

Senator Eliot Shapleigh

77th Legislature - Session in Review



August 2001



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August, 2001

Dear Friends:

I am very pleased to report to you on the completion of the Regular Session of the 77th Texas Legislature. Building on our efforts from the previous two sessions and the hard work we did in the interim, members of the El Paso legislative delegation worked together this session to raise the standards for achievement on behalf of our community.

In my opinion, the delegation's single most important accomplishment was securing additional money for border health initiatives. In addition to increasing reimbursement rates for quality health providers, other highlights of the delegation's joint efforts include securing tuition revenue bond funds for new UTEP and Texas Tech- El Paso research buildings, obtaining two new county courts for El Paso, and passing a variety of individual bills that address local issues.

The enclosed report, which is organized by topic, provides a brief account of many of the legislative efforts my office undertook during the session. Many of those efforts related to the "Five Star Agenda" we helped develop in conjunction with other community leaders. As you will see, we worked on a bipartisan basis with a broad cross-section of members of the House and Senate to address a wide variety of issues, some of which were specific to El Paso, while others affected the state as a whole. In the course of our efforts, we also worked with representatives of many different interests, including the City of El Paso, El Paso County, UTEP, and El Paso-area school districts, as well as many local businesses and community organizations.

Even as you read this report, we are preparing for the Regular Session of the 78th Legislature, which will convene in January 2003, and plan to work with other members of the El Paso delegation over the next 16 months to lay the groundwork for another successful session. Please contact my Capitol office at 800-544-1990 if you have questions about the information in this report or would like to make suggestions for next session.

Very truly yours,

A handwritten signature in black ink that reads "Eliot Shapleigh". The signature is written in a cursive, flowing style.

Eliot Shapleigh

77th Legislative Budget Highlights



Border Health/Border Health Institute

- **\$700,000** for UTEP Border Health Research
- **\$21.2 million** for UTEP Biomedical and Health Sciences Center
- **\$3 million** for Texas Tech medical school in El Paso
- **\$600,000** for Texas Tech Diabetes Research Center in El Paso
- **\$40 million** for Basic Sciences/Research Building for Texas Tech in El Paso
- **\$232 million** for the Children's Health Insurance Program (CHIP)
- **\$1.7 billion** for Medicaid, health care programs
- **\$245 million** to reduce the Medicaid waiting lists



Seamless Border

- **\$13.9 billion** statewide for transportation and economic development -
- **Mobility package** passed for state toll roads -
- **Border Inspection Facilities rider** directing that before funds are expended for construction, the state must sign an agreement with the governing board of a municipality



Workforce, Capital, Technology

- **\$1.6 billion** for employee benefits increase
- **4 percent**, or \$100-per-month, minimum raise for state employees
- **\$60.7 million** in federal child care funding for an additional 85,000 children
- **Raised the** state minimum wage to match the federal minimum wage
- **Appropriated revenue** generated by Texas Online Project for the continued operation and expansion of the project



Higher Education

- **\$13.4 billion** statewide
- **\$8.9 million** in "Excellence" funding for UTEP
- **\$100,000** for U.S.-Mexico Immigration Center at UTEP
- **\$272,000** for Centennial Museum at UTEP
- **Increased funding** for the TEXAS Grants program to cover 100,000 students
- **\$1.24 billion** for teacher and school employee health insurance



Water

- **\$6.1 million** for the Elephant Butte Reservoir litigation
- **\$1 million** zero interest loan for Hueco Bolson desalination project

Table of Contents

Child Care **Page 1**

- Fights for Child Care Funding for Low-Income Families 1
- Fights to Allocate More Child Care Funds For El Paso’s Waiting List 1
- Helps Define Quality Child Care Programs 1

Consumer’s Rights **Page 2**

- Fights 780 Percent Interest Rates on Pay Day Loans 2
- Protects Texas Consumers from Unwanted Telemarketing Calls 2
- Helps Require Disclaimers on Advertisements that Offer Homestead Designation Services 3
- Helps Prohibit the Sale and Distribution of Discount Cards Deceptively Marketed as Insurance 3
- Provides for a Mile-Based Automobile Insurance Option 3
- Restores State Regulation of Sale-Lease-Back Transactions in Consumer Loans 4

Criminal Justice and Public Safety **Page 4**

- Co-Authors James Byrd Jr. Hate Crimes Act 4
- Requests Congress to Authorize Additional Federal Judges for the U.S. Mexico Border 5
- Requires Excepting Certain Information Maintained by Family Violence Shelters and Sexual Assault Programs from Disclosure 5
- Expands Protective Orders with Regard to Dating Violence 5
- Fights to Permit Indian Gaming Activities on Existing Reservations in Texas 6
- Provides Short-Term Motor Vehicle Liability Insurance Policies for Non-Texas Resident Drivers Visiting the State 6
- Seeks to Prohibit Peace Officers from Making Unreasonable Community Care

Taking Stops 6

Pushes for Death Penalty Moratorium and Creation of Texas Capital Punishment
Commission 7

Increases Flexibility Given to Municipalities Operating Detention Facilities 7

Supports Texas Fair Defense Act 7

Helps Establish Procedures for Preservation of DNA and Post-Conviction
DNA Testing 8

Helps Expand Collection of DNA to Help Fight and Prevent Crime 8

Economic Development/Skilled Workforce Page 8

Fights to Create Texas “Marshall Plan” 8

Creates an Integrated Economic Development Budget 9

Creates a Texas-Mexico Commerce and International Relations Coordination
Plan 10

Pushes to Create Border Community Trade Task Forces 10

Pushes to Aid the Development and Production of Texas Biotechnological and Biomedical
Products and Small Businesses 10

Authorizes Statewide Economic Development Plan 11

Allows Border Communities to Create NAFTA Impact Zones 11

Mandates Training for Development Corporation Employees 11

Seeks Federal Appointment of Border Commerce Czar 12

Establishes TWC Technology Pilot Program 12

Establishes the Texas Career Opportunity Grant Program 12

Strengthens Tax Abatement Legislation 13

Fights to Require Reporting by Financial Institutions that Serve as Depositories of
Public Funds 13

Works to Provide Capital for Community Development Institutions in Economically
Distressed Areas 14

Adds Border Strategic Investment Area Amendment to Texas Economic Development Act

Gives Native-American Groups the Option to Pay Reimbursements for Benefits or
Unemployment Insurance Taxes 14

Education, Higher Page 15

Helps Pass Research and Excellence Funding Legislation for Institutions of
Higher Education 15

Establishes a Long Range Statewide Plan for Higher Education in the State 15

Facilitates the Transfer of Credits between Community College and
other Institutions 15

Establishes a Framework for the Repayment of Law School Loans for Indigent
Defense Lawyers 16

Fights to Create an Internet Database Listing the Quality of Higher Education Institutions 16

Works to Adjust Statute to Allow the Comptroller to Review Higher Education
Institutions 16

Expands the Technology Workforce by Promoting Engineering and Computer
Science 16

Improves Reporting of University Collaboration with Private Sector Entities 17

Education, Public Page 17

Improves Teacher and Other School District Employee Health Insurance 17

Expands the Authority of a Master Assigned to a School District 17

Allows School Districts to Give Computers to Students 17

Allows School Districts to Participate in a Pilot “Distance Education” Program 18

Seeks to Require a Comprehensive Analysis of Teacher Recruitment and
Retention 18

Pushes to Adjust School Finance Formulas to Equalize the Cost of Set Asides 18

Fights to Streamline School District Debt on Obligations 19

Works to Require a Study of School District Facilities Funding 19

Fights to Draw a Statutory Link Between Funding Elements of School Finance 19

Works to Ameliorate the Penalty to Poorer School Districts for the “Biennium
Lag” 19

Seeks to Promote Social Promotion Programs 20

Adds Safeguards to the Placement of Disabled Students in Juvenile Justice
Education 20

E-Government Page 20

Creates the Texas Internet Online Authority (Largest Online Portal in the World)	20
Creates the Uniform Electronic Transactions Act	20
Creates the Program Management Office in DIR	21
Authorizes the Application of a Notary Seal to an Electronic Document	21
Elections	Page 22
Helps Reduce Voter Apathy by Voting for Uniform Election Dates	22
Seeks to Increase the Number of Voters Permitted in Each Precinct	22
Ensures the Availability of Early Voting Rosters to the Public	22
Fights to Increase the Minimum Pay of the Election Judges and Clerks	22
Works to Clarify Election Laws	22
Environment	Page 23
Fights to Keep Radioactive Waste Site Away From the Border	23
Fights to Increase the Penalties for Illegal Dumping	23
Allows the TNRCC to Participate in Environmental Projects in Mexico	23
Permits the Trading of Emission Credits	24
Commission a Study of the Brick-Making Kilns along the Texas-Mexico Border	24
Government Operations	Page 24
Pushes for Study on State and Federal Mandates Affecting the Texas-Mexico Border	24
Raises the Prevailing Wage Rate in State Procurement along the Border	25
Fights to Expand Information Contained in Human Rights Commission Minority Hiring Practices Report	26
Proposes Constitutional Amendment on El Paso City-Council Consolidation	26
Eases Requirements for State Employee Contributions to the Sick Leave Pool	26
Works to Grant Increased Vacation Hours to State Employees	26
Permits an Increase in the Number of House Investigations Committee Members	27
Enables the State to Address the Exodus of Employees from State Government	27
Resolution Honoring the National Association of Retired Federal Employees	27
Secures the Future of the State’s Agricultural Industry and Rural Voice	27

Ensures Clarification of Requested Matching Funds by an Organization or Entity
from the Texas Commission on Alcohol & Drug Abuse 27

Requires State Agencies that Adjust Local Matching Funds to
Submit Annual Report 28

Enables Cities, Counties, and State Agencies to borrow Funds from the State
Infrastructure Bank 28

Closes Gap in 4A- 4B Local Development Sales Tax Law 28

Health and Human Services Page 29

Directs Health and Human Services Commission to Eliminate Medicaid and CHIP
Reimbursement Rate Disparities in Texas-Mexico Border Counties 29

Co-Authors Medicaid Simplification Bill to Enroll More Children in Health
Insurance Programs 29

Provides for Implementation of the Program for All-Inclusive Care for the Elderly
(PACE) on a Statewide Level 30

Requires the Governing Body of the Border Health Institute to Develop a 10 Year-
Strategic Plan 30

Supports Measures to Improve Children’s Health in Public Schools 30

Fights for Privacy of Medical Records 30

Fights to Require the Texas Department of Health to Address Texas-Mexico Border

He
alth
and
Me
dic
al
Infr
astr
uct
ure
Iss
ues
Thr
oug
h a
Sta
te
Str

Directs the Health and Human Services Commission to Use Certified Promotoras 31

Fights to Restore Food Stamp Benefit Level for Immigrant Childre 31

Restricts the Licensing of Dairy Operations in Area Infected with Bovine
 Tuberculosis 32

Authorizes Board of Health to Set Reasonable Optician Registry Fees 32

Allows Grandparents to Receive Financial Assistance Benefits On Behalf of a
 Dependent Child 32

Requires Study of Complaint Procedures Used by Health Care
 Regulatory Entities 33

Seeks to Provide Nutritional Assistance for Certain Legal Immigrants 33

Fights to Maintain Texas Board of Medical Examiner Fee for Physician Profile
 System 33

Seeks to Strengthen the Peer Review Process for HMO Health Providers 34

Co-Authors Omnibus Medicaid Bill 34

Supports Creation of Taskforce on CHIP and Medicaid Rate
 Setting Methodologies 34

Supports Measures that Allow Uninsured Women with Breast or Cervical Cancer to
 Receive Full Medicaid Benefits 35

Requires Employees of Health Insurance Companies to Disclose their Identities when
 Requested by Insurance Persons 35

Supports Requiring the Texas Department of Health to Widely Publicize Patient Assistance
 Programs 35

Supports Requiring HMOs and Insurance Companies to Pay Doctors and Hospitals
 Equally for Women’s Reproductive Health and Oncology Services 36

Explores the Possibility of Providing a Binational Health Benefit Plan Coverage 36

Helps Require the Texas Department of Health to Develop a State Plan for the Prevention
 and Treatment of Hepatitis C 36

Helps establish a Pediatric Diabetes Research Advisory Committee 36

Ensures Promotoras Further their Training and Receive Certification 37

Housing	Page 37
Works to Prevent Proliferation of Colonias by Authorizing Counties to Regulate Certain Aspects of Residential Land Development in Unincorporated Areas	37
Authorizes Transfer of Underused State Property to Political Subdivisions for Use as Affordable Housing	37
Authorizes Provision of Utility Services in Certain Colonias	38
Supports “Subcontractor’s Right to Be Paid” Act	38
Judiciary	Page 38
Creates Two Additional Statutory County Courts in El Paso	38
Prohibits Employer Retaliation for Reporting Child Abuse	39
Authorizes Expunction of Tribunal’s File In a Take-Nothing Judgment	39
Seeks to Deter Retaliatory Lawsuits Intended to Silence Legitimate Complaints	39
Public Information	
Directs TxDOT to Include Contractual Information on the Agency’s Website	39
Allows State Agencies to Post More Information on the Internet	40
Prohibits Governmental Entities from Releasing Personal Information about Law Enforcement Officers	40
Seeks to List State Agency Internet Addresses in Telephone Directories	40
Transportation	Page 40
Fights for Border Transportation Project Funding	40
Pushes TxDOT to Develop Recommendations to Increase International Trade in the Three TxDOT Border Districts	41
Attempts to Adjust TxDOT Funding Formulas to Account for Certain International Traffic	41
Establishes Task Force to Analyze Placement of a Port Authority in El Paso	42
Helps Require TxDOT to include Projects Related to Ports-of-Entry in State Highway Planning and Funding	42
Helps Create a Border Trade Advisory Committee	42
Initiates Joint Meetings with Transportation Officials from Texas and Mexican Border States	43

Seeks to Develop a Border Corridor Transportation Plan 43

Fights to Expand the Membership of the Texas Transportation Commission 44

Supports Design-Build as an Innovative Option for the Development of
Transportation Projects 44

Authorizes TxDOT’s Participation in the Acquisition, Construction, Maintenance,
and Operation of Toll Facilities 44

Advocates for Increased Funding for TxDOT Border Districts 45

Fights to Retrofit Existing Ports-of-Entry 45

Works to Urge Congress to Allow Foreign Membership in MPOs 45

Encourages TxDOT to Establish a Commercial Vehicle Check and Clearance System
in Mexico 46

Encourages TxDOT to Work with the Federal Government in Establishing DCLs 46

Works to Urge Congress to Take Steps to Further the Creation of Port Authorities on the
Texas-Mexico Border 46

Urges Congress to Create a New Federal Transportation NAFTA Funding
Category 47

Authorizes Sheriff’s Deputies to Perform Commercial Vehicle Safety Inspections
along the Texas-Mexico Border 47

Authorizes Issuance Of Texas Commission for the Deaf and Hard of Hearing License
Plates 47

Clarifies the Issuance of Traffic Citations to Motorcycle Operators 48

Designates Border Highway as Cesar Chavez Border Highway 48

Increases Speed Limits on Rural Highways in Texas 48

Pushes for the Authorization and Issuance of General Obligation Bonds to Aid
Counties in Colonia Roadway Improvement Projects 48

Utilities Page 49

Fights to Prevent Water Monopolies, Regulate the Sale of Water being Transported by
Pipeline 49

Forces a Water District to Disclose all Charges Pertaining to Wastewater Fees 49

Veterans Page 49

Bestows on Master Sergeant Roy P. Benavides the Legislative Medal of Honor 49

Directs State to Build Veterans Home Where Large Veteran Population Exists 50

Expands the Limit on the Amount of Revenue Bonds the Veteran’s Land Board May Issue 50

Authorizes the State to Work with Fort Bliss to Find Funds for the Air Defense Museum 50

Requires the State to Conduct a Study to Find out How to Attract New Military Missions50

Orders TxDOT to Study the State’s Military Deployment Routes 51

Workers’ CompensationPage 51

Fights for Employee Rights in State’s Worker’s Compensation System 51

Child Care

Fights for Child Care Funding for Low-Income Families

Funding for child care services in Texas is provided through a collection of federal and state sources. These funding sources are designed to provide services to low-income families with parents who are working or attending school or training. However, funding formulas for child care services are not consistent across the state, which creates a funding imbalance. Currently, El Paso has a waiting list of 7,000 for child care services. The Local Workforce Development areas that receive money use different criteria based on federal and state income measures to determine child care funding distribution. Some rely on state median income levels while others use the Federal Poverty Income levels. Sen. Shapleigh worked with Rep. Mike Villareal (D-San Antonio) to pass H.B. 2265, which would have required the Texas Workforce Commission to uniformly fund child care subsidies for children from households having income of not more than 66 percent of the state median income. Unfortunately, the bill was vetoed by Governor Rick Perry on June 17, 2001.

Fights to Allocate Child Care Funds For El Paso's Waiting List

Last session, S.B. 1391 by Sen. Shapleigh directed the Texas Workforce Commission (TWC) to do a study comparing the Commission's current allocation of child care funds with an allocation method designed to target child care funding to areas with the greatest need. The study was prompted by concern that TWC was allocating certain child care funds to areas based in part on their population of children under five, without regard to poverty or the needs of children in those areas. Data contained in the report released by TWC in November 2000 substantiate the claim that certain child care funds are not allocated in a way that maximizes delivery of those funds to children in poverty. This is an unintended consequence of state law which mandates that TWC allocate the funds it receives from the federal government by the same formula the federal government used to send those funds to Texas. Some federal formulas do not maximize delivery of child care funds to intended program recipients. Child care funds intended to reach children in poverty are most fairly allocated based on factors such as the number of children living in poverty and the number of children who are eligible for food stamps, Medicaid, TANF or Head Start. In an effort to rectify this allocation of funds, Sen. Shapleigh filed S.B. 836 which would have required the TWC to allocate child care funds utilizing a need-based formula. Although S.B. 836 received a hearing in the Senate Business and Commerce Committee, it was opposed by cities which stood to lose child care slots under a "need-based" formula.

