the toughest states on crime.

## LOCKING UP VIOLENT CRIMINALS

The state is once again facing the possibility of needing more prison beds. Current projections provide the Legislature with an early warning that the prison population, which has been growing, will increase beyond the operational capacity in 2006, and beyond the available population capacity in 2008. While the prison population is increasing, the number of people who are on probation is decreasing. Because Senator Whitmire's top priority is ensuring the public safety, he is currently working on legislation to allocate state resources so we have the prison space available to confine those who commit violent crimes while redirecting nonviolent offenders to treatment and alternative programs. Senator Whitmire is working to avoid a recurrence of the situation in 1991 when prison overcrowding caused judges to open jail doors and release the mass of violent criminals onto the streets of Houston.

## AGING PRISONERS ARE COSTLY

One result of our tough sentencing laws is aging prisoners. There are approximately 16,500 elderly offenders currently incarcerated in the Texas criminal justice system. Health care costs and long term housing are particularly problematic. The lingering effects of a life of crime means that a 55 year old prisoner is said to have the health of a 65 year old on the

outside. The estimated nationwide cost of housing an inmate over 60 is \$70,000 per year. Many of these prisoners are severely incapacitated. Last session Senator Whitmire passed legislation to create special panels at the Board of Pardons and Parole so that prisoners who are ill can be closely reviewed and paroled if appropriate. Nevertheless, further work is needed on this issue.

## FIGHTING IDENTITY THEFT

In the past year, more than 500,000 consumer fraud and identity theft complaints have been filed with the Federal Trade Commission, doubling figures from the previous year. Losses nearing half a billion dollars have sparked the need for an expanded scrutiny of identity theft and the types of crime that accompany it. To help combat these trends, the Criminal Justice Committee report will include recommendations to assist in prevention of these crimes and improve the ability of law enforcement to arrest the perpetrators. \*\*\*\*If you have been

the victim of identity theft call the Consumer Protection Division of the office of the Attorney General at (800) 621-0508.\*\*\*\*\*

## COMPENSATING CRIME VICTIMS

The legislature created the Crime Victim's Compensation Fund to provide reimbursement and assist victims of crime. The Criminal Justice Committee is studying the use and solvency of the fund, evaluating grant programs, possible diversion of funds from crime victims as a result of prior legislation, and whether the fund meets the objectives of its authorizing legislation. The committee will be issuing recommendations to the 79th legislature.



Senator John Whitmire meets with teenage mothers participating in a residential infant care and parenting program for teen mothers who are incarcerated with the Texas Youth Commission called Women in Need for Greater Strengths (WINGS). Senator Whitmire is the sponsor of the 1999 legislation which created this program.

## CRIMINAL JUSTICE AT A GLANCE

154,486 beds	Total statewide prison system capacity	24,838	Probation felony revocations
150,624 (97.5%)	Total statewide operating capacity	10,554	Parole revocations
65,218	Inmates in Texas county jails	4,858	Inmates in juvenile facilities
3,267 beds	SAFP (Substance Abuse Felony Punishment) capacity	17,295	Inmates receiving mental health services
123,290 beds	Prison capacity	29,000	Inmates with a history of mental illness
27,929 beds	State Jail capacity	275	Babies born to female offenders
7,559	Women in Texas prisons	8th grade	Average grade level of inmates
433,134	Probationers under supervision (Felons & Misdemeanants)	83,785	Inmates receiving education services
		\$4,912,146,524	Texas Department of Criminal Justice Budget
		456	Inmates on death row

# CHALLENGES AHEAD



## *Budget Challenges Ahead*

Balancing the state budget is always a difficult task, but it was especially painful last session. Like many other states, Texas began its legislative session facing an unprecedented and seemingly insurmountable budget shortfall. The national economic downturn with its accompanying decline in business activity and job losses contributed to the decline in state revenues. The session began with a \$10 billion shortfall. All agencies and programs were on the chopping block. Although certain basic needs such as public safety were met, significant cuts were made in other areas.

The coming session will be similarly challenging. Changing the way we finance our public schools will have a big impact on the budget. Keeping up with rising health care costs and making sure that children have access to health insurance through CHIP or Medicaid will be a top priority for Senator Whitmire.



