

State Senator

JEFF WENTWORTH**LEGISLATIVE REPORT****Dear Fellow Texans,**

When the 79th Legislature convened on January 11, I concluded my term as president pro tem of the Senate, an honor that included being sworn in as Governor of Texas for a Day, in keeping with a long-standing Senate tradition. On November 20, 2004, more than 2,000 of you joined me at the inauguration. I appreciated your support on that day, just as I appreciate your continued support as I work to make sure your voices are heard in the Texas Senate.



Senator Jeff Wentworth presides over the Texas Senate. When the 79th Legislature convened, Senator Wentworth concluded his term as president pro tem of the Senate.

Thousands of you from Senate District 25's six counties have shared your thoughts and opinions with me on a variety of issues by writing, calling, e-mailing, faxing or personally visiting my Capitol and district offices. Your participation during a legislative session is absolutely vital to me.

During the 79th regular session I authored or sponsored 145 bills, including 25 Senate and 22 House bills that passed. Many of these were the direct result of your suggestions.

A total of 5,629 bills were filed during the regular session this year. Of those, 1,389 passed both the Texas Senate and House of Representatives. Nineteen will not become law, due to Governor Perry's vetoes.

Although the Legislature received a great deal of justified criticism for our failure to reduce property taxes and reform our schools, I believe that we passed some important legislation during the regular session. For example, we restored cuts to child and adult protective services; reformed the workers' compensation system; and passed an omnibus transportation bill that clarifies jurisdiction over toll roads while protecting the property rights of citizens.

And in the second special session this summer, we passed legislation that will protect private property from being condemned by the government through eminent domain for private rather than public development.

Additionally, we passed a telecommunications bill that I believe will lead to more competition, technological innovation, and lower costs to consumers.

And finally, after eight years of no pay increase, we gave a much-deserved pay raise to state judges in Texas.

So that I may be fully informed of your concerns before the beginning of the 2007 legislative session, please continue to share your thoughts and ideas with me and my staff. We are here to represent you and to work for you.

Sincerely,

Jeff Wentworth

HOW TO CONTACT SENATOR WENTWORTH**Austin Office**

State Capitol, Room 1E.9
P. O. Box 12068
Austin, Texas 78711
(512) 463-0125
Fax (512) 463-7794

Toll-free (888) 824-6984
Dial 711 For Relay Calls
Internet E-Mail Address:
jeff.wentworth@senate.state.tx.us

San Antonio Office

925 North Frost Center
1250 N.E. Loop 410
San Antonio, Texas 78209
(210) 826-7800
Fax (210) 826-0571

LEGISLATIVE REPORT

Public's right to know

As a longtime advocate of Texans' right to know, I am pleased that the Legislature passed Senate Bill 286. My bill amends the Texas Public Information Act and the Open Meetings Act to require that public officials receive training in open meetings and public information laws. Last year, the Attorney General's Open Records Division issued 10,746 rulings answering questions from public officials about disclosing public information, making it easy to understand the importance of a bill that will hopefully educate public officials so that they will not have to ask thousands of questions annually of the Attorney General.

Public improvement district created

A bill I authored paves the way for a \$1 billion Marriott Professional Golf Association Tour resort that will bring jobs and tourists' dollars to Bexar and surrounding counties. Senate Bill 1879, which authorizes public improvement districts in eligible counties, unanimously passed the Senate in early May.

As sometimes happens, the bill was killed in the House of Representatives on a parliamentary point of order, but a literal last-minute effort saved it. Senate Bill 1879 passed at 11:30 p.m. on the last day we could pass bills as an amendment which I attached to House Bill 2120, which clarifies the role and responsibility of various local governments.

Under the bill's provisions, the public improvement districts that are created for economic development will be controlled by county commissioners courts, who are local elected officials. No district will be able to enter into a development agreement with landowners without first securing approval from commissioners court. In addition, the bill does not allow a district to exercise the power of eminent domain, nor does it allow a county to grant a tax abatement to a public improvement district.



Waiting with Senator Jane Nelson for the results of a close vote in the Texas Senate.

Transportation

Texas' population boom has exploded onto the state's roads and highways. The Legislature continued its effort to alleviate the congestion that is clogging our roads by passing an omnibus transportation bill. House Bill 2702 makes sweeping changes to the fundamental laws governing transportation financing and development.