Helps Define Quality Child Care Programs

With continuing evidence that quality child care programs lead to academic success, reduced delinquency and crime, better job opportunities, and increased productivity, the importance of providing these services has increased. Under current law, the Texas Workforce Commission (TWC) is responsible for allocating funds for child care subsidies. According to federal law, at least four percent of the funds that the state receives through the Child Care and Development Block Grant must be used to enhance child care quality. Long an advocate for child care, Sen. Shapleigh joined Rep. Mike Villareal (D-San Antonio) in serving as the Senate sponsor for H.B. 3578, which requires TWC to ensure that federal child care development funds dedicated to quality improvement activities are used only for quality child care programs. Further, H.B. 3578 defines quality child care programs that provide a safe and nurturing environment while promoting the physical, social, and intellectual development of young children. The new law will take effect on September 1, 2001.

Consumer's Rights

Fights 780% Interest Rates on Payday Loans

A deferred deposit loan or payday loan is a small consumer loan for a short period of time that is secured by the borrower's personal check. There are concerns that lenders of deferred deposit loans charge high interest rates that create a cycle of debt from which low-income consumers may find it difficult to escape. Under proposed legislation the new rate of interest on Texas payday loans was set to rise to 780%. Additionally, if a borrower is unable to repay the loan at the expiration of the loan period, the lender may extend the loan period if the borrower agrees to pay an additional interest rate, which again may be at an elevated rate. However, if the borrower does not wish to extend the loan period, the lender can deposit the original personal check, knowing that the borrower does not have the funds to cover the check. When the check is returned due to insufficient funds, some lenders have been known to turn the check over to their local criminal justice system for criminal prosecution as a hot check. These practices have raised concerns regarding the lack of regulation on deferred deposit loans. Sen. John Carona (R-Dallas) filed S.B. 471, a bill providing regulatory requirements for businesses and lenders offering deferred deposit loans. The bill would have preempted the Finance Commission rules by allowing for higher interest rates and would have removed key consumer protection provisions. Sen. Shapleigh's floor amendment successfully restored the interest rate allowed by the Finance Commission. Although the bill passed the Senate as amended, it did not pass the House.

Protects Texas Consumers from Unwanted Telemarketing Calls

Nationwide, consumers, especially the elderly and families, lose an estimated \$40 billion each year through telemarketing fraud and often complain that telemarketers invade their privacy and irritate them with numerous or aggressive solicitations. This problem prompted AARP to make this telemarketing bill its number one agenda item in the 77th Legislature. Some calls violate the state-mandated, self-imposed no-call list that is maintained by solicitors as well as violate the state time restrictions on solicitations. In an effort to minimize the problem, twenty-seven states already have enacted laws to combat telemarketing fraud, and most others have a general telemarketing statute. The primary intent of the first no-call list law, passed in Florida, was to protect the elderly. Realizing that Texas consumers want and need such a list, Sen. Shapleigh worked with Rep. Burt Solomons (R-Carrollton) to pass H.B. 472, which protects Texas consumers from unwanted telemarketing calls and penalizes telemarketers that violate the law by establishing the Texas Telemarketing Disclosure and Privacy Act. H.B. 472 requires the Public Utility Commission (PUC) to establish a telemarketer "no-call" list containing phone numbers of residential customers who do not wish to receive unsolicited telemarketing calls. H.B. 472 also gives the PUC, the Office of the Attorney General (OAG) and the state licensing agencies authority to investigate complaints and assess civil penalties as well as increases public access to civil remedies. The new law will take effect on January 1, 2002.

Helps Require Disclaimers on Advertisements that Offer Homestead Designation Services

In order to file a homestead tax exemption in Texas, an individual must be living on the property as of January 1 of the year in which the filing takes place. Some companies in Texas send a mailing to property owners that offers to file the homestead exemption for a fee. However, filing with the state is free. Working with Sen. Mike Moncrief (D-Forth Worth), Sen. Leticia Van De Putte (D-San Antonio), and Sen. Jane Nelson (R-Flower Mound), Sen. Shapleigh co-authored S.B. 141 which requires that any written advertisement offering to designate homestead property for a fee contain a clear and eligible disclaimer to prevent any misrepresentation or misinterpretation. The disclaimer will inform the recipient that the document is an advertisement and not an official state document. The new law will take effect September 1, 2001.

Helps Prohibit the Sale and Distribution of Discount Cards Deceptively Marketed as Insurance

Unfortunately, some uninsured or underinsured Texans currently purchase "prescription health insurance" or "cash discount" cards that purport to be

insurance or to offer discounts on health purchases. Such cards may look like prescription insurance cards, and may be sold for \$7-\$20 per month, but provide no benefits. Sen. Shapleigh worked with Sen. David Bernsen (D-Beaumont) in co-authoring S.B. 1637, which prohibits the selling or distribution of any card or other device that is not insurance yet purports to offer insurance coverage or discounts on health purchases. The new law will take effect September 1, 2001.

Provides for a Mile-Based Automobile Insurance Option

Currently, twenty percent of motorists in Texas are uninsured. Many of these drivers do not have insurance because they cannot afford it. Also, large numbers of uninsured in a rating area increase car insurance premiums. Traditionally, automobile insurance has been sold on a time basis, which assumes that an average number of miles are driven during the period of time that the insurance is in effect. The problem with this method is that some people drive significantly less than the average driver. Certain customers such as the elderly, lower income individuals and families with more than one car who would be willing to reduce the amount of driving they do in order to reduce their insurance premiums could benefit from a mile-based rating plan for automobile insurance coverage. Working with Rep. Ruth Jones McClendon (D-San Antonio), Sen. Shapleigh sponsored H.B. 45, which will provide drivers with an alternative to the traditional time-based plan for automobile insurance. H.B. 45 also prohibits an automobile insurance company using a mile-based rating plan from terminating coverage after a specified number of miles has been driven and allows the Commissioner of Insurance to reject the rates offered by the insurer, if the rates are determined to be excessive in comparison to the premium rates charged for similar coverage under a time-based rating plan. The new law will take effect September 1, 2001.

Restores State Regulation of Sale-Lease-Back Transactions

The Office of Consumer Credit Commissioner (OCCC) was created in 1967 to regulate the credit industry and educate consumers and creditors. OCCC regulates pawnshops and other businesses that loan money, sell merchandise on credit or give cash advances. The Sunset Advisory Committee reviewed OCCC in 2000 and set forth recommendations for their continuation as a state agency. One of the recommendations made by the Sunset Advisory Committee was to treat sale-lease back transactions as loans thereby placing them under the review of the OCCC. Specifically, a sale-lease-back transaction was defined as one in which a person sells personal property and the buyer agrees to lease it back to the seller. The recommendation of the Sunset Advisory Committee would treat as interest any amounts in excess of the sales price. The recommendations were included in S.B. 317, the legislation dealing with the continuation of the office of the Consumer Credit Commissioner. Although the recommendation imposing state regulation of sale-lease-back transactions was removed in the Senate Business and Commerce Committee, Sen. Shapleigh succeeded in placing the provision back in the bill on the Senate floor. Sen. Shapleigh's amendment will close the loophole that allowed sale-lease-back loans to avoid the application of state usury laws and the Finance Commission rules governing payday loans. The new law will take effect September 1, 2001.

Criminal Justice and Public Safety

Co-Authors James Byrd Jr. Hate Crimes Act

Between 1992 and 1999, there were 2,902 incidents of hate crimes reported in Texas. In 1999 alone, there were 286 reported incidents. In an effort to enhance the tools given to prosecutors engaged in the battle against crimes motivated by bias or prejudice, Sen. Shapleigh joined other members of the Senate in co-authoring S.B. 87, the James Byrd Jr. Hate Crimes Act by Sen. Rodney Ellis (D-Houston). The House companion to this legislation, H.B. 587 by Rep. Senfronia Thompson (D-Houston), ultimately received approval in both houses and will result in the following statutory changes: (1) enhances the penalty if the defendant intentionally selected the victim based

on the defendant's bias or prejudice against the victim's race, color, disability, religion, national origin or ancestry, age, gender or sexual preference; (2) designates an individual in the Attorney General's office to assist in the prosecution of hate crimes; (3) authorizes rendering of protective orders when hate crimes are alleged; (4) enhances reporting requirements for hate crimes; (5) mandates training for prosecuting attorneys relating to punishment enhancement due to bias or prejudice. The new law will take effect on September 1, 2001.

Requests Congress to Authorize Additional Federal Judges for the U.S. Mexico Border

The two federal judicial districts located along the Texas-Mexico Border have been inundated with drug, alien smuggling, and illegal immigration indictments, receiving 27 percent of all criminal case filings in the United States. In fact, the Western District of Texas leads the nation in the filing of drug cases. Yet, the U.S. Congress has not approved any new judges since 1990. As a result, federal authorities no longer prosecute offenders caught with less than a substantial amount of contraband and often choose to refer prosecution of these cases instead to the local district attorneys in the Texas Border counties. Local governments in the Border counties, among the poorest in the nation, have been unfairly burdened with the costs involved in prosecuting and incarcerating federal criminals. It is estimated that the annual cost to prosecute these cases ranges from \$2.7 million to approximately \$8.2 million per district attorney jurisdiction, totaling \$25 million each year. In an effort to remedy this important issue, Sen. Shapleigh worked with Rep. Pat Haggerty (R-El Paso) to pass S.C.R. 12. Through this resolution, the Texas legislature requests Congress to authorize 18 additional federal judges in order to handle the increased volume of federal drug cases along the U.S.-Mexico Border and to appropriate funds with which to reimburse Border counties for the costs incurred in prosecuting and incarcerating cases that were transferred to them by federal authorities. S.C.R. 12 was signed by the Governor on May 3, 2001.

Requires Excepting Certain Information Maintained by Family Violence Shelters and Sexual Assault Programs from Disclosure

Currently, Texas law generally provides that all information gathered by a governmental body must be made available to the public upon request. Sen. Shapleigh joined Sen. Jane Nelson (R-Flower Mound), Sen. Mike Moncrief (D-Fort Worth), Sen. Florence Shapiro (R-Plano), Sen. Leticia Van De Putte (D-San Antonio), and Sen. Judith Zaffirini (D-Laredo) in support of S.B. 15, which provides an exception to required public disclosure of records relating to the location, employees, volunteers, clients, and private donors of family shelter centers and sexual assault programs. The law took effect on May 16, 2001.

Expands Protective Orders with Regard to Dating Violence

Currently, protective orders apply only to married couples, couples with a child, or couples living together. There have been recent incidents of domestic-violence-related murders where the victims have been unable to obtain a protective order because the victim did not meet the above criteria. Sen. Shapleigh joined Senator Mike Moncrief (D-Fort Worth) and other colleagues in co-authoring S.B. 68, which enables individuals who have had a continuous social relationship of a romantic or intimate nature with an abusive partner to apply for an order to protect the victim and the victim's child.

The new law will take effect September 1, 2001.

Fights to Permit Indian Gaming Activities on Existing Reservations in Texas

As a direct result of existing gaming operations in El Paso, the Tigua Indians have shared millions in revenues with their own and the surrounding communities. They have paid off debts, provided housing and social services to tribe members, and dramatically reduced unemployment from more than 50% to less than 5%. There is debate, however, on whether these gaming operations are legal. Sen. Shapleigh worked with Rep. Juan Hinojosa (D-McAllen) and others to try and pass a bill that would have clarified state laws relating to gaming activities stipulating that gaming operations on existing federally-designated Indian lands shall be explicitly permitted. Although the bill was approved by the House and by the Senate Criminal Justice Committee, but it did not gain the approval of the full Senate.

Provides Short-Term Motor Vehicle Liability Insurance Policies for Non-Texas Resident Drivers Visiting the State

Although the Texas Legislature has considered methods to increase the compliance of Texas residents with the Motor Vehicle Safety Responsibility Act, little attention has been given to the impact of uninsured motorists entering Texas from Mexico. Currently, many motorists entering from Mexico do not have insurance to cover auto accidents that may occur while they are in Texas. Any reduction in the number of uninsured motorists on Texas highways and roadways will yield benefits to all Texas residents. Working with Senators Eddie Lucio (D-Brownsville), Judith Zaffirini (D-Laredo), and Carlos Truan (D-Corpus Christi), Sen. Shapleigh co-authored S.B. 693, which allows the commissioner of insurance to establish a system of short-term auto liability insurance to provide coverage for non-Texas residents while driving a vehicle in Texas. The new law will take effect on September 1, 2001.

Seeks to Prohibit Peace Officers from Making Unreasonable Community Care Taking Stops

Peace officers, in the performance of their duties, must have the ability to make reasonable searches and seizures under existing circumstances. But this power should not be so broad as to make abuse of power difficult to control or correct. The Court of Criminal Appeals has recently held that peace officers may stop or detain citizens without any suspicion of wrong-doing for the purpose of "community caretaking." Peace officers should have this power, but left unchecked, this new, expansive police power carries with it the potential for abuse, specifically "racial profile" stops. The current standard for reviewing the propriety of a "community caretaking" stop is limited only to determining whether the stop was reasonable on its face. There is no further scrutiny into whether a reasonable peace officer would have made the stop under the circumstances. Sen. Shapleigh worked with Rep. Jim Dunnam (D-Waco) on S.B. 242, which would have permitted judicial inquiry into whether a reasonable peace officer, under the existing circumstances, would have made a community caretaking stop or detention (a stop or detention without suspicion of any criminal wrongdoing). Passage of this legislation would have given the trial court the opportunity and authority to identify, disapprove and discourage abusive activity when found to exist. Although S.B. 242 was supported by both the Texas District and County Attorneys Association and the Texas Criminal Defense Lawyers, it died in the House Criminal Jurisprudence Committee.

Pushes for Death Penalty Moratorium and Creation of Texas Capital Punishment Commission

There are serious concerns by both opponents and supporters about the current administration of capital punishment in Texas. These include, but are not limited to, concerns about inadequate legal representation for indigent defendants, the actual guilt of defendants when evidence of guilt has not been tested with new technologies such as DNA testing, and the sufficiency of and delays in appellate review for death row inmates. In an effort to ensure that an innocent person is not put to death in Texas, Sen. Shapleigh filed two pieces of legislation designed to enhance the safeguards of the capital punishment system. As proposed, S.J.R. 25, if approved by Texas voters, would have amended the Constitution to prohibit the Texas Department of Criminal Justice from performing executions until September 1, 2003. This temporary moratorium would have enabled the Texas Capital Punishment Commission, an entity created through Sen. Shapleigh's companion legislative bill (S.B. 680), to study the administration of the capital punishment system in Texas. The commission, composed of individuals with experience in the criminal justice system, would also have been responsible for proposing legislation to correct any inequities in the process. Although S.J.R. 25 and S.B. 680 passed the Senate Criminal Justice Committee, they did not receive the approval of the entire Senate.

Increases Flexibility Given to Municipalities Operating Detention Facilities

In 1989, the legislature passed maximum inmate population standards for facilities operated by a municipality. Under those standards, a facility must be designed and constructed to hold not more than an average daily population of 500 inmates. At the time the legislation was passed, the private corrections industry was new and privately operated facilities never exceeded 500 beds. It has now become common for private vendors to operate much larger facilities. Although many municipalities now require detention facilities which exceed the 500 bed limit, they are excluded from examining the option of a public/private partnership to construct and operate a larger capacity facility. In an effort to increase the flexibility given to municipalities in dealing with criminal justice issues, Sen. Shapleigh served as the Senate sponsor of H.B. 2818 by Rep. David Counts (D-Knox City). This legislation will allow prison facilities operated by a municipality to hold an average daily population of up to 2,000 inmates. The new law became effective on June 13, 2001.

Supports Texas Fair Defense Act

In response to a lack of uniformity in standards and quality of representation among the many indigent defense systems in Texas, Sen. Shapleigh joined many members of the Senate in co-authoring S.B. 7 by Sen Rodney Ellis (D-Houston) and Rep. Juan Hinojosa (D-McAllen). Under the provisions of this comprehensive legislation, counties must adopt consistent county-wide indigent defense systems which meet the basic minimum standards specified in the statute. Other key components of the bill include: (1) a provision that an arrested person must be brought before a magistrate within 48 hours of arrest where the person is to be given the right to request the appointment of counsel; (2) a provision that appointed defense lawyers must make reasonable efforts to contact their clients within one working day of appointment; (3) new statewide attorney

qualification standards for handling death penalty cases, and (4) creation of a centralized reporting system for the collection of local county data on indigent defense practices and spending. The new law will take effect January 1, 2002.

Helps Establish Procedures for Preservation of DNA and Post-Conviction DNA Testing

Texas statutes regulating the use of biological evidence, particularly evidence containing DNA, have been surpassed by new scientific developments. Sen. Shapleigh joined Senator Robert Duncan (R-Lubbock) and 22 other colleagues in co-authoring S.B. 3, which establishes procedures for the preservation and use of evidence containing DNA and post-conviction DNA testing. Specifically, S.B. 3 will authorize a convicted person to request a DNA test, require the court to order a test if certain conditions are met, require courts to appoint and compensate attorneys for indigent defendants who want to pursue DNA testing and allow appeals of court decisions relating to DNA tests. The new law took effect on April 5, 2001.

Helps Expand Collection of DNA to Help Fight and Prevent Crime

The Combined DNA Index System (CODIS) maintains DNA profiles sent in from local, state, and national law enforcement agencies. Recent advances in forensic science have achieved a high success rate in identifying perpetrators and eliminating suspects using DNA, the fundamental building block of an individual's genetic makeup. Under current law, DNA is collected from individuals convicted of sexual assault, murder, aggravated assault, and burglary. Sen. Shapleigh joined Sen. Gonzalo Barrientos (D-Austin) and other colleagues in co-authoring S.B. 638, which expands the Texas CODIS database to include the collection of DNA specimens for persons arrested, charged with, or convicted of certain felonies, including kidnapping and sexual offenses that are not currently included in DNA collection requirements. The new law will take effect September 1, 2001.

