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June 3, 2013

Senator Lucio Announces Bills to Watch on Their Way to the Governor's Desk

AUSTIN - Today, Senator Eddie Lucio, Jr. (D-Brownsville) announces final passage of several pieces of legislation filed during the 83rd Texas Legislative Session. These bills are intended to improve Texans' lives in the areas of education, nutrition, economic development, and housing, among other areas. Most of the bills outlined below now only await a signature from Texas Governor Rick Perry before ultimate passage into law.

CREATING A NEW SOUTH TEXAS UNIVERSITY

"I was proud to joint author legislation to create a new first-class university in the Rio Grande Valley, which will have state-of-the art resources and the ability to attract top-notch faculty. With passage of this important legislation, the Valley will soon become a center for multinational education, medicine, and industry. I congratulate my fellow delegation members in realizing our biggest priority of the Session," Sen. Lucio said of [Senate Bill 24](#).

As passed by the Legislature, Senate Bill 24 calls for the creation of a university of the first class with access to the Permanent University Fund. The bill requires the University of Texas System equitably allocate the university among Cameron, Hidalgo, and Starr Counties and requires that medical students shall take full advantage of existing facilities at the UT Brownsville, UT Pan American, and the Regional Academic Health Center (RAHC) campuses in Harlingen and Edinburg.

Additionally, as a member of the Senate Finance Committee, Sen. Lucio added a provision to the [state's budget](#), Article III, Rider 8, which gives the RAHC \$10 million over the next two years to facilitate its transition into a full school of medicine.

Background:

- [Lucio Statement on Senate Concurrence to Senate Bill 24, Creating New South Texas University](#)
- [Lucio Statement on House Passage of Valley University Bill, Senate Bill 24](#)
- [Bill to Create New Valley University Passes Texas Senate](#)
- [Bill to Create New Valley University Passed By Senate Committee](#)
- [Legislators File Bills to Create New South Texas University, South Texas Medical School, Access PUF](#)

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PROMOTING LOCAL ECONOMIC DEVELOPMENT

SpaceX: Sen. Lucio was instrumental in passing legislation and securing financial incentives to encourage development of a commercial space industry in Cameron County. Sen. Lucio passed through the Senate [House Bill 2623](#) by Rep. Rene Oliveira, which would ensure the public's right to beach access while also providing a way to protect public safety during commercial space launches. The bill would require the state's General Land Office to promulgate rules on the closure of beaches affected by FAA-approved launch sites. Before a launch may be conducted, the Cameron County Commissioners Court must receive an application which includes the launch date, as well as backup launch dates. The bill provides that the Commissioners Court first seek approval from the General Land Office before closing the beach on certain days in the summer. House Bill 2623 has already been signed into law by Gov. Perry.

As a member of the Senate Finance Committee, Sen. Lucio worked with the Conference Committee to the state's budget bill, [Senate Bill 1](#), and with the Governor's office to add two budget riders totaling \$15 million contingent upon SpaceX committing to locating its facilities at a spaceport Texas.

Background:

- [SpaceX Legislation Signed by Governor](#)
- [Senator Lucio's Statement on Senate Passage of Bill to Promote Space Flight in Cameron County](#)
- [Lucio Bill to Promote Space Flight in Cameron County Passes out of Senate Committee](#)

Tenaska: [Senate Bill 795](#), which will ensure that the Brownsville Public Utilities Board (BPUB) is statutorily able to fulfill its agreement with energy company Tenaska to build a power generating facility in Brownsville, has already been signed by Gov. Perry. BPUB entered into an agreement with Tenaska to establish a natural gas utility system. Under the agreement, BPUB must transport natural gas to the power generating facility and must purchase 200 megawatts of electricity from the facility. Senate Bill 795 ensures that both of these provisions are met by eliminating a conflict in the Texas Government Code which provides that a *five-member* utility board manage a natural gas system. Currently, BPUB is managed by a seven-member board. Senate Bill 795 also provides authority for BPUB to manage the natural gas system, and clarifies that BPUB may enter into agreements to purchase electricity.