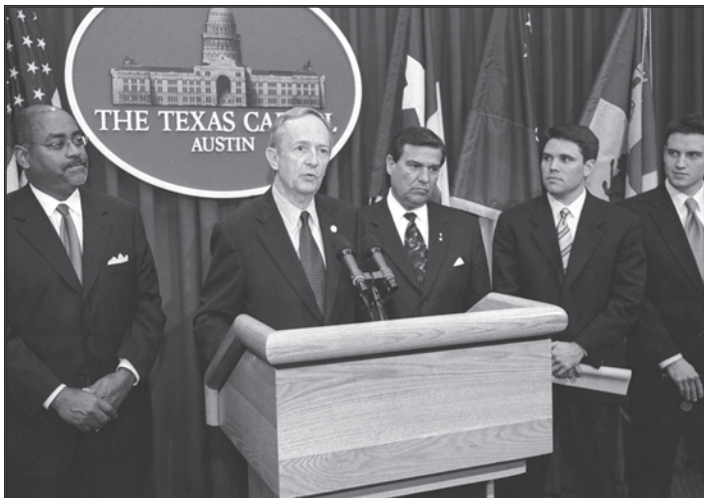
As a member of the Senate Transportation and Homeland Security Committee that considered this bill, I worked to ensure that private property rights will be protected as Texas expands its roads and highways, and that Texans will be able to vote before an existing state highway or part of a state highway may be converted to a toll road.

Students to serve as regents

After more than 40 years, university students' efforts finally met with success when the 79th Legislature passed a bill that will place a university student on each of the boards of regents that govern public universities in Texas.

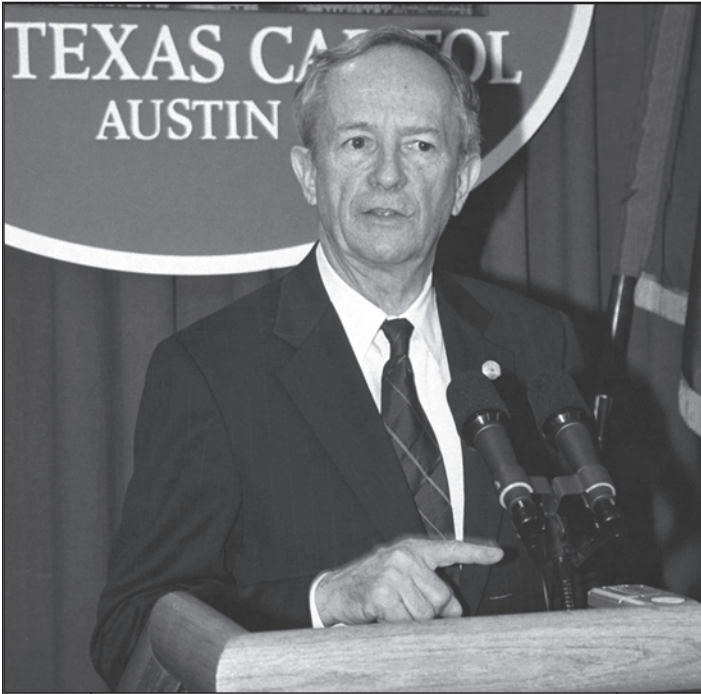
The proposal to include a student on a board of regents began as Senate Bill 934, which I filed at the request of students from the University of Texas at Austin. As passed, the legislation adds a non-voting student as the tenth member of nine-member boards of regents. The Governor may appoint either a graduate or undergraduate student as a regent for a one-year term. Student regents will begin serving during the spring semester of 2006.

While I would have preferred that the student be a voting member of a board of regents, I am pleased that students' perspectives on issues will be heard at regents' meetings. Since the 78th legislature transferred the task of setting tuition rates from the Legislature to boards of regents in 2003, I believe that it is particularly important that they have the perspective of currently enrolled students.



Announcing the filing of the student regent's bill with the bill's co-authors, Senators Ellis and Lucio along with Representative Patrick Rose and UT Student Body President Brent Chaney, L-R.