Economic Development/Skilled Workforce

Fights to Create Texas “Marshall Plan”

Texas must invest in and create economic engines in the Texas-Mexico border region that will allow that part of the state to grow, prosper, and participate in the Texas dream. For decades, Texas has simply not made the strategic investment in Border communities that we have seen in other regions. For example, the nine universities on the Border share 18 doctoral programs, while Lubbock County has 58. If this is not done, the future cost to the state to provide for this region will increase and affect future family incomes across Texas. In order to bring a statewide perspective to strategic Texas-Mexico border region investment, Sen. Shapleigh worked with Rep. Pete Gallego (D-Alpine) to file S.B. 1837. This historic legislation would have created the Texas Border Strategic Investment Commission composed of the Lt. Governor (Chair), Speaker of the House, Comptroller, Commissioner of Agriculture, and Secretary of State. The commission would have been responsible for identifying and directing funding for strategic development initiatives in the six metropolitan statistical areas in the Texas-Mexico border region.

Criteria for evaluating strategic investment initiatives were detailed in the legislation as follows: (1) whether the initiative was the most significant investment the state could make in a key regional cluster to produce a sound foundation for economic development; (2) whether the investment

leveraged other significant funds or had an objective and calculable rate of return; (3) whether the funds were being invested in a clearly defined concept with significant regional support; (4) whether the concept required special investment in order to be accomplished in the near future because similar and timely funding by local, state or federal sources in the normal appropriations process was unlikely; and (5) whether the investment would increase the per capita income and decrease the unemployment rate of the affected area.

The commission would also have been required to evaluate the strategic development initiatives which received funding during the preceding fiscal biennium according to the following performance measures: (1) the number of jobs created by the initiative; (2) the impact of any economic development on wage rates in the affected MSA; (3) the level of wages and benefits paid by the employer of the created jobs; (4) other funds that were leveraged from the commission's investment in a particular initiative; (5) the initiative's ability to attract new industry to the Texas-Mexico Border region; and (6) the duration and quality of the jobs created. Under the legislation as originally filed, \$250,000,000 would have been appropriated from the economic stabilization fund for investment by the Texas Border Strategic Investment Commission during the two-year period beginning September 1, 2001. Although S.B. 1837 passed the Senate in its original form, it died in the House during the last days of session.

Creates an Integrated Economic Development Budget

Currently, the state lacks an integrated economic development budget, also known as a unified budget, that would bring together in one place several important aspects of economic development: 1) all state economic development activity by state agency; 2) all fiscal support for economic development, whether through direct appropriation or through tax incentives; and, 3) performance measures for each program to measure the effectiveness of each investment made for the purposes of state economic development. Sen. Shapleigh worked with Rep. Jim Solis (D-Harlingen) to pass S.B. 275, which directs the Comptroller of Public Accounts to develop in a single document an integrated economic development budget. The integrated economic development budget will also present the total cost to the state of economic development initiatives, whether incurred directly through an appropriation or indirectly via tax incentives, and include appropriate performance measures to evaluate the effectiveness of each economic development program. By collecting these data, an integrated economic development budget will help direct scarce public resources into activities that produce the best results for the state of Texas. The new law took effect on June 16, 2001.

Creates a Texas-Mexico Commerce and International Relations Coordinated Plan

Under current law, state agencies that interact with Mexico do not have a coordinated multi-agency plan to address issues concerning Texas-Mexico commerce. Working with Sen. Eddie Lucio (D-Brownsville), Sen. Shapleigh co-authored S.B. 326, which requires the Texas Department of Economic Development to establish the Texas-Mexico Commerce and International Relations Initiative Unit to develop a coordinated plan for organizing state agency initiatives regarding trade relations with Mexico. The new law took effect on June 16, 2001.

Pushes to Create Border Community Trade Task Forces

Eighty-percent of all U.S. trade with Mexico passes through Texas' ports of entry, making Mexico the state's most important trading partner. Unfortunately, inspection and customs procedures at our ports-of-entry are outdated and cannot keep up with the increase in Border traffic resulting from

NAFTA. This has led to congestion and air pollution in Border cities and restricted the movement of goods and people across the Border. To facilitate overland trade with Mexico, the state must identify the current barriers, both procedural and infrastructure-related, to northbound Border crossings at each of Texas' ports-of-entry and identify the infrastructure and staffing needs for each port. Sen. Shapleigh worked with Rep. Kino Flores (D-Mission) to introduce S.B. 508, which would have directed the Lieutenant Governor and Speaker of the House to establish Border Community Trade Task Forces for each of the four municipalities with the largest populations in the Border region. These task forces would have identified procedural and infrastructure barriers to the flow of commerce between the United States and Mexico at Texas ports-of-entry. Each task force would have included representatives from U.S. and Mexican federal and state agencies, customs brokers, freight forwarders, motor carriers and maquiladora operators. The bill died in the House State Affairs Committee after passing the Senate.

Pushes to Aid the Development and Production of Texas Biotechnological and Biomedical Products and Small Business

In 1989, a constitutional amendment was passed authorizing the issuance of bonds for the initial funding of a product development fund and a small business incubator fund. The enabling legislation originally empowered the Texas Department of Commerce to manage both funds, but when this agency was abolished, the enabling legislation was struck from statute. However, the funds are still authorized in the Texas Constitution and count towards Texas' bond rating. Sen. Shapleigh worked with Sen. John Carona (R-Dallas) in co-authoring S.B. 1485, which would have set forth provisions relating to state financing of the development and production of Texas biotechnological and biomedical products and small businesses and provided for the issuance of bonds. Specifically, the bill established the Product Development and Small Business Incubator Board in the state Comptroller's office and required the board to administer the product development and small business incubator programs and their respective funds. Sen. Shapleigh ensured that two of the board members would come from Strategic Investment Areas (SIAs) around the state. Although the bill passed the Senate, it died in the House.

Authorizes Statewide Economic Development Plan

Currently, the state lacks a statewide economic development planning process to guide and improve long-term economic development. Although the state's Strategic Economic Development Plan (1998-2008) spelled out some broad goals, it did not detail the total resources currently devoted to state business tax incentives or economic development programs. Further, the plan did not provide a cost/benefit analysis for current or proposed economic development programs or tax incentives. Also, the plan did not outline the long-term implications of current programs or its recommendations for future programs and is not scheduled to be updated by any agency, special task force or interim committee. Rather than allowing each agency to develop a separate plan for economic development, the state should develop a statewide planning process that takes into account the long-term economic effects of state infrastructure investments. Sen. Shapleigh worked with Rep. Jim Solis (D-Harlingen) to pass H.B. 931, which directs the Comptroller of Public Accounts and the Department of Economic Development to develop a plan to coordinate the state's economic development efforts. The plan will establish short- and long-term goals and objectives for state economic development incentives, incorporating into the process regional and local development priorities. The new law took effect on June 17, 2001.

Allows Border Communities to Create NAFTA Impact Zones

Many areas of the state have experienced prosperity resulting from the North American Free Trade Agreement (NAFTA), but communities along the Border have frequently not benefitted from this economic growth. In order to encourage the creation of new businesses in these communities, it may be helpful to establish zones in which certain construction fees are waived, taxes are refunded or reduced, and baseline performance standards are established to encourage the use of alternative building materials that address concerns relating to the environment. Sen. Shapleigh worked with Rep. Norma Chavez (D-El Paso), and Rep. Jim Solis (D-Harlingen) and sponsored H.B. 2808, which authorizes a municipality to establish a NAFTA impact zone if the municipality determines that the creation of such a zone would promote: 1) business opportunities for local businesses in the zone; 2) an increase in economic development in the zone; and 3) employment opportunities for residents of the zone. The new law will take effect September 1, 2001.

Mandates Training for Development Corporation Employees

Since 1989, voters in many Texas cities have had the option of imposing a local sales and use tax to help finance community economic development efforts. Over 400 cities have levied this tax, helping to raise revenues in excess of \$240 million in 1999. Requiring persons associated with development corporations to complete a training seminar on the operation and administration of development corporations may result in more effective use of this revenue. Sen. Shapleigh joined Rep. Jim Solis (D-Harlingen), Rep. Mark Homer (D-Paris), and Rep. Al Edwards (D-Houston) in sponsoring H.B. 3178, which requires persons associated with development corporations to complete a seminar developed by the Texas Department of Economic Development. The new law will take effect September 1, 2001.

Seeks Federal Appointment of Border Commerce Czar

The North American Free Trade Agreement (NAFTA) has become a positive economic force for the United States, Mexico, and Canada. Trade between the United States and Mexico has increased from \$87.4 billion in 1994, the year NAFTA took effect, to an estimated \$214 billion in the year 2000, making Mexico the second largest trading partner with the United States. The daily flow of international trade through Texas, while a boon to the United States and Texas economies, has strained border infrastructures by creating heavy traffic congestion, border-crossing delays and increased air and noise pollution. Every day, 12,000 trucks cross through the Texas-Mexico ports-of-entry and into Border commercial zones. In 1999, approximately 4.4 million truck crossings occurred through nine ports-of-entry, a 250% increase since NAFTA was ratified. Some estimates show that truck traffic is expected to increase by eighty-five percent during the next three decades. In response, Sen. Shapleigh worked with Sen. David Sibley (R-Waco) and 26 other state Senators to pass S.C.R. 16, which asks the U.S. Secretary of Commerce to appoint a federal official whose sole responsibility would be to coordinate the activities between the various government agencies, business communities, and citizens along the U.S.-Mexican and the U.S.-Canadian Border. In addition, the Border "Czar" would examine current practices and look at new initiatives to ease the flow of trade, to improve the infrastructures necessary to move commerce, and address the negative impacts on the health and safety of the Border's residents. The resolution was signed by the Governor during the session and sent to President Bush on February 8, 2001.

Establishes TWC Technology Pilot Program

The U.S. Senate passed the North American Free Trade Agreement (NAFTA) on November 20, 1993. NAFTA went into effect January 1, 1994, establishing free and open trading borders between the United States, Mexico, and Canada. NAFTA was designed to change the nature of trade among its partners, create U.S. jobs, and increase import-export activity. With the impact of NAFTA and other changes in the state economy, the Texas job market is shifting toward high-tech positions requiring a skilled labor force. According to the Texas Workforce Commission's (TWC) Texas Labor Market Review, the demand for computer-related occupations will continue to increase as a result of advances in computer technology and the continuing demand for new computer applications. Workers skilled in computer technology will continue to be needed across all industries. Sen. Shapleigh joined Rep. Norma Chavez (D-El Paso) and Rep. Jim Solis (D-Harlingen) in sponsoring H.B. 2593, which directs TWC to establish and implement a pilot program for technology training. H.B. 2593 will help both employed and unemployed individuals secure the basic skills they need to enter or advance in the workforce as well as develop technological skills that emerging high-growth fields demand. The law will specifically help those individuals employed in low-wage jobs and those whom trade has displaced. The new law will take effect on September 1, 2001.

Establishes the Texas Career Opportunity Grant Program

Currently, Texas does not provide any state financial assistance to students who attend private career colleges and schools. Enabling more people to afford and thus attend an institution for post-secondary career education and training may increase the level of skills found in the state workforce. Sen. Shapleigh joined Senators John Carona (R-Dallas), Gonzalo Barrientos (D-Austin) and Mario Gallegos (D-Houston) in co-authoring S.B. 554, which establishes the Texas Career Opportunity Grant Program. This effort will help ensure a qualified workforce by reducing the financial barriers to post-secondary career education and training for economically disadvantaged Texans. Specifically, the program will provide tuition assistance to Texas students enrolled in a

qualified education program at eligible proprietary schools. The new law will take effect September 1, 2001.

Strengthens Tax Abatement Legislation

Local governments often use tax abatements to attract new industry and commercial enterprises. Over 700 tax abatement agreements have been executed by Texas local governments since the early 1980s. Through 1999, these agreements are credited with producing approximately 275,000 new or retained jobs. In 1995, the legislature re-authorized local governments to continue using property tax abatements until September 1, 2001. Sen. Shapleigh added a key amendment to H.B. 1449 by Rep. Rene Oliveira (D-Brownsville) which extends the re-authorization period until September 1, 2009. He also added a provision to the legislation that requires the Comptroller to submit a report to the legislature before each session on designated reinvestment zones and current tax abatement agreements. H.B. 1449 became effective on June 15, 2001.

Fights to Require Reporting by Financial Institutions that Serve as Depositories of Public Funds

Texas has a keen interest in ensuring its citizens have ample access to capital to facilitate economic growth and that financial institutions doing business in Texas maintain ties to and open involvement in their Texas communities. But current law does not require financial institutions doing business in Texas to report the information necessary to measure and evaluate their loan to deposit ratios or their relationship with local communities. In the absence of the disclosure of this information, Texas can neither reward financial institutions that are good contributing citizens to the state's economy nor can it identify a financial institution that is harvesting and exporting Texas capital rather than reinvesting that capital in Texas communities. Sen. Shapleigh filed S.B. 1493 in an effort to reward those financial institutions that are contributing to the community by allowing them to be depositories of public funds. As proposed, S.B. 1493 would have provided that a financial institution doing business in Texas could serve as a depository of Texas public funds only if the financial institution: (a) filed an annual report stating its deposit levels and the levels of certain home, commercial, small business and household loans; (b) filed an annual report describing its community reinvestment initiatives, its small business loans, its business and loan assistance programs, its employee base, and its charitable contributions; (c) advertised its prime lending rate for small businesses in advertisements for small business loans, and (d) had not been assigned a rating below "satisfactory record of meeting community credit needs" under federal regulatory law. Although S.B. 1493 received a hearing in the Senate Business and Commerce Committee, it was unable to garner the support necessary to pass to the Senate floor.

Works to Provide Capital for Community Development Institutions in Economically Distressed Areas

Community Development Financial Institutions (CDFIs) are certified by the U.S. Department of Treasury and are financial institutions that specialize in serving underserved communities and low-income individuals. CDFIs include community development banks, credit unions, loan funds, venture capital funds, and multi-bank community development corporations. Due to his strong

interest in access to capital, Sen. Shapleigh filed S.B. 838, which would have required the Texas Department of Banking to establish a community development investment program in which grants or interest-free loans are made to eligible CDFIs who make community development loans in distressed areas of the state. CDFIs could also have used the grant or loans funds provided by the Department of Banking to assist low income areas by providing basic consumer financial services. Unfortunately, S.B. 838 was unable to garner the support needed to pass to the Senate floor.

Adds Border Strategic Investment Area Amendment to Increase Border Tax Incentives

H.B. 1200 by Rep. Kim Brimer (R-Fort Worth) and Sen. Chris Harris (R-Arlington) permits school districts to grant tax abatements to new businesses without penalty under the state school-finance formulas. To qualify for an abatement, a new investment would have to be greater than a certain minimum amount, which varies by the size and location of the school district. New jobs created would have to pay at least ten percent more than the average wage for manufacturing jobs in the county and would have to offer employer-paid health insurance for employees. Sen. Shapleigh successfully offered an amendment to H.B. 1200 which will allow school districts in counties with above-average unemployment and below-average income (“strategic investment areas”) to offer tax abatements at lower levels of investment. This amendment allows more investments to qualify for incentives from school districts in El Paso County.

Gives Native-American Groups the Option to Pay Reimbursements for Benefits in Lieu of Unemployment Insurance Taxes

The Federal Consolidated Appropriations Act 2001, signed into law December 21, 2000, made amendments affecting current federal and state unemployment insurance laws. In Texas, prior to January 1, 1995, Native-American groups were treated as political subdivisions and had the option of reimbursing a state for an unemployment benefit paid to former employees of the tribe instead of paying unemployment insurance taxes. In 1995, the United States Department of Labor (DOL) notified the Texas Workforce Commission (TWC) that classifying Native-American tribal councils as governmental entities and allowing them to pay reimbursements was not in compliance with DOL regulations, and TWC changed the status of tribes accordingly. To save Native-American groups and Texas employers \$2.8 billion in potential federal tax increases, Sen. Shapleigh worked with Rep. Ken Yarbrough (D-Houston) and sponsored H.B. 2029, which modifies provisions relating to unemployment insurance to bring Texas into compliance with regulations mandated by federal law under the consolidated appropriations Act. Without the implementation of this legislation, Texas could have lost the federal offsetting tax credit for state employers of 5.4% against their federal unemployment tax. The new law took effect on June 11, 2001.

Education, Higher

Helps Pass Research and Excellence Funding Legislation for Institutions of Higher Education

Currently, Texas ranks second in the nation in the total number of high-tech jobs and first in the number of new jobs created since 1990. The economic future of Texas depends on the state’s ability to remain at the forefront of scientific and technological innovation. Through university research, new technologies are developed and commercialized which creates a considerable economic advantage for the state. Due to his strong belief in capacity-building at our public universities, Sen. Shapleigh joined other members of the legislature in supporting H.B. 1839 by

Rep. Rob Junell (D-San Angelo) and Sen. Rodney Ellis (D-Houston). This important legislation creates the Texas Excellence Fund and University Research Fund to support educational activities which promote increased research capacity and develop institutional excellence. Both funds are slated to receive \$33.77 million over the next biennium. Under the provisions of H.B. 1839, the University of Texas at El Paso will receive an estimated \$8.9 million in new research funding. The new law will take effect on September 1, 2001.

Establishes a Long Range Statewide Plan for Higher Education in the State

The future economic development of the state depends in large part on the education of the population, and yet there is no cohesive long-range statewide plan that addresses the higher education needs of each region of the state of Texas. Factors such as high population growth in the urban and border regions of the state add to the need for a statewide plan. Sen. Shapleigh served as the Senate sponsor for H.B. 1799 by Rep. Villareal (D-San Antonio) requires the Higher Education Coordinating Board (HECB) to document the widely varying educational needs, services and resources throughout the state and to publish this information in biennial reports to the legislature. These plans will include recommendations to address the needs of the different populations throughout the state. The bill took effect May 25, 2001.