Background:

- [Lucio Bill to Facilitate Tenaska Project in Brownsville Passes](#)

South Padre Island hotel occupancy tax rebate: Sen. Lucio passed through the Senate [House Bill 3042](#) by Rep. Rene Oliveira and Rep. Eddie Lucio, III, which will help the City of South Padre Island fund maintenance and public safety projects on its beaches. The bill requires the state comptroller rebate the City of South Padre Island two percent of state hotel occupancy tax dollars generated on the Island. Currently, the state only rebates South Padre Island one percent of these tax dollars. Passage of this legislation is especially important because the City of South Padre Island is beginning to annex further north on the Island, increasing the number of beaches it must maintain by 25 percent. Further, in 2011, the Legislature approved construction of a second access causeway to the Island, giving tourists greater access to the beach and surrounding businesses. By collaborating with the Senate Transportation Committee, authorization for the construction of the new causeway and an outer parkway has been extended to 2017 in [Senate Bill 1730](#) by Sen. Robert Nichols.

"Millions of tourists come each year to South Padre Island's beaches. The City is an economic engine for South Texas and the state, contributing more than \$13 million a year in state tax dollars. Erosion control and maintenance of the beaches is important to help the City thrive as a premier tourist destination," Sen. Lucio said.

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New Brownsville overweight truck corridor: Sen. Lucio sponsored [House Bill 3125](#) by Rep. Eddie Lucio III, which is intended to facilitate trade between the United States and Mexico by allowing the state to designate a new overweight truck corridor from the international ports of entry to the Port of Brownsville. The Brownsville Port Authority currently issues licenses for oversized trucks and fees collected from the licenses are used to maintain the corridor. Under the bill, the Texas Transportation Commission may designate an additional corridor running from the Free Trade International Bridge to the entrance of the Port of Brownsville using Farm-to-Market Road 511, State High 550, and State Highway 32. Passage of this bill will help further encourage trade with Mexico, Texas' largest trading partner. According to the Bureau of Transportation Statistics, in 2010 about 6.5 percent of Texas/Mexico truck traffic went through Brownsville.

SCHOOL NUTRITION

Universal school breakfast: "This session, I authored legislation which would increase participation in the federal School Breakfast Program. We need to ensure that every Texas child has the resources they need to reach their full potential. This begins with a nutritious breakfast. It has been shown that providing access to nutritious food increases students' concentration, and reduces students' absences and discipline problems. I am proud to have been an advocate for Texas' hungry children," Sen. Lucio said of [Senate Bill 376](#), which was signed into law by Gov. Perry.

The bill provides that all schools participating in the federal School Breakfast Program make available a free breakfast to each of their students if 80 percent or more of those students qualify for free or reduced-price meals.

Background:

- [Lucio Bill to Increase School Breakfast Program Participation Signed by the Governor](#)
- [Lucio Statement on House Passage of Bill to Increase Participation in School Breakfast Program](#)
- [Lucio Bill to Increase Participation in School Breakfast Program Passes Senate](#)
- [Lucio Bill to Increase Student Participation in School Breakfast Program Passes Senate Committee](#)
- [Report Endorses Lucio Bill to Expand School Breakfast](#)
- [Senator Lucio Files Bill to Expand School Breakfast](#)

Summer foods: Sen. Lucio also passed through the Senate [House Bill 749](#) by Rep. Richard Peña Raymond, which would require the Texas Department of Agriculture to work with the [Texas Hunger Initiative](#) at Baylor University and their affiliates to create a five-year plan to provide school children better access to summer meals. During the school year, school programs that provide free or reduced meals help ensure that Texas children don't go hungry. During the summer, however, this task becomes more difficult; only 8.5 percent of Texas children on free or reduce lunch participate in summer food programs. House Bill 749 was recommended by the Senate Health and Human Services Committee following the 2011 Legislative Session.

EDUCATION

More funding for Texas public schools: Sen. Lucio and his colleagues on the Senate Finance Committee's Subcommittee on Public Education passed a two-year budget, [Senate Bill 1](#), which added \$3.4 billion to Texas public schools in addition to the base budget.