## *Educating our Children*

One of the most pressing issues facing Texans is the education of our children and improving our system of financing public schools. Education is the key to preserving the liberties and rights of our citizens, as well as fundamental to increasing economic opportunities for our children. It is our duty as a state to ensure that young Texans have the opportunity to learn and to succeed, regardless of whether they live in a mansion or barrio.

A good first step toward fulfilling this duty is to increase the state's contribution to public schools. At its high the state's share was 58%. It's now down to 38%, and local taxpayers are forced to make up the difference. Likewise, at a time when the state is already underfunding public education, voucher programs and other efforts to divert state money from public schools must be adamantly opposed.

Supporting our teachers is another critical element for providing the best education for our children. Teachers shoulder one of the most important responsibilities of

our society and should be compensated accordingly. Texas currently ranks 30th out of the 50 states in teacher pay, despite three hard fought payraises for teachers in recent years. We must address this fundamental issue before considering teacher incentives or any other measure that could place added weight on Texas's already overburdened teachers.

Senator Whitmire has always been a champion of education and a friend to teachers. Expect that he will continue this trend throughout all future legislative sessions.



## *Sunset Commission*

Senator Whitmire was appointed a member of the Texas Sunset Advisory Commission, a group composed of legislators and public members who closely examine state agencies to be sure they are still needed and are running effectively and efficiently. As a member of this Commission, Senator Whitmire is able to significantly impact the way state agencies do business and how they serve the people of the state of Texas by making fundamental changes to the agency missions and operations. Education, Business and Economic Development, Licensing and Regulatory agencies are going through the sunset process this session including the Texas Education Agency, the Workers Compensation Commission, and the Public Utility Commission.

## Call 2-1-1

If you need help accessing services or need a referral, just call 2-1-1 (or 713-957-4357 (HELP) if you are calling from a cell phone). This number will put you in touch with the area information center that serves as the link between people who need assistance and service providers. Live call specialists are available 24 hours a day and 7 days a week to give you information and referrals on everything from CHIP to after school activities, child care, substance abuse, legal assistance, domestic violence, housing, transportation for seniors, counseling, education, job training, food stamps, utilities and basic services.

## TEXAS: WHERE WE RANK

- |   |  |
|---|--|
| #1 teen birth rate  | #41 state and local taxes as a percentage of personal income                     |
| #2 percent of businesses owned by Hispanics   | #43 cost of living   |
| #5 crime rate   | #44 per capita funding for mental retardation                                    |
| #5 percent of public students eligible for free lunch                                   | #45 home ownership   |
| #6 poverty rate   | #46 per capita funding for mental health services                                |
| #7 state sales tax rate   | #48 maximum Temporary Aid for Needy Families (\$201 per month for a family of 3) |
| #15 percent of businesses owned by African Americans                                    | #49 per capita state government expenditures                                     |
| #19 per capita state and local general sales tax paid                                   | #49 average WIC (Women, Infant and Children) program                             |
| #23 average Scholastic Achievement Test (SAT) scores                                    | #50 percent of population graduated from high school                             |
| #30 average teacher salary  | #50 per capita state government taxation   |
| #33 per capita state and local government spending on housing and community development | #50 per capita state and local income taxes paid                                 |

# INTERIM COMMITTEE WORK

While the regular legislative session lasts for only 140 days every two years, Senator Whitmire serves on several committees, commissions and boards that continue to work between regular sessions to receive input from the public and discuss upcoming issues of importance. The issues that Senator Whitmire is working on include:

## CRIMINAL JUSTICE COMMITTEE

Senator Whitmire is the Chairman of the Senate Criminal Justice Committee. The committee will be making recommendations on the following charges from Lieutenant Governor David Dewhurst:

- Identity theft and programs to prevent this crime
- Best practices for probation and other diversion programs such as Drug Courts
- The use and effectiveness of current parole guideline policies and changes to improve the policies
- Improving the use of specialized police forces and their necessity, accountability, qualifications, and jurisdictions
- The Crime Victims Compensation Fund and ensuring that the purposes of the fund continue to be met
- The number of foreign citizens serving sentences in Texas prisons
- The cost effectiveness and efficiency of private prisons and private services at state-owned prisons