Facilitates the Transfer of Credits Between Community College and Other Institutions

Sen. Shapleigh served as the Senate sponsor of H.B. 1359 by Rep. Mike Villareal (D-San Antonio), a bill that builds upon the course transfer laws of the prior session. In El Paso hundreds of credit hours are lost because a student finds that he can not transfer these hours from institution to institution. With this legislation, the Higher Education Coordinating Board is directed to expedite their "field of study" reviews, which will help community college students clearly identify the courses necessary before transferring to a four-year institution. This legislation will contribute to the creation of a seamless system of public higher education in the state. The bill took effect on June 14, 2001.

Establishes a Framework for Repayment of Law School Loans for Defense Lawyers

Sen. Shapleigh served as the Senate sponsor for Rep. Pete Gallego's (D-Alpine) H.B. 2323, which creates an incentive for young attorneys to practice indigent defense law despite uncompetitive salaries and benefits. Today's law school graduate now carries an average debt of \$80,000, which creates pressure to seek high paying jobs. This bill creates a fund administered by the Higher Education Coordinating Board to relieve up to half of an attorney's law school debt. The new law will take effect on September 1, 2001.

Fights to Create an Internet Database Listing the Quality of Higher Education Institutions

Sen. Shapleigh worked with Rep. Irma Rangel (D-Kingsville) to advance legislation requiring the Higher Education Coordinating Board to maintain a central Internet database listing all public higher education institutions in the state and their relative qualities. The site, based on *U.S. News & World*

Report's annual higher education comparison chart, would have included average scores and grades of incoming students, cost information, and other information to allow students and their parents to quickly and easily identify the strengths and weaknesses of each school. The bill was approved by the Senate, but failed to pass the House in the final days of the session.

Works to Adjust Statute to Allow the Comptroller to Review Higher Education Institutions

The Comptroller's office conducts "Texas School Performance Reviews" for the purpose of improving the operational efficiency of public school districts. To date, they have completed 46 of these reviews, resulting in improved operations, greater accountability, and a significant savings to taxpayers throughout the state. Sen. Shapleigh worked with Rep. Scott Hochberg (D-Houston) to advance legislation that would have expanded the enabling statute to allow the Comptroller's office to also conduct performance reviews of institutions of higher education as well. Throughout the border region higher education institutes graduation rates ranging from 22%-29%. The causes of which must be addressed. The bill was approved by the Senate, but failed in the final days of the session in the House.

Expands the Technology Workforce by Promoting Engineering and Computer Science

Sen. Shapleigh joined 22 other senators in co-authoring S.B. 353 by Sen. Rodney Ellis (D-Houston) and Rep. Brian McCall (R-Plano). The bill responds to the shortage of engineers and computer scientists in the state by creating the Texas Engineering and Technical Consortium, a public-private partnership to promote higher education in these fields. This consortium will fund student recruitment efforts, teacher salaries, curriculum quality, and other programs designed to increase the number of engineers and computer scientists in the state. The new law will take effect on September 1, 2001.

Improves Reporting of University Collaboration with Private Sector Entities

Sen. Shapleigh worked with Sen. Rodney Ellis (D-Houston) and Rep. Brian McCall (R-Plano) to improve S.B. 1190, a bill that establishes centers within higher education institutions to manage, transfer, market, or otherwise commercialize technology. Sen. Shapleigh added a reporting requirement so that the quantitative benefits of these collaborative centers is known to both legislators making appropriations and other private sector groups benefitting from the application of the technology. The new law will take effect on September 1, 2001.

Education, Public

Improves Teacher and Other School District Employee Health Insurance

With over 40,000 teaching vacancies and more than 40 percent of teachers leaving within three

years, Sen. Shapleigh concluded that in addition to compensation, teachers need a state funded benefits program that would serve as an employment incentive. Sen. Shapleigh filed S.B. 389 and S.B. 928 along with their accompanying constitutional amendments, S.J.R. 14 and S.J.R. 28, in order to address the teacher health insurance crisis in the state. Sen. Shapleigh's bills differed from other teacher health bills introduced this session in their scope and their creative funding mechanisms. Sen. Shapleigh's bills would have offered high quality coverage for all school district employees, their dependents, and school district retirees. While his bills were not approved by the Legislature, some of his ideas were incorporated into the final school employee health insurance bill, H.B. 3343, which started to be phased into effect on June 15, 2001.

Expands the Authority of a Master Assigned to a School District

School districts that earn an "academically unacceptable" rating in the state's education accountability system are subject to various sanctions, including temporarily replacing a school district board of trustees or annexing the district to one or more adjoining districts. By the time a district's performance has declined to such a degree, however, it often requires many years of work to reverse this trend. Sen. Shapleigh worked with Rep. Joe Pickett (D-El Paso) to halt declining performance in school districts before the problem becomes severe. Specifically, the Shapleigh and Pickett amendments to H.B. 1144 allow for a district to be subject to these sanctions if an outside mediator (called a "master") has been assigned by the state to oversee a district for a period of one year or more. The bill took effect May 22, 2001.

Allows School Districts to Give Computers to Students

Although many projects have been developed to confront the "digital divide," it remains stubbornly correlated to wealth. Access to computers during the educational years yields long-term benefits in terms of participating and competing in the modern economy. Sen. Shapleigh was the author of an amendment to S.B. 1458, a comprehensive electronic commerce bill, that will help close the "digital divide." The amendment enables school districts to accept used computers from state agencies and from private donors and pass this equipment to students who would not otherwise have access to computers at home. Recipient school districts exercise local discretion in refurbishing the used computers or in passing them along in their existing condition. Rules for implementing the transfer of equipment also depends upon local discretion, except that school districts must give preference to educationally disadvantaged students without home computers. The new law took effect June 15, 2001.

Allows School Districts to Participate in a Pilot "Distance Education" Program

"Distance education" is a new educational paradigm made possible by the advances in computers over the past few years. Through distance classrooms, school districts may offer electronic courses to students, an option which provides more flexibility for students with jobs, disabilities, special learning needs, or other special circumstances. Sen. Shapleigh worked with Rep. Scott Hochberg

(D-Houston) to pass S.B. 975, which requires the Commissioner of Education to implement a pilot distance education program. The Commissioner will be responsible for selecting school districts to participate in the program, with particular attention paid to rural and urban districts with a higher than average number of at-risk students or a higher than average dropout rate. The Commissioner is required to assess the efficacy of the program before the next legislative session. The new law took effect June 14, 2001.

Seeks to Require a Comprehensive Analysis of Teacher Recruitment and Retention

Texas has been losing teachers faster than the market is replacing them. With over 40,000 vacancies and more than 40 percent of teachers leaving within three years, the inescapable consequence is a decline in the state's quality of education. Sen. Shapleigh filed S.B. 598 in order to examine and remedy this situation. The bill would have required the Dana Center at the University of Texas to conduct a study of teacher recruitment and retention issues and to provide recommended solutions. The bill was passed by the Senate Education Committee, but lawmakers were not able to find sufficient revenues to finance the study.

Pushes to Adjust School Finance Formulas to Equalize the Cost of Set Asides

"Set Asides" in the context of school finance refers to a group of programs that are funded by reducing the "compensatory education" allotments to all non-wealthy school districts in the state. Sen. Shapleigh filed S.B. 1447 in order to correct this basic inequity in the funding formulas. The bill would have directed the Commissioner of Education to adjust the state public education funding formulas to require all districts to contribute to the cost of funding "set aside" programs. Although this bill did not receive the approval of the Senate Education Committee, the concept is now on the table for consideration by the interim committee on school finance.

Fights to Streamline School District Debt Obligations

School districts that receive state assistance for debt payments participate in one or both of two programs: the "Instructional Facilities Allotment," (IFA) and the "Existing Debt Allotment" (EDA). Sen. Shapleigh authored and worked with Rep. Scott Hochberg (D-Houston) to introduce S.B. 552, a bill to simplify and streamline the two programs. Debt incurred under the IFA would have automatically rolled into the EDA program, and the debt eligible for the EDA program would have expanded every two years. Through this mechanism, all school district debt except that of the wealthiest districts would have been eligible for state assistance, thus creating a truly "equalized" debt program in the state. The bill was not considered in the Senate Education Committee, but it contributed to the discussion of school district debt in the House.

Works to Require a Study of School District Facilities Funding

The equity, or fairness, of school finance formulas in Texas is based in part on funding "weights,"

which direct more or less funding to each school district according to district and student characteristics. Districts with many “special education” students, for example, receive more funds than other districts. Sen. Shapleigh introduced legislation to study how the state funds school district facilities, and especially whether a similar “weighted” system would be appropriate for facilities funding. Unfortunately, S.B. 597 was not given a hearing in the Senate Education Committee.

Fights to Draw a Statutory Link Between Funding Elements of School Finance

The three most basic elements of the state’s school finance formulas are the “basic allotment,” the “tier 2 guaranteed yield level,” and the “equalized wealth level.” The relationship between these three elements prescribe the equity of the system, but there is no mandated link between the three. Sen. Shapleigh introduced S.B. 1490 to create a formal link between these elements in a manner that is guaranteed to improve the equity of the system over time. The bill was not approved in the Senate Education Committee, but the concept is now on the table for consideration by the interim committee on school finance.

Works to Ameliorate the Penalty to Poorer School Districts for the “Biennium Lag”

One of the features of the state’s school finance system is the use of tax rates set in the second year of the preceding biennium for the sake of state funding levels. This feature, known as the “biennium lag,” is intended to preclude unpredictability in the state’s budget, but it also has the effect of limiting the tax rate discretion of non-wealthy school districts. Sen. Shapleigh introduced S.B. 1492 in order to ameliorate the punitive effects of the “biennium lag.” The bill would have required the Commissioner of Education to honor current-year tax effort for state funding purposes if surplus state funds became available due to property value increases. The bill was not approved in the Senate Education Committee, but the concept is now on the table for consideration by the interim committee on school finance.

Seeks to Promote Social Promotion Programs

Sen. Shapleigh served as the Senate sponsor of Rep. Sylvester Turner’s (D-Houston) H.B. 3631, a bill that would have delayed the elimination of the social promotion program in light of the new “TAAS II” test being administered in 2002-2003. This new test is expected to be more rigorous than the current exam, which will likely result in a higher failure rate. This bill would have delayed the retention of failing students until 2003-2004 (the following year). Although the bill was approved in the House, it died in the Senate Education Committee.

Adds Safeguards to the Placement of Disabled Students in Juvenile Justice Education

Sen. Shapleigh served as the Senate sponsor of Rep. Sylvester Turner’s (D-Houston) H.B. 2108. The bill responded to the practice of expelling disabled students from regular classrooms and

placing them in Juvenile Justice Alternative Education Programs (JJAEPs). This bill required the JJAEP authorities to consent to the placement of each child based on a determination that their special needs could be met. The bill was approved in the House, but was not approved by the Senate Education Committee. It was later modified and attached as an amendment to S.B. 189 and became effective on June 15, 2001.

E-Government

Creates the Texas Internet Online Authority (Largest Online Portal in the World)

The Electronic Government Task Force, authorized by the 76th Legislature through Sen. Shapleigh's S.B. 974, has successfully launched the Texas Online Internet portal to provide a single point for citizens and businesses to access electronic government (e-government) services in Texas. Through Texas Online, citizens can now renew their car registration and driver's license over the Internet. In addition, Texas businesses have online access to filing and payment of sales tax, insurance agent license renewal, air conditioning and refrigeration contractors license renewal, and registration for certain events through TNRCC. Texas Online also links to more than 200 forms and applications from 124 agencies, and many more government services are currently being developed for inclusion in Texas Online.

Sen. Shapleigh worked with Rep. Burt Solomons (R-Carrollton) to pass S.B. 187, which provides for the continued success and expansion of the Texas Online Internet portal through the establishment of a 15-member commission to provide vision, leadership, and operational oversight for the project. S.B. 187 also requires the commission to report to the legislature on the feasibility of allowing the sales and placement of advertising on Texas Online. The new law took effect on May 26, 2001.

Creates the Uniform Electronic Transactions Act

Current state law does not contain any provisions governing the use of electronic signatures, contracts, and records. Therefore, parties must enter into electronic contracts or send electronic records at their own risk. The Electronic Signatures in Global and National Commerce Act, passed by the 106th Congress in 2000, provided that in any transaction affecting interstate commerce an electronic signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because of its electronic format. The federal legislation also authorized states to enact or adopt the Uniform Electronic Transactions Act, as approved and recommended for enactment in all states by the National Conference of Commissioners on Uniform State Laws in 1999. Several states have adopted such an act. Sen. Shapleigh worked with Sen. John Carona (R-Dallas) in co-authoring S.B. 393, which creates the Uniform Electronic Transactions Act to permit electronic records and electronic signatures in electronic transactions and electronic commerce to be legally enforceable. The new law will take effect January 1, 2002.

Creates the Program Management Office in DIR

Currently, Texas is moving forward with electronic government in a decentralized fashion, with no single agency responsible for ensuring that e-government advances effectively and efficiently in an increasingly high-tech world. Lack of coordination between government entities concerning e-government has also resulted in increased costs to taxpayers resulting from unnecessary duplicate costs of developing and implementing systems, incompatible systems, poor interoperability, and ineffective security. Realizing this, Sen. Shapleigh served as a co-author of S.B. 1458 by Sen. Robert Duncan (R-Lubbock), which creates a number of new electronic services designed to benefit Texas citizens and businesses and to improve the efficiency and effectiveness of state and local government. This bill establishes an Electronic Government Program Management Office in the Department of

Information Resources (DIR) to guide, promote, and facilitate the implementation of select e-government projects and to manage the ongoing development of the Texas Online Internet portal created by Sen. Shapleigh's S.B. 187.

S.B. 1458 includes \$5 million in grants that will be targeted to Strategic Investment Areas (regions of the state that have below average per capita income and above average unemployment). The grant money will cover the fees charged to communities to access the Texas Online Portal. The new law took effect on June 15, 2001.

Authorizes the Application of a Seal to an Electronic Document

Currently, state law precludes electronic notarization because the notarization must be accompanied by a raised, or embossed, seal, which is not possible in an electronic format. Sen. Shapleigh worked with Rep. Burt Solomons (R-Carrollton) to pass S.B. 276, which permits, but does not require, the use of electronic notarization. Specifically, S.B. 276 amends the Civil Practice and Remedies Code to provide that an embossed seal is not required on acknowledgments that are transmitted electronically. In addition, S.B. 276 amends the Government Code, which governs notaries public, to provide that notarizations sealed electronically do not need an embossed seal. The seal must still contain the five-pointed star, surrounded by the words "Notary Public, in and for the state of Texas," along with the notary's name and the date his or her commission expires. It is important to note that S.B. 276 does not change the responsibilities of notaries public. The new law took effect on May 11, 2001.

Elections

Helps Reduce Voter Apathy by Providing for Uniform Election Dates

Sen. Shapleigh worked with Sen. Florence Shapiro (R-Plano), Sen. Tom Haywood (R-Witchita Falls), Sen. Jane Nelson (R-Flower Mound), and Sen. Jeff Wentworth (R-San Antonio) to pass S.B. 79, which was sponsored in the House by Rep. Jerry Madden (R-Richardson). The bill eliminates several exceptions from the uniform election dates. Under former law, there were four uniform election dates, but 10 exceptions permitting political subdivisions to hold elections on other days. These exceptions resulted in multiple elections for various local, state, and federal affairs, which causes voter apathy and confusion. This bill, which took effect in May, will reduce the number of such elections.

Seeks to Increase the Number of Voters Permitted in Each Precinct

Sen. Shapleigh served as the Senate sponsor of H.B. 709 by Rep. Debra Danburg (D-Houston). In order to accommodate urban population growth, this bill would have increased the maximum number of registered voters per precinct, depending on the size of the county. The bill was approved in the House, but failed to receive the approval of the Senate State Affairs Committee.

Ensures the Availability of Early Voting Rosters to the Public

Early voting rosters are available to the public, but access may be compromised by ambiguous open records laws. Sen. Shapleigh authored and worked with Rep. Debra Danburg (D-Houston)

to pass S.B. 1491, which clarifies that early voting rosters be made available for public inspection the day after the information is entered on the roster. This provision would ensure timely public disclosure of such rosters and facilitate maximum voter turnout. This bill will take effect September 1, 2001.

Fights to Increase the Minimum Pay of Election Judges and Clerks

Sen. Shapleigh served as the Senate sponsor of H.B. 2903 by Rep. Lon Burnam (D-Fort Worth). The bill would have increased the minimum pay of election judges and clerks to \$7 per hour and would have created an incentive for such personnel to attend training classes. The bill was approved in the House, but it failed to receive the approval of the Senate State Affairs Committee.

Works to Clarify Election Laws

Sen. Shapleigh served as the Senate sponsor of H.B. 2504 by Rep. Debra Danburg (D-Houston). The bill would have clarified various election laws regulating political funds and campaigns. The bill was brought forward by attorneys at the Texas Ethics Commission, which is the state agency responsible for oversight of election laws. The bill was approved in the House, but it did not pass in the Senate for technical reasons.

Environment

Fights to Keep Radioactive Waste Site Away From the Border

Sen. Shapleigh worked with Sen. Robert Duncan (R-Lubbock) and Sen. Frank Madla (D-San Antonio) to make sure that any low-level radioactive waste site built by the state will not be located along the Border, will not contain high-level nuclear waste and that the site will not touch the Rio Grande's tributaries. Working with the two senators, Sen. Shapleigh filed amendments to Sen. Duncan's S.B. 1541, which would have allowed the state to find a site for a low-level nuclear waste facility. The first amendment filed by Shapleigh stated that the waste site could or could not be built within 60 miles of the U.S.-Mexico border and the second amendment said the site could not be located near the Rio Grande or its feeding tributaries, the Pecos River or the Devil's River. Sen. Shapleigh also offered a second amendment to the bill which would prohibit the state from accepting any U.S. Department of Energy waste. Although the senate passed S.B. 1541 with one of Sen. Shapleigh's amendments, it later died in the House.