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Testing and curriculum reform: As Vice Chair for the Senate Education Committee, Sen. Lucio joint-authored legislation intended to reform Texas' high-stakes testing regime and high school curriculum standards, [Senate Bill 3](#) and [Senate Bill 1724](#), respectively. Elements of these bills passed into law as amendments to [House Bill 5](#). This bill reduced the number of high-stakes End-of-Course exams high school students must take from 15 to five. The bill kept high school graduation standards rigorous by requiring that students choose a degree plan which includes four courses in English, mathematics, and science, as well as two foreign languages.

Sen. Lucio also passed through the Senate a bill to compliment House Bill 5's requirement that high school students have greater options when choosing advanced math and science courses. Sen. Lucio sponsored [House Bill 2201](#) by Rep. Marsha Farney, which requires the State Board of Education (SBOE) ensure at least six advanced career technology education (CTE) courses are approved to satisfy a fourth credit in math required for high school graduation. Currently, there exist only three CTE courses approved by the SBOE to satisfy advanced math, while there are 10 CTE science courses. Additional rigorous CTE offerings provide students with industry certifications, which empower them to enter either college or the workforce with practical real-world training.

Background:

- [Senator Lucio Statement on Passage of House Bill 5](#)

Supporting school counselors: Sen. Lucio continued his commitment to supporting public school counselors and licensed professional counselors (LPCs) serving Texas public school children. School counselors provide information on course selections, advise students on college readiness and financial aid, and provide links between student needs and community resources. LPCs ensure our most at-risk students struggling with grief, anxiety and related disorders, and abuse have access to appropriate individualized services.

[Senate Bill 715](#) "cleans-up" the Texas Education code by making all references to certified "school counselors" consistent. Currently, the Code uses inconsistent terms such as "counselors," "guidance counselors," or "high school counselors." These terms are both inconsistent with State Board of Educator Certification (the state body which certifies school counselors) nomenclature, and may complicate the hiring of LPCs. Sen. Lucio successfully amended Senate Bill 715 to include another of his bills, [Senate Bill 925](#), which adds LPCs to the list of professionals school districts may hire. The additional resources provided by LPCs are especially critical in districts with high student-to-school counselor ratios, in rural communities, and in small school districts. Finally, Sen. Lucio passed [Senate Bill 913](#), which would align Texas LPCs' certification standards with national norms by providing that applicants for an LPC license may take licensing exams no more than three times before they must sit out or take additional coursework.

Background:

- [Lucio Bills Supporting School Counselors Passes Senate](#)
- [Senator Lucio Bill Package Supports Public School Counselors](#)

Supporting dropout recovery programs: Gov. Perry has already signed into law [Senate Bill 860](#), which would allow public technical colleges like Texas State Technical College to partner with public junior colleges and offer technical courses as part of junior colleges' high school drop-out prevention programs. The bill is intended to strengthen previous legislation which replicated the Pharr-San Juan Alamo Independent School District's dropout recovery program, and opened the program to all public junior colleges and school districts statewide.

Background:

- [Lucio Bill to Allow TSTC, Technical Colleges to Help Drop-out Prevention Programs Passes](#)

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Supporting early college high schools: [Senate Bill 1557](#) would require TEA, the Texas Workforce Commission (TWC) and the Texas Higher Education Coordinating Board (HECB) to develop a strategic plan to incentivize private industry participation in early college high schools. Under current law, TEA is permitted to accept gifts, grants, and donations to pay for costs not already covered by the state. To date, no such donations have been made, according to TEA. Under the bill, the agencies' plan must include ways to incentivize businesses and nonprofits to choose to both make contributions to early college high schools, and to work with early college high schools to maximize job placement opportunities for their graduates.