## SENATE GOVERNMENT ORGANIZATION COMMITTEE

This committee will make recommendations on the following issues:

- Consolidation of agencies related to the arts, cultural, and library services
- The management of state assets and leases including real estate, leased space inventory and the possible use of sale-leaseback opportunities for properties that the state now owns
- Allegations of theft of state property and enhancing security of state assets
- Improving debt collection strategies across all state programs

## SENATE FINANCE COMMITTEE

The Senate Finance Committee is charged with budget and revenue oversight and monitoring implementation of the state budget. The Committee will be making recommendations in the following areas:

- Health and Human Services
- Public and Higher Education
- Natural Resources and Economic Development
- General Government, Regulatory and Judiciary
- Criminal Justice and Public Safety
- General Budget and Tax Issues

## SUNSET COMMISSION

The following agencies are being reviewed by the Sunset Commission. If you have input into the following agencies, please contact Senator Whitmire.

### Education Agencies

Texas Education Agency  
State Board for Educator Certification  
Texas Guaranteed Student Loan Corporation

### Licensing Agencies

Board of Acupuncture Examiners  
Board of Barber Examiners  
Board of Chiropractic Examiners  
Cosmetology Commission  
Board of Examiners of Professional Counselors  
Board of Examiners of Dietitians  
Board of Examiners of Marriage and Family Therapists  
Board of Medical Examiners  
Texas Midwifery Board  
Optometry Board  
Board of Examiners of Perfusionists  
Texas State Board of Pharmacy  
Board of Physician Assistant Examiners  
Board of Podiatric Medical Examiners  
Board of Examiners of Psychologists  
Board of Social Worker Examiners  
Board of Veterinary Medical Examiners

### Regulatory Agencies

Lottery Commission  
Alcoholic Beverage Commission  
Public Utility Commission of Texas  
Public Utility Counsel  
Texas Workers' Compensation Commission

## LEGISLATIVE BUDGET BOARD

The Legislative Budget Board (LBB) is a permanent joint committee of the Texas Legislature that develops recommendations for legislative appropriations for all agencies of state government. During the interim the LBB also has budget execution authority. This interim Senator Whitmire was able to restore research and excellence funding to the University of Houston that had previously been vetoed by the Governor. He was also able to authorize an additional \$1.5 billion in state and federal dollars for health care including \$300.5 million to reduce the shortfall for Medicaid and the Children's Health Insurance Program (CHIP); \$141.5 million for community care personal attendant aid for the disabled and elderly; \$53.2 million to maintain reimbursement rates for doctors of Medicaid patients; and \$25 million to hospitals that serve indigent patients.

## Awards & Accolades

Senator Whitmire became Dean of the Texas Senate in January 2003, having served longer than any current Senator. He was named one of the Top Ten Best Legislators by Texas Monthly Magazine in 2003. He was also named a top five legislator by Gallery Watch, Outstanding Legislator by the Judicial Advisory Committee to the Texas Board of Criminal Justice, and by Texans Standing Tall for his efforts to prevent underage drinking. Senator John Whitmire was a delegate to the Democratic National Convention.



# Senator John Whitmire

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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

Abuse Hotline (children, elderly, disabled) .....	800-252-5400	Injured Workers .....	800-372-7713
Children's Health Insurance (CHIP) .....	800-647-6558	Insurance Information and Assistance .....	800-252-3439
Child Support Enforcement .....	800-252-8014	Legal Referral .....	800-252-9690
Consumer Protection (Attorney General) .	800-621-0508	Medicaid Hotline .....	800-252-8263
Consumer Credit Helpline .....	800-538-1579	Runaway Hotline .....	888-580-4357
Crime Victims Compensation .....	800-983-9933	Student Financial Aid .....	877-782-7322
Crime Stoppers .....	800-252-8477	Taxpayer Information .....	800-252-5555
Emergency Roadside Assistance .....	800-525-5555	Voter Registration/Elections .....	800-252-8683
Governor's Citizen Assistance Hotline .....	800-843-5789	Youth Hotline .....	800-210-2278

*If you would like to receive periodic news, legislative updates, and other items of interest from Senator Whitmire please sign up at <http://www.senate.state.tx.us/75r/Senate/members/dist15/dist15.htm>*