Fights to Increase the Penalties for Illegal Dumping

Currently, illegal dumping of trash is an epidemic throughout El Paso County and most other border communities. While offenses for littering currently exist, the amount of trash necessary to constitute a violation is too high to serve as a deterrent. Sen. Shapleigh worked with Sen. Eddie Lucio (D-

Brownsville) and Rep. Manny Najera (D-El Paso) on SB 906, which increases the penalties for illegal dumping. The bill also changes the weight limits of trash needed to constitute a violation. Currently, any litter weighing 15 pounds or 15 gallons or less is a Class C misdemeanor. S.B. 906 lowered the Class C classification to 5 pounds or gallons or less. Any litter or solid waste that weighed more than five pounds or five gallons would have been a Class B misdemeanor. S.B. 906 also allowed for the collection of an illegal dumping fee as a cost of the court, which would have been used for the cleanup of illegal dumping. S.B.906 also allowed the court to order the Department of Public Safety to suspend a person's driver's license on conviction for a littering offense. Although the bill passed the Senate and failed in the House, a similar bill, H.B. 631 by Sylvester Turner (D-Houston) passed and will become law on September 1, 2001.

Allows the TNRCC to Participate in Environmental Projects in Mexico

By law, the Texas Natural Resource Conservation Commission (TNRCC) does not have the authority to participate in environmental projects in Mexico. Because many border communities, such as El Paso, share both airsheds and watershed with cities in Mexico, it is important that the state agency responsible for environmental regulation have the ability to work closely with Mexican counterparts on projects of mutual concern. Sen. Shapleigh worked with Sen. Eddie Lucio (D-Brownsville), Rep. Pat Haggery (R-El Paso), Rep. Norma Chavez (D-El Paso) and Rep. Manny Najera (D-El Paso) to pass S.B. 749 which gives TNRCC explicit authority to participate in environmental projects in Mexico. The commission may take and finance any action in Mexico, in cooperation with governmental authorities of Mexico, that will benefit Texas' environment. The law takes effect September 1, 2001.

Permits the Trading of Emission Credits

Any efforts to control or reduce the air pollution in the El Paso region must include working with Juarez. Sen. Shapleigh worked with Rep. Pat Haggerty (R-El Paso) to pass S.B. 1561 which will allow the Texas Natural Resource Conservation Commission to authorize the use of emission reductions achieved outside the United States to satisfy otherwise applicable emissions reduction requirements. This is acceptable, only if the commission finds that there reductions are surplus to requirements imposed by applicable law. Also, the contaminant emissions reduction that will be substituted must be of equal or greater significance to the overall air quality of the area affected than reductions in emissions of the other air contaminant. The law takes effect September 1, 2001.

Commissions a Study of the Brick-Making Kilns Along the Texas-Mexico Border

Currently, there are more than 400 brick-making kilns in Juarez, Mexico. The practice of brick-making in Mexico causes a significant amount of the pollution in the El Paso-Juarez airshed. At this time, no government or private agency on either side of the border is working with these kilns to lower their emissions. A high degree of the particulate matter and haze in the El Paso region comes from the smoke produced at these Juarez kilns, which burn tires, sawdust trash and other materials for fuel. Sen. Shapleigh worked with Sen. Eddie Lucio (D-Brownsville) and Rep. Norma Chavez (D-El Paso) on S.B. 905, which requires the Texas Natural Resource Conservation Commission to

conduct a comprehensive study of the brick-making process along the Texas-Mexico border. Although the bill failed in the House, it was amended onto another piece of legislation by Sen. Shapleigh which received the approval of both houses. The new law will take effect on September 1, 2001.

Government Operations

Pushes for Study on State and Federal Mandates Affecting the Texas-Mexico Border

If ranked as the 51st state, the 43 counties adjacent to the Texas-Mexico Border would rank dead last in the United States in per capita income. This same income disparity is present when Border counties are compared to counties in the rest of the state. As we enter the 21st century, in countless ways, we find that federal and state government policies play a leading role in perpetuating poverty and fostering dependence along the Border. At the federal level, six years after the North American Free Trade Agreement (NAFTA) was ratified, Border counties shoulder significant burdens, but enjoy few of the benefits of increased trade. In infrastructure, workforce, health, environment, and law enforcement, disproportionate burdens have been placed on a few desperately poor counties. For example, in El Paso, federal drug-related caseloads are now ten times higher than the national average. Federal agents have declined to prosecute all but the largest drug busts and shifted the responsibility for prosecution and incarceration to state and local law enforcement, which rely on Border tax bases for revenue. In addition, the Border has also suffered significant environmental degradation and health-related problems as a result of NAFTA. Sen. Shapleigh worked with Rep. Kino Flores (D-Mission) to introduce S.B. 228, which would have directed a number of state agencies to study the state and federal mandates affecting the Texas-Mexico Border. Specifically, the study would have included an examination of: 1) judicial and law enforcement issues, 2) financial policies, 3) environmental policies, 4) transportation infrastructure, and 5) NAFTA. Despite the bill's defeat, Sen. Shapleigh plans to introduce similar legislation next session and to continue to push for greater accountability regarding policies that have a negative effect on the Border.

Raises the Prevailing Wage Rate in State Procurement Contracts along the Border

Employees hired by state government contractors may earn different amounts of money for an identical service depending on the region where the work is performed. For instance, a construction worker in a Strategic Investment Area (as defined by S.B. 441, 76th legislative session) earns less money than they would for the same work performed in a more affluent area. Currently, to determine the prevailing per diem wage rate to be paid for the construction of a public work, the state either conducts a survey of the wages received by workers employed on similar projects in the same political subdivision of the state, or uses the prevailing wage rate as determined by the U.S. Department of Labor in accordance with the Davis-Beacon Act. The state can apply either of these two wage rates in deciding how much to pay contract workers. Working closely with the leadership of the AFL-CIO and Rep. Pete Gallego (D-Alpine), Sen. Shapleigh filed and passed in the Senate S.B. 464, which would closed the gap in pay for similar work performed in different parts of the state. The bill directed the state to use the higher figure of the following prevailing wage rates: 1) the wages paid to workers employed on similar projects in the same political subdivision of the state where the work is to be performed, 2) the average of the local wage rate and the statewide rate, or 3) the average of the local wage rate and the federal wage rate.

S.B. 464 will not only raise living standards for many workers, it will also result in fairer competition for state contracts. Because contractors will no longer be able to "lowball" their bids based on substandard wages and benefits, state contracts will be awarded according to the merits of the contractor's proposal. Ultimately, the entire state will benefit from these changes. With greater income, these workers will have more money to spend on goods and services, which will fuel the local economy, raise tax revenues for the government, and reduce the need for government spending on social services. After passing in the Senate, S.B. 464 stalled in the House State Affairs committee. Although Sen. Shapleigh succeeded in attaching the main provision of the

bill to S.B. 311, the new provisions will apply only to state procurement contracts executed in the 43-county Border region. The new law took effect on June 17, 2001.

Fights to Expand Information Contained in Human Rights Commission Minority Hiring Practices Report

Currently, the Texas Commission on Human Rights publishes the Minority Hiring Practices Annual Report, which requires state agencies to report to the commission the total number of African Americans, Hispanic Americans, women and other persons hired for each job category by the agency during the preceding state fiscal year. In addition, the commission is charged with monitoring state agencies to determine compliance with a plan to recruit qualified African Americans, Hispanic Americans and women. Because the report includes only data for the preceding year, we are losing valuable information that might result from being able to compare trends in hiring practices over a longer period of time. In an effort to expand the information and formatting requirements of this report, Sen. Shapleigh worked with Rep. Norma Chavez (D-El Paso) on S.B. 520. Specifically, S.B. 520 would have expanded the reporting duties of the commission by requiring a numerical and graphical presentation of each agency's total number of minority employees from the five years preceding the current state fiscal year, as well as a numerical and graphic report of each agency's percentage of minority employees from the five years preceding the current state fiscal year. Although this legislation passed the Senate, it failed in the House during the final days of session.

Proposes Constitutional Amendment on El Paso City-County Consolidation

In an effort to reduce the cost and improve the quality of local government services, Sen. Shapleigh filed S.J.R 13, a proposed constitutional amendment which would have established a procedure to allow for the consolidation of the City of El Paso and El Paso County into the El Paso Metro government. S.J.R 13 died at the end of the session without coming to the Senate floor for a vote.

Eases Requirements for State Employee Contributions to the Sick Leave Pool

Sen. Shapleigh served as the Senate sponsor of H.B. 569 by Rep. Pete Gallego (D-Alpine). The bill makes it easier for a state employee to contribute to the sick leave pool and to use hours that have accumulated in the pool. This ensures that workers who suffer the misfortune of a lengthy illness do not lose income. The bill will take effect September 1, 2001.

Works to Grant Increased Vacation Hours to State Employees

Sen. Shapleigh served as the Senate sponsor of H.B. 568 by Rep. Pete Gallego (D-Alpine), a bill that would have permitted state employees to accrue an additional hour of vacation time each month. The bill was approved in the House, but it failed to receive the approval of the Senate Finance Committee.

Permits an Increase in the Number of House Investigations Committee Members

Senator Shapleigh served as the Senate sponsor of H.B. 1056 by Rep. Pete Gallego (D-Alpine). It allows for an increase in the number of members on the House Investigations Committee and protects highly confidential investigatory information from “open records” requests (in the same manner as information provided in law enforcement investigations). The bill only affects the House Investigations Committee. The bill will take effect on September 1, 2001.

Enables the State to Address the Exodus of Employees from State Government

Sen. Shapleigh amended S.B. 799, authored by Sen. Duncan and sponsored in the House by Rep. Tom Craddick (R-Midland). The bill will require state agency employees to undergo an on-line exit interview when they leave state government. The collected data will enable the state to develop policies to improve employee retention. Sen. Shapleigh added an amendment to the bill that would safeguard the anonymity of the individuals completing exit interviews in an effort to preserve the quality of the data. The new law will take effect on September 1, 2001.

Resolution Honoring the National Association of Retired Federal Employees

Sen. Shapleigh sponsored H.C.R. 86 by Rep. Manny Najera (D-El Paso), a resolution that describes the accomplishments and contributions of the National Association of Retired Federal Employees. The resolution also declared February 19-23 of 2001 to be the National Association of Retired Federal Employees week in the state of Texas.

Secures the Future of the State’s Agricultural Industry and Rural Voice

Currently, agriculture plays a large role in the Texas economy by generating \$15 billion in direct income and \$80 billion for the Texas economy overall. Texas’ agriculture is in a fragile condition though, due to droughts, floods, pests, crop losses, changing federal policy, and the general disconnection of urban areas. Sen. Shapleigh joined Sen. Tom Haywood (R-Wichita Falls), and Rep. David Swinford (R-Dumas) to secure passage of S.B. 331. S.B. 331 lays the foundation for future agricultural policy, while offering a means of preventing the state’s agriculture and rural voice from becoming obsolete. The law will take effect September 1, 2001.

Ensures Clarification of Requested Matching Funds by an Organization or Entity from the Texas Commission on Alcohol & Drug Abuse

In an effort to clarify the definition of matching funds used by the Texas Commission on Alcohol and Drug Abuse, Sen. Shapleigh worked with Sen. Frank Madla (D-San Antonio) in support of S.B. 439. This legislation clarifies that matching funds can be either cash or in-kind contributions. The law will take effect September 1, 2001.

Requires State Agencies that Adjust Local Matching Funds to Submit Annual Report

Currently, agencies that adjust matching funds requirements are required to submit information about the use of this program in their annual report. However, the information required is limited to the disposition of each instance where a waiver or adjustment is requested or considered. This report does not include the identity of the economically disadvantaged county or economically disadvantaged census tract that receives a waiver or adjustment, the amount of each adjustment, and the program under which the adjustment is made. The lack of this data makes it difficult to assess the effectiveness and scope of the use of this authority by agencies. Sen. Shapleigh worked with Rep. Roberto Gutierrez (D-McAllen) to pass S.B. 519 which requires any agency that waives or adjusts the matching funds requirement that is otherwise a condition for a county to receive a grant or other source of financial assistance to submit an annual report that includes certain detailed information. The new law will take effect on September 1, 2001.

Enables Cities, Counties, and State Agencies to Borrow Funds from the State Infrastructure Bank

A number of states have used their State Infrastructure Bank (SIB) program to provide a vehicle for localities and private interests to accelerate funding for projects and to encourage project development beyond the state program. As of August 1, 2000, the Texas Department of Transportation's (TxDOT) State Infrastructure Bank had a cash balance of roughly \$197 million, of which \$171.5 million was not yet committed to projects. One of the areas in which these funds can be used is to support local investment in transportation infrastructure. One of the concerns regarding local access to the program is the process counties must follow to borrow from the SIB. Currently, counties are forced to issue traditional forms of indebtedness such as tax anticipation notes or bonds to sell to the SIB. This is often a cumbersome and more expensive approach to borrowing than entering into a direct loan program. This can discourage potential applicants, thereby impeding the financing of important infrastructure projects. Joining forces with Sen. David Cain (D-Dallas), Sen. Shapleigh co-authored S.B. 407, which authorizes public entities in this state, including cities, counties, and state agencies to borrow funds from the SIB based on the credit of the public entity. The law took effect on May 9, 2001.

Closes Loop Gap in 4A-4B Local Development Sales Tax Law

Currently, cities located in counties with a population of less than 500,000, or greater than 750,000 are eligible to raise the 4A or 4B local development sales tax. Based on the 2000 census numbers, El Paso and Travis counties are the only two Texas counties that are currently ineligible for the tax because they have a population greater than 500,000 but less than 750,000. This coverage gap was most likely unintentional, probably resulting from separate amendments to the 4A and 4B statutes. Sen. Shapleigh worked with Rep. Manny Najera (D-El Paso) in sponsoring H.B. 1390, which will allow cities located in counties with a population between 500,000 and 750,000 to be eligible to raise the 4A or 4B local development sales tax. The new law took effect on June 23, 2001.

Health and Human Services

Directs Health and Human Services Commission to Eliminate Medicaid and CHIP Reimbursement Rate Disparities in Texas-Mexico Border Counties

Currently, under the Medicaid Managed Care and CHIP programs, reimbursement rates are determined by reviewing the utilization rates of each area or region of the state. Unfortunately, any geographic area with limited access to health care facilities or providers will produce low utilization rates. Access is limited in the Border region because there is a lack of adequate medical

infrastructure. Further, many of our citizens get medical care in Mexico, so these costs are never captured. These factors have resulted in disproportionately lower reimbursement and capitation rates for inpatient, outpatient and professional services to Border health care providers.

Sen. Shapleigh worked with Rep. Norma Chavez (D-El Paso) to file five pieces of legislation aimed at addressing this important Border health infrastructure issue. Although each of these bills received a hearing in the Senate Health and Human Services Committee, the members of the Senate decided to advance S.B. 1053 as the vehicle for addressing the reimbursement disparity. This particular piece of legislation requires the Health and Human Services Commission to appoint an advisory committee to develop a strategic plan for eliminating Medicaid (provided to persons younger than 19 years of age) and CHIP reimbursement rate disparities in the Texas-Mexico Border region. The HHSC is also required to ensure that rate disparities are eliminated as soon as is practicable, to the extent that funds are appropriated, so that rates in the Texas-Mexico Border region equal as nearly as possible a statewide average. S.B. 1053 also provides for bonuses in the Border region for physicians providing care under Medicaid and CHIP. Finally, in an effort to track the effect of this legislation on health infrastructure, S.B. 1053 requires the HHSC to contract with a public university to measure changes in the number of health care providers participating in Medicaid or CHIP in the Border region between September 1, 2001 and August 31, 2004. The new law will take effect on September 1, 2001.

Co-Authors Medicaid Simplification Bill to Enroll More Children in Health Insurance Programs

Currently, there are an estimated 1.4 million uninsured children in Texas, almost half of whom are eligible for Medicaid but not enrolled. Streamlining the Medicaid application process would significantly help reduce this number. In an effort to ensure that as many Medicaid-eligible children as possible receive needed services, Sen. Shapleigh joined other members of the Senate and House in co-authoring S.B. 43 by Sen. Judith Zaffirini (D-Laredo) and Rep. Patricia Gray (D-Galveston). This important legislation will accomplish the following key objectives: (1) require the Texas Department of Human Services to develop a single consolidated application for Medicaid-eligible and CHIP eligible children; (2) permit Medicaid applications for children under 19 years of age to be mailed instead of delivered through personal appearance; (3) ensure that Medicaid documentation and verification processes are the same as those used for CHIP; (4) permit recertification reviews to be conducted by mail or telephone; and (5) adopt rules to provide for continuous eligibility for 12 months or until the child's 19th birthday, whichever comes first. The new law will take effect on January 1, 2002.

Provides for Implementation of the Program for All-Inclusive Care for the Elderly (PACE) on a Statewide Level

The Program for All-Inclusive Care for Elderly (PACE) is a nationwide program that provides elderly citizens and their families an alternative to nursing home care. Pace seeks to provide "the

frail elderly person a quality of life that ensures a home in the community, comprehensive care, dignity and choices in a nurturing environment.” Currently, the only federally approved PACE site in Texas is Bienvivir Center in El Paso. This site has a successful track record in providing quality and cost effective care for the elderly. Sen. Shapleigh Rep. Carl Isett (R-Lubbock) and Rep. Norma Chavez (D-El Paso) to pass S.B. 908 which requires that the Health and Human Services Commission to develop and implement the PACE program statewide. The law will take effect September 1, 2001.

Requires the Governing Body of the Border Health Institute to Develop a 10-Year Strategic Plan

When the Border Health Institute was created by the 76th Legislature in 1999, no provision was made to require its governing board to develop and implement a strategic plan. Sen. Shapleigh worked with Rep. Norma Chavez (D-El Paso) to pass S.B. 837 which amends the Education Code and requires the Border Health Institute’s governing board, in consultation with the Institute’s members, to develop a 10-year strategic plan to guide and evaluate the Institute’s progress. The bill also requires the governing board to update the strategic plan at least biennially. The law will take effect September 1, 2001.