Background:

- [Lucio Bill Supporting Texas Early College High Schools Passes Senate](#)

Improving teacher quality: This Session, Sen. Lucio filed [Senate Bill 1555](#), which adds a new provision to the Education Code, Section 21.048(a), requiring that individuals taking teacher generalist certification exams pass each section of the exam in order to pass the exam as a whole. Texas has two teacher generalist exams, an early childhood through 6th grade exam and a 4th grade through 8th grade exam, which certify educators to teach those grade levels. Each exam is composed of sub-sections covering subjects such as math, English, social studies, and science. Teachers may fail any one of these sub-sections so long as they get a passing score on the test as a whole. Because principals do not see applicants' scores on any subsection of the exam, they may hire a teacher to teach a subject they failed, likely to the detriment of the children they teach. Senate Bill 1555 died when it ran out of time on the House calendar, however, Sen. Lucio successfully amended the bill onto [House Bill 2318](#) by House Public Education Committee chairman Rep. Jimmie Don Aycock and [House Bill 2012](#) by Rep. Mike Villarreal, the House sponsor for Senate Bill 1555. Both bills now await the Governor's signature.

Finally, Sen. Lucio passed through the Senate [House Bill 642](#) by Rep. Diane Patrick, which prescribes certain continuing professional educational requirements for teachers, principals, and school counselors. In order to keep their licenses, teachers are required to obtain 150 professional education hours every five years, and principals and counselors must obtain 200 hours, however guidelines for these hours are oftentimes not meaningful. House Bill 642 requires teachers and principals receive instruction in such topics as collecting and analyzing data to improve effectiveness in the classroom, recognizing early warning indicators of a student at risk of dropping out, integrating technology into classroom instruction, and educating diverse populations. The bill also compliments Sen. Lucio's legislation supporting school counselors by requiring counselors receive training on such topics as assisting students in developing high school graduation plans, implementing dropout prevention strategies, and informing students about college financial aid resources and application procedures.

Supporting immigrant children: [Senate Bill 377](#) provides the Texas Education Agency (TEA) guidance on when recent immigrant students are exempted from state exams, including the states' STAAR exams. Existing law already provides that an immigrant student may be granted a one-year exemption if they are of limited English proficiency. No law, however, defines an entire school year. Thus, a student could be enrolled as few as one day and that may count as a year. With passage of Senate Bill 377, if an immigrant student spends less than 60 days in Texas public schools in a year, that school year would not count toward their one year exemption from exams.

Background:

- [Lucio Bill Supporting Immigrant Students Moves to Governor's Desk](#)

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HELPING CHILDREN WITH SPECIAL NEEDS AND THEIR FAMILIES

Medical facilities for special needs children: [Senate Bill 492](#) would allow for the creation of specialized non-residential day health facilities for special needs children. These "Prescribed Pediatric Extended Care Centers" (PPECs) allow children to flourish in a group setting, provide working parents relief, and reduce overall health care costs. The bill authorizes the Texas Department of Aging and Disability Services to license and regulate PPECs. Children would be eligible to attend if they have a condition that requires technologically-based nursing supervision or requires the routine use of a medical device to compensate for a life-sustaining body function. Children who would qualify to attend a PPEC are already eligible to receive private nursing care under the federal Medicaid program.

Background:

- [Lucio Bill to Establish Medical Facilities for Special Needs Children Passes Senate](#)
- [Lucio Bill to Establish Medical Facilities for Special Needs Children Passes Out of Senate Committee](#)

Special education advocates: [Senate Bill 709](#) would allow experienced special education advocates to assist parents of children with special needs in resolving disputes with their schools. The bill allows parents in federal due process hearings to be represented either by an attorney or "an individual with special knowledge or training with respect to problems of children with disabilities." Under current law, it is unclear whether non-attorneys may represent parents in these hearings. Many parents cannot afford an attorney, or such an experienced attorney may not be available in rural or border communities. This places parents at a disadvantage because school districts are usually represented by experienced legal counsel. The bill gives parents another resource by allowing non-attorney advocates to represent them. TEA must make rules ensuring such advocates have demonstrated knowledge of these hearings, as well as knowledge of special education laws.