Supports Measures to Improve Children’s Health in Public Schools

Current law does not specify if or how often Texas elementary school children should participate in physical activity during school days. Sen. Shapleigh served as co-author of S.B. 19 by Sen. Jane Nelson (R-Flower Mound), which amends the Education Code to authorize the State Board of Education to require elementary students to participate in daily physical activities. S.B.19 further requires the Texas Education Agency to make available to each school district a coordinated health program designed to prevent obesity, cardiovascular disease, and Type II Diabetes in elementary school students. The law took effect on June 14, 2001.

Fights for Privacy of Medical Records

The federal Gramm-Leach-Bliley Act (GLBA), enacted in November 1999, required states to adopt provisions on privacy and disclosure of personal information, particularly with regard to insurers and financial institutions. Sen. Shapleigh worked with Sen. Jane Nelson (R-Flower Mound) and other colleagues in co-authoring S.B. 11, a comprehensive bill related to medical privacy. This legislation grants patients the right to access and append their inaccurate medical records and the right to know how an entity is using their medical information. S.B. 11 also establishes privacy standards to be adopted within medical research, gives the Texas Department of Insurance (TDI) the authority to promulgate medical privacy rules for the insurance industry operating in Texas, and prohibits any attempt to re-identify de-identified health information. Finally, S.B 11 gives individuals the right to sue in order to stop their information from being shared without permission. The new law will take effect on January 1, 2002.

Fights to Require the Texas Department of Health to Address Texas-Mexico Border Public Health and Medical Infrastructure Issues Through a State Strategic Health Plan

Currently, the Texas Statewide Health Coordinating Council prepares and reviews a proposed

state health plan every six years and updates the plan biennially. However, the health plan may not reflect the effects of growth in trade, transportation, the economy, and population in Texas resulting from the North American Free Trade Agreement (NAFTA). The impact of these changes may overwhelm the existing public health and medical infrastructure, not only in communities along the Texas-Mexico border, but throughout the state. Sen. Shapleigh authored S.B. 424 which would have required the Texas Department of Health to develop a state strategic plan to address concerns relating to the potential effects of NAFTA on Texas. After House and Senate approval, S.B. 424 was vetoed by the Governor.

Directs the Health and Human Services Commission to Use Certified Promotoras

Currently, Medicaid operates several outreach, informational and education programs which provide an ideal vehicle for the use of promotoras/community health care workers. In the *Report on the Feasibility of Voluntary Training and Certification of Promotores(as) or Community Health Workers (December 2000)*, the Promotora Program Development Committee found that community health care workers play an increasingly important role in many Texas communities. According to the report, promotoras break down barriers to accessing Medicaid and other health and human services for underserved individuals. The committee recommended that the state require its health agencies to identify all funding sources that could be spent to support promotoras, including the use of Medicaid funding. Employing community health care workers in Medicaid-related health outreach and education activities would make it possible for them to receive a salary, employer-sponsored health insurance, and recognition in return for their important work. Sen. Shapleigh worked with Rep. Norma Chavez (D-El Paso) to pass S.B. 751 which directs the Health and Human Services Commission to require its agencies to use certified promotoras, to the extent possible, in health and outreach activities for Medicaid recipients. The new law will take effect on September 1, 2001.

Fights to Restore Food Stamp Benefit Level for Immigrant Children

Under federal welfare reform measures passed in 1996, most legal immigrants are bared from participation in the food stamp program. As a result, there are currently many “mixed” families receiving food stamps in Texas. These are families that contain both eligible and ineligible family members. In general, the children in these families are eligible for food stamps, while their parents cannot receive benefits. Because of these changes in eligibility, these families receive a much lower food stamp benefit than they did before. Research on immigrant well-being in Texas has now found that children in immigrant families suffer a higher level of hunger than children in families composed entirely of citizens. The federal government has given states the option to maximize the food stamp benefit for the eligible members of these “mixed” families by not counting the income of the ineligible legal immigrant family members when determining the benefit level for the rest of the family. It is estimated that this change would lead to an annual increase of \$8-10 million federal food stamp dollars to the state of Texas. Sen. Shapleigh served as the Senate sponsor of H.B. 1959 by Rep. Elliott Naishtat (D-Austin) which would have restored the food stamp benefit level for households that contain both eligible family members and family members who are ineligible because they are

legal immigrants. Although H.B. 1959 passed the House and was reported favorably out of the Senate Health and Human Services committee, it died during the final days of the session.

Restricts the Licensing of Dairy Operations in Areas Infected with Bovine Tuberculosis

Bovine Tuberculosis (TB) is a contagious livestock disease that has been identified in El Paso and Hudspeth county. The United State Department of Agriculture (USDA) is determined to eradicate this disease from the country. The ten dairies that are affected by Bovine TB in Texas are currently in negotiations with the USDA regarding a buy-out package. However, the USDA requires that the State of Texas ensure that no new dairy operations will be established in these affected areas. Under current law, the Texas Department of Health cannot deny a permit application for a dairy operation based on the existence of Bovine TB in a region. This presents an impediment to attempts to eradicate the disease from the state. Sen. Shapleigh served as the Senate sponsor of H.B. 2463 by Rep. Bob Glaze (D- Gilmer) which will prevent a new permit from being issued to a dairy operation located in an area infected with or at a high risk for bovine tuberculosis. The new law took effect on June 4, 2001.

Authorizes Board of Health to Set Reasonable Optician Registry Fees

Currently, the Texas Board of Health sets specific fees for obtaining and maintaining registration under the Opticians Registry Act. With the growing number of voluntary registrants, the specified fee amounts are not sufficient to absorb the cost of administering the Act. Sen. Shapleigh served as the Senate sponsor of H.B. 3465 by Rep. Glen Maxey (D-Austin) which removes specified fees from the statute and requires the Board of Health to prescribe by rule reasonable fees sufficient to cover administration costs for the Opticians Registry Act. The new law will take effect on September 1, 2001.

Allows Grandparents to Receive Financial Assistance Benefits on Behalf of a Dependent Child

Currently, Texas law does not allow a grandparent caring for a grandchild to receive the dependent's Temporary Assistance to Needy Families (TANF) cash benefits when the child's biological parents spend the benefits improperly. Many times grandparents are the only stable adults in a child's life and may need to take responsibility for the welfare of that child. However, grandparents who live on fixed incomes face severe financial hardship by accepting that responsibility. In those instances where the child is already receiving TANF benefits, it is important to allow the grandparents to become the protective payees so that the child will actually receive the benefits. In an effort to rectify this issue, Sen. Shapleigh served as the Senate sponsor of H.B. 2103 by Rep. Harold Dutton (D-Houston). This legislation will require the Texas Department of Human Services (TDHS) to develop and implement rules which will allow the grandparents of a child receiving TANF benefits to act as the recipient of those benefits when the department determines that the parent is not using the assistance for the child's needs. The new law will take effect on September 1, 2001.

Requires Study of Complaint Procedures Used by Health Care Regulatory Entities

One of the purposes of licensing health care professionals is to document and consider consumer complaints ranging from a health professional's inappropriate behavior to serious ethical violations. There are several different health professional licensing agencies in Texas, and each agency manages the complex complaint process in a different manner. Sen. Shapleigh served as the Senate sponsor of H.B. 2408 by Rep. Glen Maxey (D-Austin) which requires the Health Professions Council to study the complaint procedures of specific state health care entities and to develop a report with recommendations for a standard procedure for the handling of such complaints. The new law took effect on June 15, 2001.

Seeks to Provide Nutritional Assistance for Certain Legal Immigrants

Despite a partial restoration of benefits by Congress in 1998, the majority of legal immigrants in Texas remain ineligible for food stamps. These legal immigrants are fully documented, tax paying residents of the state of Texas. According to national studies, the prevalence of hunger among the legal immigrant population is seven to ten times greater than for families that have not lost their food stamp benefits. Sen. Shapleigh served as the Senate sponsor of H.B. 1218 by Rep. Norma Chavez (D-El Paso), which was designed to expand the State Immigrant Food Assistance Program established by President Bush during his tenure as governor. Specifically, this legislation would have provided benefits to roughly 10,000 legal immigrant children, seniors, and persons with disabilities who remain ineligible for the federal Food Stamp Program. Although H.B. 1218 passed the House and was reported favorably out of the Senate Health and Human Services committee, it did not receive the final approval of the Senate.

Fights to Maintain Texas Board of Medical Examiner Fee for Physician Profile System

Currently, certain information about physicians, including a doctor's educational background, the number of years certified, any nationally-recognized specialty certifications, criminal history, and paid malpractice claims is being assembled by the Texas State Board of Medical Examiners and will be made available to consumers on the Internet. The 76th Legislature instructed the Board of Medical Examiners to raise their licensing fees by \$20 to pay for this technology. However, in the 2002-2003 biennium, the board is required to reduce the fees by \$10. Early estimations of the cost of profile maintenance have proven to be too low, and the current fee is necessary to pay the costs of maintaining the physician profiling system. In an effort to ensure completion of this important system, Sen. Shapleigh served as the Senate sponsor of H.B. 2558 by Rep. Glen Maxey (D-Austin) which would have maintained the current fee structure. The veto of this legislation by Governor Perry on June 17, 2001 may jeopardize this important health consumer program.

Seeks to Strengthen the Peer Review Process for HMO Health Providers

Current law requires a preferred provider organization (PPO) or health maintenance organization

(HMO) to provide due process to a provider through the use of an advisory panel of physicians selected by the PPO or HMO before the provider is dropped from the PPO's or HMO's health plan. Since the panel's decision is of an advisory nature only, a provider who brings a case before the panel may still be dropped from the health plan without good cause. In an effort to strengthen the peer review process, Sen. Shapleigh served as the Senate sponsor of H.B. 1913 by Rep. Jaime Capelo (D-Corpus Christi). This legislation would have ensured that the peer review process met the requirements of the federal Health Care Quality Improvement Act and also would have provided that a PPO or HMO determination that is contrary to the recommendation of the advisory review panel be for good cause. The veto of H.B. 1913 by Governor Perry on June 17, 2001 will allow PPO's and HMO's to continue the unfair practice of dropping physicians from their health plans without good cause.

Co-Authors Omnibus Medicaid Bill

Sen. Shapleigh joined many of his Senate colleagues in co-authoring S.B. 1156, this session's omnibus Medicaid bill, by Sen. Judith Zaffirini (D-Laredo) and Rep. Garnet Coleman (D-Houston). This important piece of legislation included numerous proposed changes in Medicaid policy. Some of the more important provisions contained in S.B. 1156 included: (1) introduction of co-payments for prescription drugs; (2) targeted Medicaid fee increases for high-volume providers like those in El Paso; (3) demonstration project for psychiatric medications and related services; and (4) new projects to serve low-income uninsured adults. Sen. Shapleigh also added a key amendment to S.B. 1156 which would have required the Health and Human Services Commission to prepare a report before each session which identified the Medicaid reimbursement rate for each county in this state and compared the state's Medicaid rates to those in the top fifteen industrial states. Although it was estimated that the administrative and budgetary changes contained in S.B. 1156 would have saved the state \$417 million over the next five years, Governor Perry vetoed the legislation on June 17, 2001.

Supports Creation of Taskforce on CHIP and Medicaid Rate Setting Methodologies

Because El Paso is home to many high-volume Medicaid and CHIP providers, Sen. Shapleigh is very interested in ensuring that their practices are not negatively impacted by low reimbursement rates. In addition to authoring S.B. 1053 which focuses on reimbursement rates in the Texas-Mexico Border counties, Sen. Shapleigh also co-authored S.B. 1299 by Sen. Eddie Lucio (D-Brownsville) and Rep. Garnet Coleman (D-Houston) which requires the Health and Human Services Commission to appoint a taskforce on rate-setting methodologies for the CHIP and Medicaid programs. In preparing their report to the legislature, the taskforce will be required to examine the incidence and prevalence of diseases in comparison to the utilization of services and the potential effects of developing a tiered system of rate increases based on level of need. The new law will take effect on September 1, 2001.

Supports Measures that Allow Uninsured Women with Breast or Cervical Cancer to Receive Full Medicaid Benefits

Many women diagnosed with breast or cervical cancer die as a result of the disease despite the fact that earlier detection and treatment could substantially decrease mortality. Sen. Shapleigh joined Sen. Jane Nelson (R-Flower Mound), Sen. David Bernsen (D-Beaumont), Sen. Mike Moncrief (D-Fort Worth), Sen. Florence Shapiro (R-Plano), Sen. Judith Zaffirini (D-Laredo), and several Representatives in support of S.B. 532, which authorizes the Health and Human Services Commission to provide full Medicaid benefits to uninsured women under the age of 65 who are identified through the National Breast and Cervical Cancer Detection Program and are in need of treatment for breast or cervical cancer. The law will take effect September 1, 2001.

Requires Employees of Health Insurance Companies to Disclose their Identities When Requested by Insured Persons

Currently, Texas law does not require the employees of health companies and related entities to disclose their identity when requested by a person insured by the company. In an effort to address this issue, Sen. Shapleigh authored S.B. 1181 which was sponsored in the House by Rep. Craig Eiland (D-Galveston). S.B. 1181 requires the issuer of a health benefit plan to disclose the name or employee identifier, mailing address, business city and location, and job title of the employee of the plan who is available to respond to communications and questions relating to coverage and benefits provided by the health benefit plan. The law will take effect September 1, 2001.

Supports Requiring the Texas Department of Health to Widely Publicize Patient Assistance Programs

Currently, many pharmaceutical manufacturers operate patient assistance programs that provide free or reduced cost medications to patients who cannot afford the medications but who meet certain qualifying criteria. However, these programs are not widely publicized and many patients and physicians do not know how to access them or know the eligibility requirements. Sen. Shapleigh worked with Sen. Mike Moncrief (D-Fort Worth) to pass S.B. 1763 which requires each pharmaceutical manufacturer in Texas that operates such a program to provide information about the program to the Texas Department of Health. The bill further requires the Texas Department of Health to operate a toll-free telephone number to assist patients with finding and applying for such programs and to publicize the number to physicians and pharmacies. The law will take effect September 1, 2001.

Supports Requiring HMOs and Insurance Companies to Pay Doctors and Hospitals Equally for Women's Reproductive Health and Oncology Services

Currently, Texas Health Maintenance Organizations (HMOs) and insurance companies routinely reimburse doctors and hospitals far less for female-specific surgeries and procedures than for other equivalent procedures. As a result, many women in Texas may find it difficult to get necessary medical care. Sen. Shapleigh joined Sen. David Cain (D-Dallas), Sen. Gonzalo Barrientos (D-Austin), Sen. David Bernsen (D-Beaumont), Sen. John Carona (R-Dallas), Sen. Chris Harris (R-Arlington), Sen. Eddie Lucio (D-Brownsville), Sen. Frank Madla (D-San Antonio), Sen. Mike Moncrief (D-Fort Worth), Sen. Jane Nelson (R-Flower Mound), Sen. Carlos Truan (D-Corpus Christi), Sen. Leticia Van de Putte (D-San Antonio), and Sen. Judith Zaffirini (D-Laredo) in

securing passage of S.B. 8. S.B. 8 amends the Insurance Code to establish the Omnibus Women's Equal Health Care Act that requires HMOs and insurance companies to pay doctors and hospitals equally for female-specific reproductive health and oncology services. The law will take effect September 1, 2001.

Explores the Possibility of Providing a Binational Health Benefit Plan Coverage

Since Mexican health insurance policies do not generally cover medicine and medicinal services rendered in the United States middle class, Mexican residents represent a significant, untapped market for services provided by Texas-based health insurers. A study to examine the legal and practical impediments to providing binational health insurance coverage will allow Texans to determine an appropriate course of action regarding this issue. Sen. Shapleigh authored S.B. 496 which requires the Texas Department of Insurance and the Texas Department of Health to identify the impediments to improving health benefit plan coverage to individuals who are not residents of the United States. The law took effect on June 17, 2001.

Helps Require the Texas Department of Health to Develop a State Plan for the Prevention and Treatment of Hepatitis C

It is estimated that 350,000 Texans are infected with the Hepatitis C virus. In an effort to address this public health issue, H.B. 1652 was passed last session which directed the Texas Department of Health to develop education and training materials, and establish testing sites for Hepatitis C. This session, Sen. Shapleigh worked with Sen. Frank Madla (D-San Antonio), Sen. David Bernsen (D-Beaumont), and Sen. Judith Zaffirini (D-Laredo) to pass S.B. 338 which directs the Texas Department of Health to develop a State Plan for Hepatitis C. The new law took effect on June 14, 2001.

Helps Establish a Pediatric Diabetes Research Advisory Committee

Given that juvenile diabetes is a significant problem in Texas, Sen. Shapleigh served as co-author of S.B. 1456 by Sen. Eddie Lucio (D-Brownsville) and Rep. Jaime Capelo (D-Corpus Christi) which establishes a Pediatric Diabetes Research Advisory Committee. This committee is charged with researching pediatric diabetes and medical conditions associated with diabetes, assessing state institutions as possible sites for research opportunities, analyzing the impact of diabetes on the economy and public health, and making recommendations to state officials concerning research programs and funding options. The law took effect on May 22, 2001.

Ensures Promotoras Further their Quality Training and Receive Certification

Promotoras and community health workers play a key role in minimizing many of the health and social services barriers encountered by individuals living in economically distressed areas of the state. Although the Texas Department of Health (TDH) currently operates a promotora training and certification program, participation is on a voluntary basis. Sen Shapleigh authored worked with Rep. Norma Chavez (D-El Paso) to pass S.B. 1051 which requires promotoras and

community health workers who receive compensation for their services to undergo training and certification by TDH. The law will take effect September 1, 2001.

HOUSING

Works to Prevent Proliferation of Colonias by Authorizing Counties to Regulate Certain Aspects of Residential Land Development in Unincorporated Areas

Many colonias lack basic services such as water, wastewater systems, electricity, and paved roads. If counties in which these colonias are located are allowed to regulate residential land development, then the proliferation of colonias may be prevented. Sen. Shapleigh joined Sen. Eddie Lucio (D-Brownsville) and other Texas Senators to secure passage of S.B. 517. S.B. 517 amends the Local Government Code by authorizing the Commissioners Court of a county located within 50 miles of an international border to regulate certain aspects of residential land development in its unincorporated areas by adopting certain building codes and regulations. Although S.B. 517 passed in the Senate; it did not receive approval in the House.

Authorizes Transfer of Underused State Property to Political Subdivisions for Use as Affordable Housing

Currently, many of our citizens working hard to provide for their families face ever increasing challenges in finding affordable and accessible housing. Demographic projections indicate that there will be an even greater demand for affordable housing in the near future. In an effort to expand housing opportunities in the state, Sen. Shapleigh served as the Senate sponsor of H.B. 3623 by Rep. Ismael "Kino" Flores (D-Mission). This legislation requires the Texas Department of Housing to make recommendations to the General Land Office for the transfer of underused state property to political subdivisions for use as affordable housing. The General Land Office will be required to develop monitoring and enforcement provisions to ensure that these properties are used for affordable housing. The new law will take effect on September 1, 2001.

Authorizes Provision of Utility Services in Certain Colonias

In 1999, the legislature authorized an electric, gas, water, or sewer service utility to provide services if the utility received a certificate issued by the commissioners court. The certificate must state that the subdivided land: (1) was purchased before September 1, 1995; (2) is located in a subdivision in which the utility has previously provided service; and (3) is the site of construction of a residence that was begun on or before May 1, 1997. These provisions and restrictions also apply to extraterritorial jurisdictions (ETJ). The 1999 legislation may have made it difficult for persons who bought land in an ETJ between September 1, 1995, and September 1, 1999, to obtain a certificate for utility service. In an effort to remedy this issue, Sen. Shapleigh served as the Senate sponsor of H.B. 3604 by Rep. Manny Najera (D-El Paso). This legislation authorizes a utility to provide service to land located in a subdivision in which the utility has previously provided service if the utility is issued a certificate by a commissioners court stating that the land in an ETJ was sold or

conveyed to the person requesting service before September 1, 1999, and construction of a residence was begun on the land on or before May 1, 2003, if the subdivided land was located in the ETJ on August 31, 1999. The new law will take effect on September 1, 2001.

Supports “Subcontractor’s Right to Be Paid” Act

On a typical construction project, the property owner contracts with a general contractor who, in turn, contracts with subcontractors to perform electrical, plumbing, or other work. Most contracts between general contractors and subcontractors contain contingent payment clauses that make payment from the general contractor to the subcontractor contingent upon the general contractor being paid by the owner. As a result, contingency clauses often prevent subcontractors from being compensated for reasons that have nothing to do with the quality of their work. Subcontractors, however, have to pay their employees and suppliers regardless of whether the subcontractor is paid or not. Large subcontractors often have the ability to negotiate contracts to their advantage, while smaller subcontractors often believe contingency contracts are forced upon them. Sen. Shapleigh joined Sen. Chris Harris (R-Arlington), Sen. Carlos Truan (D-Corpus Christi), Sen. Leticia Van De Putte (D-San Antonio), and Sen. Eddie Lucio (D-Brownsville), in co-authoring S.B. 1067, which would void any provision in a contract or other agreement that makes payment of a subcontractor for work performed or materials furnished contingent on the original contractor’s receipt of payment. The bill was left pending in the Senate Business & Commerce committee.

JUDICIARY

Creates Two Additional Statutory County Courts in El Paso

Currently, there is a backlog of 12,758 criminal misdemeanor cases in the four criminal courts of El Paso. To help adjudicate criminal misdemeanor cases in a more timely manner, Sen. Shapleigh joined forces with Rep. Norma Chavez (D-El Paso) to pass H.B. 1979, which creates County Criminal Court at Law No.1 and County Criminal Court at Law No. 2 in El Paso County. These two courts will give exclusive preference to criminal misdemeanor law matters. County Criminal Court at Law No. 1 will have exclusive jurisdiction over environmental offenses. The courts will be created January 1, 2002.

Prohibits Employer Retaliation for Reporting Child Abuse

Current law requires a person who has cause to believe that a child is being abused or neglected to immediately report the abuse or neglect. However, the law does not protect a person who reports child abuse or neglect or participates in an investigation regarding child abuse or neglect from retaliation by an employer. To correct this, Sen. Shapleigh worked with Rep. Elliott Naishtat (D-Austin) in sponsoring H.B. 3473, which prohibits an employer from terminating the employment of or otherwise discriminating against a professional who has direct contact with children in the course of employment and who in good faith reports child abuse or neglect or cooperates with an investigation regarding child abuse or neglect. The new law will take effect September 1, 2001.

Authorizes Expunction of Tribunal’s File in a Take-Nothing Judgment

Currently, a grievance may be filed against an attorney with the State Bar of Texas. H.B. 792 by Rep. Steve Wolens (D-Dallas) sets forth provisions for the membership and voting disclosure of a panel of a district grievance committee of the state bar and requires the state bar to conduct a study of disciplinary procedures. Sen. Shapleigh amended H.B. 792 to allow a motion for expunction of a file in any disciplinary action tried to verdict before an evidentiary panel or district court which results in a final “take-nothing judgment.” The new law will take effect September 1, 2001.

Seeks to Deter Retaliatory Lawsuits Intended to Silence Legitimate Complaints

Sen. Shapleigh served as the Senate sponsor of H.B. 2723 by Rep. Richard Raymond (D-Laredo), which would have set up a process to discourage the practice of intimidating “whistle blowers” or other complainants through the use of aggressive lawsuits. The subjects of these lawsuits often spend thousands of dollars defending themselves against false claims. Despite approval by both chambers of the legislature, the bill was vetoed by the Governor.

Public Information

Directs TxDOT to Include Contractual Information on the Agency’s Website

Sen. Shapleigh joined forces with Rep. Judy Hawley (D-Portland) to pass S.B. 1154, which directs TxDOT to make available on its Internet website a list describing each contract for road construction projects that has been let by the agency, including information on subcontractors, historically underutilized businesses, and as well as disadvantaged business enterprise participants as well as the percentage of contracts they have received. The information will also include the funding source used to finance the project and the TxDOT district where the transportation project is located. The new law will take effect September 1, 2001.

Allows State Agencies to Post More Information on the Internet

Texas state agencies are granted express authority to post information on the Internet only in certain specific cases, which may inhibit agencies from taking full advantage of the electronic resource. Sen. Shapleigh worked with Rep. David Counts (D-Knox City) to pass S.B. 497, which provides state agencies with a wider latitude in posting Internet information, thereby providing better public service. Specifically, the bill authorizes agencies to post any nonconfidential information related to the agency’s programs, activities, or functions. This bill will take effect September 1, 2001.

Prohibits Governmental Entities from Releasing Personal Information about Law Enforcement Officers

Currently, some governmental agencies are interpreting Section 552.117, Government Code, as giving them discretion over the release of the personal information of peace officers. Furthermore, many governmental agencies are unaware that the information being requested relates to a peace officer or their family members and may unknowingly release the information. The release of information about a law enforcement officer's home address, telephone number, or social security number leads to an increased personal risk for officers and their families. Sen Shapleigh worked with Rep. Pat Haggerty (R-El Paso) to pass S.B. 247 which clearly prohibits all governmental agencies from releasing personal information about the residential address, telephone number, or social security number of a peace officer, county jailer or employee of TDCJ, if the individual affirmatively chooses to restrict access to the information and properly notifies the governmental body. This legislation also provides that information in appraisal records is confidential and is available only for the official use of the appraisal district, this state, the comptroller, and taxing units and political subdivisions of this state if the information identifies the address of a family violence shelter center or a sexual assault program. The new law will take effect on September 1, 2001.

Seeks to List State Agency Internet Addresses in Telephone Directories

Currently, Section 55.203 of the Texas Utilities Code does not require that private, for-profit publishers of residential telephone directories include in their directory a listing of state agency Internet addresses. Many state agencies currently maintain Internet websites which contain valuable operation and program information. If agency websites are accessed by a greater volume of users this could significantly lessen the large volume of calls currently received and processed by agency staff. In an effort to increase the accessibility of state agency program information, Sen. Shapleigh worked with Rep. Sylvester Turner (D-Houston) to try and pass S.B. 380. This legislation would have required private, for-profit publishers of residential telephone directories to include in their directory a listing of state agency Internet addresses. Although S.B. 380 passed the Senate, it died in the House State Affairs committee.

Transportation

Fights for Border Transportation Project Funding

To provide additional funding for transportation projects in the Texas-Mexico Border region and in other parts of the state, Sen. Shapleigh worked with Governor Rick Perry, Comptroller Carole Keeton Rylander, and Senators Eddie Lucio (D-Brownsville), Judith Zaffirini (D-Laredo), and Steve Ogden (R-Bryan), to try and secure Senate passage of a proposed constitutional amendment, S.J.R. 10, and related enabling legislation, S.B. 241, which would authorize the Texas Department of Transportation (TxDOT) to issue a new type of bonds. These bonds, known as “grant anticipation revenue vehicles” (GARVEEs), would have allowed the state to issue bonds for transportation projects and use federal funds to pay the debt and interest. The Senate passed the two measures, but along with many other significant pieces of transportation legislation they ultimately died in the House Transportation Committee. Given the enormous need for infrastructure funding in the Border region and throughout the state, Sen. Shapleigh and his allies plan to continue pursuing innovative funding strategies in the next legislative session.

Pushes TxDOT to Develop Recommendations to Increase International Trade in the Three TxDOT Border Districts

The Texas-Mexico Border region’s ports-of-entry and highway infrastructure are being strained by increasing international trade, the continuing growth of the maquiladora industry, a growing population, and the accompanying expansion in commercial and commuter traffic. Every day, 12,000 trucks transporting goods valued at \$290 million cross through our ports-of-entry and into border commercial zones. In 1999, approximately 4.4 million truck crossings occurred through nine ports-of-entry, a 250 percent increase since NAFTA was ratified. Some estimates show that truck traffic is expected to increase by 85 percent during the next three decades. International trade through the three TxDOT Border Districts will only continue to increase as a result of Mexico’s free trade policy, new transportation infrastructure in Mexico’s northern region, and continued growth of direct foreign investment in Mexico. If the Border region is to realize its economic potential and compete successfully in the global economy, the roads and bridges that support this trade demand the state’s increased attention.

Sen. Shapleigh worked with Rep. Roberto Gutierrez (D-McAllen) to introduce S.B. 246, which would have required TxDOT to develop recommendations for how state resources in its three border districts should be allocated in order to increase international trade. These recommendations were to be included in TxDOT’s annual review of proposed road projects and developed in conjunction with the Center for Transportation Research and the Texas Transportation Institute. Unfortunately, the bill died in the House Transportation Committee after passing the Senate. Given the growing

importance of international trade to our state, Sen. Shapleigh plans on pursuing this matter in the next legislative session.

Attempts to Adjust the Texas Department of Transportation (TxDOT) Funding Formulas to Account for Certain International Traffic

A three-year road test by the American Association of State Highway Officials determined that one fully loaded 80,000-pound truck causes road damage equivalent to that caused by 9,600 cars. With the advent of the North American Free Trade Agreement (NAFTA), truck traffic in border communities and on major trade corridors has increased dramatically. While NAFTA-related truck traffic has significantly increased the “wear and tear” on highways, roads, and bridges, the maintenance formulas used by the Texas Department of Transportation (TxDOT) do not adequately reflect the current costs of repairing this damage. Sen. Shapleigh tried to remedy this problem by co-authoring S.B. 96 by Senator Eddie Lucio (D-Brownsville), Judith Zaffirini (D-Laredo) in co-authoring S.B. 196. The legislation directed TxDOT to revise the department’s funding formulas to reflect and address the damage caused by NAFTA truck traffic. Although the bill never reached the Senate floor for a vote, Sen. Shapleigh plans to work on this issue next legislative session.

Establishes Task Force to Analyze Viability of a Port Authority in El Paso

States such as New York and New Jersey have established port authorities to build and operate infrastructure, eliminate red tape, and expedite commerce. On the Texas-Mexico Border, this would require a cooperative arrangement between the United States and Mexico, as well as participation by affected state and local governments in both countries. With a binational port authority, both countries will be able to better allocate their resources to funding critical infrastructure needs produced as a result of NAFTA. Border port authorities would also expedite cross-bridge traffic and reduce congestion by consolidating under a single entity the different activities performed by the various federal and state agencies. By offering a means of coordinating and financing transportation infrastructure improvements, port authorities will reduce the time needed to bring raw materials and finished products to their destinations, making Border manufacturers and other businesses more efficient and competitive and helping attract new businesses to the Border. Sen. Shapleigh passed S.B. 465, which directs the Texas Department of Transportation to establish a task force to study the viability of creating a Port Authority in El Paso. The new law took effect on June 16, 2001.

Helps Require the Texas Department of Transportation (TxDOT) to Include Projects Related to Ports-of-Entry in State Highway Planning and Funding

Several ports-of-entry along the Texas-Mexico Border do not belong to Metropolitan Planning Organizations (MPOs), which direct future transportation projects and systems in urbanized areas of the state. Working with Senators Eddie Lucio (D-Brownsville), and Judith Zaffirini (D-Laredo), Sen. Shapleigh co-authored S.B. 192, a bill that requires the Texas Department of Transportation (TxDOT) to include projects related to ports-of-entry in its Unified Transportation Program. Specifically, S.B. 192 requires a Metropolitan Planning Organization (MPO) that has a port-of-entry within its jurisdiction to include projects related to ports-of-entry in its transportation improvement plan. In allocating money for projects, the new law will require TxDOT to fund projects related to ports-of-entry from funds other than North American Free Trade Agreement (NAFTA) discretionary funds. S.B. 192 will only apply to ports-of-entry located on the Texas-Mexico Border. The new law will take effect September 1, 2001.

Helps Create the Border Trade Advisory Committee

In response to growing pressure from Border communities coping with the massive increase in international trade generated by the North American Free Trade Agreement (NAFTA), the Texas Transportation Commission established a temporary Border Trade Transportation Task Force to prioritize existing Border transportation projects. Working with Senator Eddie Lucio (D-Brownsville), Sen. Shapleigh co-authored S.B. 195, a bill that establishes a Border Trade Advisory Committee as an official advisory committee to the Texas Transportation Commission. Among the responsibilities of the committee will be to define and develop a strategy for addressing the highest priority Border trade transportation challenges. In evaluating the recommendations, the new law will require the commission to consider the importance of trade with Mexico, the potential sources of infrastructure

funding at Border ports, and the value of trade activity in the Texas Department of Transportation's (TxDOT) three Border districts. The new law will take effect September 1, 2001.

Initiates Joint Meetings with Transportation Officials from Texas and Mexican Border States

Texas and the Mexican states of Chihuahua, Coahuila, Nuevo Leon, and Tamaulipas face common challenges related to transportation infrastructure. While collaboration regarding shared concerns has been a long standing tradition for the U.S. and Mexican governments, collaboration between the state governments of the two countries has been less frequent. With the advent of the NAFTA and the opening of our southern border to Mexican truck traffic, it is imperative that strong international relations be forged at both the federal and state level. Sen. Shapleigh worked with Rep. Rick Noriega (D-Houston) to pass S.B. 224, which directs the Texas Transportation Commission to organize meetings at least semi-annually with the Commission's counterparts in the four Mexican states adjacent to Texas. Binational meetings of the Texas Transportation Commission and transportation officials in these Mexican states will establish a multi-level governmental framework through which the state of Texas and neighboring Mexican states can implement joint transportation projects to develop the border region and improve the quality of life for residents on both sides of the Rio Grande. The new law will take effect September 1, 2001.

Seeks to Develop a Border Corridor Transportation Plan

In the last round of federal transportation funding for trade corridors, Texas was awarded only 15 percent of all funds allocated, despite the huge volume of trade, both truck and rail, passing through the state. Approximately 80 percent of all U.S.-Mexico overland traffic goes through Texas ports-of-entry, and 40 percent of this traffic continues through Texas to other destinations in the United States and Canada. The Federal Transportation Efficiency Act for the 21st century (TEA-21) emphasizes continued federal interest in identifying and promoting key international highway trade corridors in the United States. In response, Sen. Shapleigh filed S.B. 225 to direct the Texas Department of Transportation (TxDOT) to implement an integrated Border corridor plan. The plan would have included strategies and projects to facilitate commerce related to the NAFTA through the use of multiple transportation modes. In doing so, the Border corridor plan would have recognized the importance of Texas ports-of-entry in ensuring the unimpeded flow of commerce along international trade corridors.

Although the bill passed in the Senate it died in The House Transportation Committee. Because the Texas Border region needs to be clearly recognized as part of the U.S. corridor program, Sen. Shapleigh plans to pursue this issue during the next legislative session.

Fights to Expand the Membership of the Texas Transportation Commission

Currently, the Texas Transportation Commission consists of three members and provides policy direction regarding the state's transportation needs. However, the increase in state transportation needs calls for a larger and more versatile commission. An expanded commission would allow for a fuller range of state interests to be represented allow the commission's members to specialize in areas such as strategic network needs, technology applications, innovative finance, inter-modal connections, and alternative modes; and allow for the incorporation of a broader range of issues and considerations into the policy development process. Sen. Shapleigh worked with Senators Eddie Lucio (D-Brownsville) and Judith Zaffirini (D-Laredo) in co-authoring S.B. 249, which would have increased the number of members of the Texas Transportation Commission from three to five. Unfortunately, the bill died in the House Transportation Committee.

Supports Design-Build as an Innovative Option for the Development of Transportation Projects

Currently, the only public entities that have design-build as an option are school districts and state universities. Design-build allows for an architect, engineer, and builder to form a team and bid on a construction project together. In this scenario one firm handles all of the aspects of the project, from

planning and preliminary design to construction. In this process, projects are not necessarily awarded to the lowest bidder, but are evaluated on factors such as the design-build firm's experience, technical competence, and performance record. By combining various factors in the award process, the state can select a proposal that reflects the greatest value, not just the lowest cost. Sen. Shapleigh worked with Sen. Frank Madla (D-San Antonio) in co-authoring S.B. 298, which would have allowed the Texas Department of Transportation (TxDOT) and the Texas Turnpike Authority (TTA) to use the design-build program on a pilot program basis. Although the bill was reported favorably from the Senate State Affairs Committee, it did not receive the approval of the full Senate.