Background:

- [Lucio Bill to Assist Parents of Special Education Students in Due Process Hearings Passes Senate](#)

Improving outcomes for children with autism: Sen. Lucio filed [Senate Bill 710](#), which would have required TEA create professional development institutes for teachers related to students with disabilities, including autism spectrum disorders. Rather than pursue the bill, however, Sen. Lucio successfully added a \$1.5 million item to the [state's budget](#), Article III Rider 67, to fund professional development institutes for teachers of students with autism. Under the rider, TEA must partner with Region 13 Education Service Center and Texas Tech University to create professional development programs for educators working with students with autism. Texas Tech is home to the [Burkhart Center for Autism Education and Research](#).

Sen. Lucio also joint-authored [Senate Bill 1484](#), a bill which builds upon previous legislation passed by Sen. Lucio requiring a health benefit plan provide certain coverage to an enrollee who is diagnosed with autism. Senate Bill 1484 removes a cap which allows providers to deny autism coverage after a child reaches 10 years of age. Studies indicate that autism does not necessarily subside by the time a child is 10 years of age and that continued coverage is necessary while the autism diagnosis is in place.

Background:

- [Press conference regarding awareness and advocacy for those diagnosed with autism](#) (RealPlayer required)

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Behavior improvement plans: [Senate Bill 914](#) would require teachers be adequately informed of "behavior improvement plans" (BIPs) for special education students in their classrooms. Under federal law, students with disabilities in public schools must be provided an individualized education program. Schools may separately develop a BIP for students with behavioral problems related to their disability. Neither federal nor state law, however, make clear that BIPs must be provided to teachers. If a student has a behavior issue that is not dealt with according to the BIP, their behavior may escalate and result in the student being disciplined, although that student's behavior is not entirely their fault. Passage of Senate Bill 914 will ensure public school teachers have appropriate resources to support students with special needs in their classroom

PROTECTING CONSUMERS AND DISASTER VICTIMS

"Park Girl" victim relief: [Senate Bill 499](#) would provide relief to the numerous victims of "Park Girl" Jo Leigh Ares. The bill removes the requirement that The Texas Department of Housing and Community Affairs rely only upon a verdict from a jury trial before awarding state dollars set aside for victims of fraud. As many as 80 of Ares' victims won verdicts in front of "bench" trials heard only by a judge, and not a jury. Current law — favoring jury trials over bench trials — prevents Ares's victims from recovering any of their losses.

"Without access to these funds, many victims of deceptive trade practices or violations of manufactured housing laws would have no way to recoup their losses," Sen. Lucio said.

Background:

- [Lucio Bill to Help Victims of "Park Girl" Passes Senate](#)
- [Lucio Bill to Help Victims of "Park Girl" Passes Out of Senate Committee](#)

Protecting home insurance consumers: [Senate Bill 112](#) is intended to help consumers make responsible purchasing decisions by providing clear information about the true cost of homeowners' insurance. The bill would require Texas insurance companies' declaration pages include a list and explanation of each deductible selected by the insured, as well as the dollar amount of each deductible. Under current law, insurers are permitted to list deductibles as percentages, which can be confusing for consumers.

Background:

- [Lucio Bill to Protect Insurance Consumers Passes Senate](#)
- [Lucio Bill to Protect Insurance Consumers Passes Out of Committee](#)

Assisting homeowner victims of natural disasters: This Session, Sen. Lucio filed [Senate Bill 835](#), which would protect homeowner victims of natural disasters from exorbitant property tax increases when they rebuild or fix their homes. The bill adds Section 23.23(g) to the Texas Tax Code, which provides that a replacement home or improvements made to a damaged home are not considered "a new improvement" if these "improvements" were made to satisfy requirements of a disaster recovery program administered by the state's General Land Office.

"Numerous Texans were forced to rebuild their homes after hurricanes Dolly and Ike, and the Bastrop wildfires. These individuals already lost their homes once; changing current law will now ensure that they aren't taxed out of the homes they rebuilt," Sen. Lucio said. "By working with officials from the General Land Office we developed the necessary provisions to protect victims of natural disasters, including the 800-plus Valley families impacted by Hurricane Dolly, which are participating in the state's disaster recovery program."

Senate Bill 835 died when it ran out of time on the House calendar, however Sen. Lucio successfully amended its language onto another bill that did survive, [House Bill 585](#) by Rep. Villarreal.