Authorizes TxDOT's Participation in the Acquisition, Construction, Maintenance, and Operation of Toll Facilities

Sen. Shapleigh worked with Sen. Florence Shapiro (R-Plano), in co-authoring a proposed constitutional amendment, S.J.R. 12, and related enabling legislation, S.B. 342, which will authorize the Texas Department of Transportation (TxDOT) to expend, grant, or loan money to cover the cost of turnpikes, toll roads, and toll bridges. Currently, the state constitution prevents the state from contributing to the cost of a toll project without repayment. Many toll projects are not built because the projects fail to generate enough revenue to pay for associated costs. Further, while entities that construct toll facilities may seek federal and state highway funds to leverage their own funds and complete financing for high-cost facilities, repayment obligations may make construction unfeasible. S.J.R. 12 and S.B. 342 remove the requirement for repayment for public entities and authorize TxDOT to expend funds for the cost of toll projects of public and private entities. The enactment of this legislation is dependent on the adoption of S.J.R. 12, which will be voted on in the November elections

Advocates for Increased Funding for TxDOT Border Districts

Sen. Shapleigh filed S.B. 245, which would have required TxDOT to consider the in districts adjacent to the border with Mexico for funding allocation purposes. Additional resources in the form of increased funding for infrastructure and for planning and capacity would recognize the special challenges that the districts face in addressing these problems and would enable district staff to work more efficiently with Mexican federal and state highway entities. Unfortunately, the bill did not reach the Senate floor for a vote.

Fights to Retrofit Existing Ports-of-Entry

The key to facilitating northbound border crossings is to automate certain necessary information that is related to cargo, carriers, and drivers in advance of the crossing. To address this issue, Sen. Shapleigh worked closely with Rep. Roberto Gutierrez (D-McAllen) to file S.B. 681, which would have directed the Texas Department of Transportation to implement Intelligent Transportation Systems for Commercial Vehicle Operations (ITS/CVO) technology at our ports-of-entry and at the weight stations located in the interior of Texas. This legislation would also have required TxDOT to initiate plans with U.S., Texas, Canadian and Mexican commercial motor carriers to develop interoperability standards for ITS technology in order to expedite the flow of commerce from Mexico. In addition, S.B. 681 stipulated a number of guidelines for TxDOT to follow in the event that the department builds any new commercial motor vehicle inspection facilities. After passing the Senate, the bill died in the House Transportation Committee. With the imminent opening of the U.S.-Mexico Border to Mexican truck traffic, which may change traffic flow patterns, Sen. Shapleigh plans to pursue similar legislation in the next legislative session.

Works to Urge Congress to Allow Foreign Membership in MPOs

Metropolitan Planning Organizations (MPO) are the policy advisory boards that direct the future of transportation projects and systems in urbanized areas. The majority of MPOs across the state have the ability to plan throughout a 360-degree radius of their respective MPO regions. In contrast, MPOs along the Texas-Mexico Border region can only plan throughout a 180-degree radius of their respective region, because the areas covered by these MPOs

share borders with Mexico. El Paso, for example, must coordinate planning efforts with the state of New Mexico and the Mexican city of Ciudad Juarez. In the case of the Laredo TxDOT district, planners must coordinate their projects with two different Mexican states (Tamaulipas and Nuevo Leon). Although international coordination between Texas and Mexican planners does occur, this joint planning is not officially recognized by the Texas Department of Transportation (TxDOT). Instead, TxDOT simply serves as a cooperative entity with regional planners.

Under current federal law, MPO membership is limited to local elected officials, officials of local public transportation agencies, and certain state officials. Sen. Shapleigh authored S.C.R. 5, which urged the U.S. Congress to amend federal law pertaining to membership on MPO policy committees to include foreign representatives. This would enable MPOs along the border to work closely with their counterparts in Mexico. The resolution passed the Senate but died in committee in the House before coming to a floor vote.

Encourages TxDOT to Establish a Commercial Vehicle Check and Clearance System in Mexico

The Bush administration has indicated that it will allow Mexican commercial vehicles at least partial access to U.S. highways beyond the Commercial Border Zone which was established in 1993. According to Department of Public Safety (DPS) officials, less than one-half of one percent of all trucks crossing the Texas-Mexico Border is currently inspected for weight or other compliance with Texas road laws. This lack of regulatory oversight is alarming considering that maximum axle loads in Mexico are 10 to 20 percent higher than those permitted for Texas trucks. Sen. Shapleigh filed S.C.R. 7, which urged TxDOT to collaborate with the Mexican government to develop and implement an electronic check and clearance system at Border crossings in Mexico using state-of-the-art Intelligent Transportation System technologies. The resolution failed to pass the House Transportation Committee after passing the Senate.

Encourages TxDOT to Work with the Federal Government in Establishing DCLs

In many Border communities, residents on both sides of the Border often spend long periods of time waiting in line at border crossings. Dedicated Commuter Lanes (DCLs) at major crossings would help eliminate delays and related vehicle congestion. DCLs are designated traffic lanes at border ports-of-entry that are restricted to the vehicles of drivers that have passed a background check qualifying them for expedited entry and minimal inspection. These automated lanes encourage strike an effective balance between the importance of law enforcement and the free movement of people and trade. In addition, fewer vehicles waiting in traffic also means less emissions and thus less pollution. DCLs have been in place at ports of entry on the U.S.-Canadian border for many years and are currently being used on the U.S.-Mexico Border in Otay Mesa, California, and in El Paso. In El Paso, the Immigration and Naturalization Service (INS) and the Customs Bureau worked in conjunction with the community to establish a DCL. Sen. Shapleigh introduced S.C.R. 8, which encouraged the Texas Department of Transportation (TxDOT) to work with the federal government (INS and Customs) in assisting Border communities to establish Dedicated Commuter Lanes at Texas' ports-of-entry in order to facilitate cross-border employment and the free movement of people and goods. This resolution and other significant transportation bills died in the House Transportation Committee before coming to a floor vote.

Works to Urge Congress to Take Steps to Further the Creation of Port Authorities on the Texas-Mexico Border

Sen. Shapleigh authored S.C.R. 9, which urged the United State Congress to authorize the creation of Border port authorities to identify and meet the critical transportation infrastructure needs of the Texas-Mexico Border region. These port authorities would have provided efficient transportation and port commerce facilities within the region and strengthened the economic competitiveness of the Texas Border region. Although the resolution received the approval of the Senate Business Commerce Committee it failed to receive the full support of the Senate.

Urges Congress to Create a New Federal Transportation NAFTA Funding Category

Sen. Shapleigh worked with Rep. Norma Chavez (D-El Paso) to pass S.C.R. 10, which urges the U.S. Congress to create a federal category under the NAFTA agreement for NAFTA traffic-related infrastructure damage and to provide counties and municipalities with funding for commercial vehicle weigh stations within the 20-mile commercial zone. The resolution was signed by the Governor on May 19, 2001.

Authorizes Sheriffs and Sheriff's Deputies to Perform Commercial Vehicle Safety Inspections along the Texas-Mexico Border

From 1993 to 1998 commercial truck traffic on Texas highways has increased by 38 percent. In many metropolitan areas across the state, passenger vehicles must share the road with large commercial vehicles on highly congested roadways. This situation is becoming increasingly more dangerous for both the commercial trucks and passenger vehicles. Despite efforts to confront commercial truck traffic problems and accidents, the number of accidents involving commercial vehicles has increased significantly in the last six years. In some communities, accidents involving commercial vehicles have doubled since 1995. The average cost to communities for accidents involving commercial vehicles is 46 percent higher than accidents involving passenger vehicles only. Although motor carrier safety regulations are federally mandated, the majority of commercial vehicle inspections are performed by state and city police officers. Currently, only a limited number of municipal law enforcement officers may perform commercial vehicle safety inspections in Texas.

Sen. Shapleigh worked with Sen. Florence Shapiro (R-Plano) to amend S.B. 220 to authorize police officers of any municipality or county located along the Texas-Mexico Border to request certification from the Department of Public Safety (DPS) to enforce the Federal Motor Carrier Safety Regulations Act. With additional officers certified to perform commercial vehicle inspections, the potential to improve traffic safety increases significantly. The law will take effect October 1, 2001.

Authorizes Issuance of Texas Commission for the Deaf and Hard of Hearing License Plates

Currently, the mission of the Texas Commission for the Deaf and Hard of Hearing is to eliminate communication barriers and to guarantee equal access for people who are deaf or hard of hearing. Sen. Shapleigh worked with Rep. Elliot Naishtat (D-Austin) to pass S.B. 1563 which allows for the issuance of a specially designed Texas Commission for the Deaf and Hard of Hearing license plate. This legislation also provides that the majority of the fee collected for these plates be appropriated to the Commission for direct services programs, training and education. The new law will take effect on September 1, 2001.

Clarifies the Issuance of Traffic Citations to Motorcycle Operators

Sen. Shapleigh served as the Senate sponsor for Rep. Norma Chavez's (D-El Paso) H.B. 2585, which clarifies the conditions under which a peace officer may issue a citation to a motorcyclist. Specifically, such a citation may not be issued if the operator is over the age of 21 and presents evidence of having completed a motorcycle training and safety course or is covered by health insurance. The bill also includes measures to improve motorcycle safety and training classes, which ultimately improves safety on our highways. The new law will take effect on September 1, 2001.

Designates an El Paso Highway as the Cesar Chavez Border Highway

Sen. Shapleigh served as the Senate sponsor for Rep. Norma Chavez's (D-El Paso) H.B. 1996, which designates a portion of Loop 375 in El Paso county as the Cesar Chavez Border Highway. The bill took effect on June 11, 2001.

Increases Speed Limits on Rural Highways in Texas

Sen. Shapleigh sponsored Rep. Pete Gallego's (D-Alpine) H.B. 299, which allows the Texas Transportation Commission to increase the speed limit from 70 to 75 m.p.h. on safe stretches of highways through regions with very sparse populations. Sen. Shapleigh amended the bill to clarify that the increased limit only applies in the daytime and does not include large trucks. The new law took effect June 17, 2001.

Pushes for the Authorization and Issuance of General Obligation Bonds to Aid Counties in Colonia Roadway Improvement Projects

Although unscrupulous development and substandard housing conditions along the Texas-Mexico border are currently prohibited by state law, many colonias were built in this region prior to the enactment of legislation reform. Many of the residents of colonias live in neighborhoods without basic services. Sen. Shapleigh joined Sen. Eddie Lucio (D-Brownsville), Sen. David Sibley (R-Waco), Sen. Carlos Truan (D-Corpus Christi), and Sen. Judith Zaffirini (D-Laredo) to secure passage of proposed constitutional amendment S.J.R. 37, and related enabling legislation, S.B. 1296, which authorizes the Texas Public Finance Authority to issue \$175 million in general obligation bonds to aid counties that serve colonias in roadway improvement projects. The bill will take effect upon adoption of a constitutional amendment in the November election.

Utilities

Fights to Prevent Water Monopolies, Regulate the Sales of Water Transported by Pipeline

Currently, there is no legislation regulating the sale of water being transported by pipeline. With certain regions in the state projected to run out of water in the near future, transporting water from one region or water basin to another region will be a necessity for some cities. This necessity will undoubtedly attract entrepreneurs. The water utilities or municipalities that might possibly be buying water from these business entities do not currently have any leverage that will enable them to protect the consumer's interest as they negotiate the price of water. Sen. Shapleigh filed S.B. 1744, which adds a subchapter to the Texas Water Code which empowers the Texas Natural Resource Conservation Commission to regulate the sale of water being transported by certain pipelines. The bill was left pending in the Senate Natural Resources committee.

Forces a Water District to Disclose All Wastewater Fees

Prior to the 77th Legislature, property owners who were serviced by the Lower Valley Water District in El Paso County were being charged a wastewater fee even though they were not utilizing the wastewater service. These individuals also claimed that the district did not provide them with a notice indicating that the fees would be charged. Sen. Shapleigh sponsored Rep. Manny Najera's (D-El Paso) H.B. 3034, which sets forth the manner and content of notices that must be sent before the district is allowed to assess the fee. The law went into effect June 16, 2001.

Veterans

Bestows on Master Sergeant Roy P. Benavides the Texas Legislative Medal of Honor

Currently, the Texas Legislative Medal of Honor can only be awarded by the governor on approval by the legislature. This prestigious honor, which has only been bestowed twice before, was established by the 58th legislature in 1963 to recognize a member of the military forces from Texas who bravely performs a deed of self-sacrifice. Master Sergeant Roy P. Benavidez, a Texan who has already been awarded the Congressional Medal of Honor, had not yet been awarded the Texas Legislative Medal of Honor. Sen. Shapleigh worked with Rep. Miguel Wise (D-Weslaco) to pass H.C.R. 11. The resolution bestowed posthumously the Texas Legislative Medal of honor on Master Sgt. Roy P. Benavidez of El Campo, Texas, who passed away on November 29, 1990. This marked only the third time in Texas history this honor has been awarded to a Texas veteran. Benavidez's family was given the Texas Legislative Medal of Honor by the Governor during a ceremony on May 2.

Directs State to Build Veterans Home Where Large Veteran Population Exists

Currently, Texas has four veterans' nursing homes and plans are underway to build as many as six more within the next two years. El Paso, despite its large veteran population, does not have a veterans' nursing home. Sen. Shapleigh has been working for more than four years with the Texas Veterans Land board to have a home built in El Paso. This past session, Sen. Shapleigh worked with Sen. Carlos Truan (D-Corpus Christi) to amend and pass S.B. 1160 which stipulates where the state can build a new home. S.B. 1160 requires the Texas Veterans' Land board to construct new veterans homes in areas with a large veteran population that is not currently served by state veterans homes and where there is a significant veteran population, without regard to international boundaries. The new law went into effect June 13, 2001

Expands the Limit on the Amount of Revenue Bonds the Veteran's Land Board May Issue

Currently, the aggregate amount of revenue bonds issued by the Veteran's Land Board (VLB) may not exceed \$250 million. Of that amount, the VLB currently has a remaining \$50 million in authority. In connection with the VLB's housing program, revenue bonds are typically issued to supplement the amounts available to the VLB through its general obligation bonding authority. Over the next four years, the VLB expects that it will need to issue up to \$1 billion in revenue bonds, in

addition to the \$1 billion in general obligation bonds that it expects to issue over the same period, to provide the funding necessary to meet the expected demand for home mortgage loans by Texas veterans. Sen. Shapleigh worked with Sen. Carlos Truan (D-Corpus Christi) and Rep. Leo Berman (R-Tyler) to pass H.B. 2453. The bill raises the statutory limitation on the amount of revenue bonds that the Veterans' Land Board may issue to \$1 million. The bill went into effect on June 14, 2001.

Authorizes the State to Work with Fort Bliss to Find Funds for the Air Defense Museum

In 1999, Major General Dennis D. Cavin authorized the relocation of the Fort Bliss Museum from its 25 year-old temporary location to a modern 108,000 square foot building in the heart of the Fort Bliss shopping area. The new facility will be accessible to the public and will showcase the history of Fort Bliss from its frontier days to its current position as a world leader in space and missile defense. The museum will provide a repository for the history of Fort Bliss while the study center will feature programs and exhibits that will educate youths and adults. Sen. Shapleigh worked with Rep. Pat Haggerty (R-El Paso) to pass H.B. 1924, which authorizes the Texas Historical Commission to assist Fort Bliss Military Reservation in the establishment and operation of the museum and study center. The new law went into effect May 23, 2001.

Requires the State to Conduct a Study to Find out How to Attract New Military Missions

Although studies have been done detailing what other states do to offset the federal government's cost of operating/maintaining a base, a study has not been undertaken to determine what Texas can do to keep its military bases from being closed. The state's military bases serve as economic engines in all of the cities they are in, employing thousands of people in various jobs. In one Texas city, the military base there has a more than a \$1 billion a year economic impact. Sen. Shapleigh worked with Sen. Carlos Truan (D-Corpus Christi), Sen. Leticia Van de Putte (D-San Antonio) and Rep. Manny Najera (R-El Paso) to pass S.B. 939. The bill orders the Texas Strategic Military Planning Commission to conduct a study to determine how the state can attract new military installations and retain existing military installations. Specifically, the commission would be required to: (1)review practices in other states; (2)determine whether those practices can be implemented in Texas; and (3)estimate the cost savings for the military that could be implemented by those practices. The study will be completed by December 1, 2002.

Orders TxDOT to Study the State's Military Deployment Routes

Currently, whenever the state's military bases have to deploy troops, they use the state's highways, roads and infrastructure. Last session, the Texas Department of Transportation conducted a study of the deployment routes for Fort Hood, but not for the rest of the state. Sen. Shapleigh worked with Sen. Carlos Truan (D-Corpus Christi), Sen. Leticia Van de Putte (D-San Antonio) and Rep. Judy Hawley (D-Portland) to pass S.B. 907 which requires that TxDOT conduct a state wide study that looks at the deployment routes of every military base in the state. In particular, S.B. 907 orders the Texas Department of Transportation to study the conditions of the highways used for deployment and to identify which highways need construction, expansion or maintenance. The law

went into effect June 16, 2001.

Workers' Compensation

Fights for Employee Rights in State's Worker's Compensation System

Under current law, there are no provisions regarding the use of waivers for employees of employers who do not subscribe to the workers' compensation system. Joining forces with Senators Robert Duncan (R-Lubbock), Eddie Lucio (D-Brownsville), Frank Madla (D-San Antonio), David Sibley (R-Waco), and Leticia Van de Putte (D-San Antonio), Sen. Shapleigh co-authored S.B. 624, which would have provided that any agreement by an employee to waive a cause of action against an employer prior to or after the employee's injury or death is void and unenforceable. The bill passed the Senate, but unfortunately died in the House of Representatives.