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HOUSING ASSISTANCE TO VETERANS AND PROFESSIONAL EDUCATORS

[Senate Bill 1553](#) adds veterans to the list of individuals eligible under the "Homes for Texas Heroes Home Loan Program," a program administered by the Texas State Affordable Housing Corporation (TSAHC) which provides veterans with home loans and down payment assistance. The bill also adds professional educators, who were previously served under the Professional Educators Home Loan Program to the Homes for Heroes Home Loan Program. The program is funded through the sale of mortgage revenue bonds issued by TSAHC.

"Over the years, we have heard that the housing needs of Texas veterans is much greater than available resources to help them. This bill gives Texas veterans one more option when they're searching for affordable housing for themselves and their families," Sen. Lucio said.

Background:

- [Lucio Bill to add Veterans and Professional Educators to Home Loan Program Passes Legislature](#)

WATER

Modernizing water districts: [Senate Bill 611](#), which has already been signed into law by Gov. Perry, would change the manner in which water districts determine the amount of flat rate assessment against the irrigable land they serve. Historically, these districts have served various clients, including local farmers, homeowners who flood-irrigate their yards, and local cities' public utilities. Due to urbanization, however, water districts that previously substantially delivered only irrigation water are now delivering larger amounts of raw untreated water to cities. Senate Bill 611 would allow water districts to determine flat rate assessments by taking into account the amount of expected expenses which are associated with both the district's irrigation and city water delivery services.

Background:

- [Lucio Bill to Modernize Irrigation Districts Passes Senate](#)
- [Bills to Modernize Irrigation Districts Heard in Senate and House Committees](#)

Hidalgo County water development: Sen. Lucio amended [House Bill 1025](#), a bill making supplemental appropriations to the state's budget, to authorize the Texas Water Development Board (TWDB) to make a \$10 million zero-interest loan to support Hidalgo County's Lower Rio Grande Regional Water Management Project, which is a series of water infrastructure construction projects to be completed throughout the County. Under SECTION 54 of Senate Bill 1025, TWDB may make a loan to a political subdivision along the U.S.-Mexico border for improvements to their water, drainage, and wastewater systems, provided the subdivision can provide \$10 million in matching money. In 2012, voters in Hidalgo County created those matching dollars by approving a \$10 million bond program supporting the Water Management Project. Once completed, the Project will play an important role in water reclamation, flood protection, economic development, and green infrastructure.

PROTECTING WHISTLE-BLOWER NURSES

Sen. Lucio passed through the Senate [House Bill 581](#) by Rep. Donna Howard, which would allow nurses in public hospitals sue their employer if that employer unlawfully retaliated against the nurse for engaging in "patient advocacy activities." Similar protections already exist for privately-employed nurses. Under the bill, patient advocacy activities include refusing to falsify medical documents, refusing to work an additional shift after completing a 12-hour shift, or questioning a physician's order if the nurse believes that order is not appropriate.

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PROTECTING TEXAS HISTORIC BUILDINGS

[Senate Bill 111](#) requires the Texas Historical Commission to designate certain buildings as "Texas Historical Use Buildings." These buildings must be considered worthy of preservation because of their history, culture, or architecture, and must additionally have been used for at least 150 years for a purpose that benefits the community in which it is located, as determined by the Commission. Buildings would be eligible to apply for grant funds through the Preservation Trust Fund, which provides financial assistance for the acquisition, survey, restoration, or preservation of historic buildings, as well as for planning and educational activities.

Background:

- [Lucio Bill to Protect Historic Buildings Passes Senate](#)

SAVING STATE MONEY ON SOFTWARE DEVELOPMENT

Sen. Lucio filed [Senate Bill 794](#) in order to better coordinate Texas government's computer software development function, and thus reduce time and cost associated with multiple agencies developing their own software. The bill eventually passed as an amendment to [House Bill 2422](#) by Rep. Larry Gonzales.

Background:

- [Lucio Bill to Save State Money on Computer Software Development Passes Senate Committee](#)

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