LEGISLATIVE REPORT

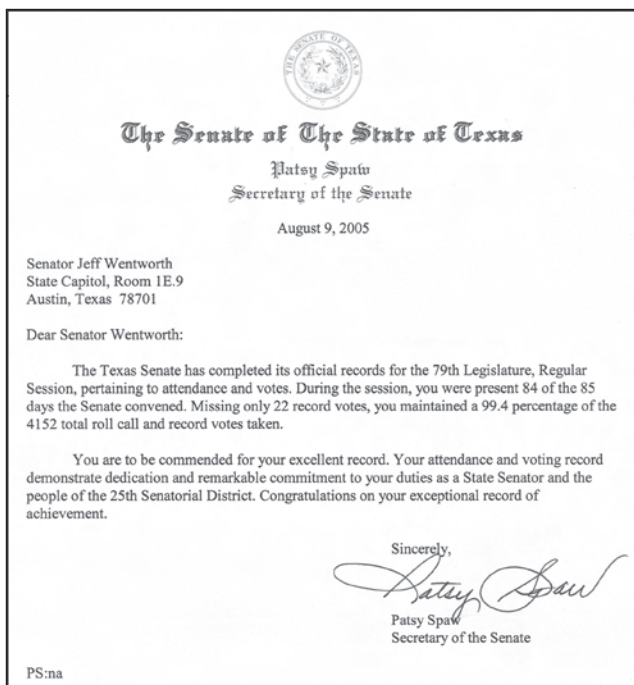


Making a point during a press conference on redistricting legislation that I filed.

Redistricting

For 12 years, I have introduced redistricting reform legislation every time the Legislature convened. During this regular session, my bill to place congressional redistricting in the hands of an independent bipartisan citizens' redistricting commission whose members are appointed by the Legislature passed the Senate in May just as time ran out, and the bill died in the House of Representatives without a hearing.

While I was disappointed that the bill that could have ended the partisan wrangling which inevitably accompanies the every 10-year redistricting process died in the House, I am very encouraged by its Senate passage, and I intend to continue my efforts to reform the redistricting process during the next regular session.



Civil and criminal courts

Texas' rapid population growth is placing an added burden on an already overcrowded court system. Crowded court dockets are a detriment to the timely administration of justice and the disposition of civil suits; they also are an added financial burden on counties which must pay visiting judges to hear cases.

My Senate Bill 1189 establishes 11 new district courts statewide, including three district courts for Senate District 25. The 433rd Judicial District in Comal County will become part of the state's court system on January 1, 2007, as will the newly created 427th Judicial District in Travis County. The bill also creates the 428th Judicial District in Hays County on September 1 of this year.

A House bill authored by Rep. Joe Staus III, and that I sponsored in the Senate, will expedite criminal trials that end in a mistrial. In a criminal case, the verdict is not complete until the conclusion of first the guilt/innocence phase and then punishment phase of the trial. If a jury found the defendant guilty, but could not agree on the punishment, and a judge granted a motion for a mistrial during the punishment phase, the entire case, including whether the defendant was guilty, had to be retried.

House Bill 3265 provides that if a jury cannot agree on the issue of punishment, a partial mistrial will be declared, and a new jury will be chosen for only the punishment phase of the trial, saving the state both time and money.

In addition to being overcrowded, Texas' civil and criminal courts in some jurisdictions are in danger of constitutional challenges for violation of the Sixth Amendment to the United States Constitution, which states that jury panels must reflect a cross-section of a community's population. Currently, in many judicial districts, that cross-section is not present on Texas juries.

The primary reason cited for the underrepresentation is that the \$6 a day pay for jurors makes it difficult for many Texans to participate in the jury process. Texas jurors are the lowest paid in the nation, and currently, the state does not contribute any funds to jury pay.

I co-authored Senate Bill 1704 that requires jurors to be paid a minimum of \$40 per day after the first day of service. To help pay for the increase, Senate Bill 1704 requires a person convicted of a criminal offense to pay an additional \$4 in court costs.



Taking questions from the Capitol news media at an impromptu news conference on the floor of the Texas Senate.

LEGISLATIVE REPORT

Public safety

Sometimes it becomes necessary to pass legislation that will help protect us from ourselves. I was the Senate sponsor for House Bill 1481 which increases the penalty for motorists who drive around a low-water barricade. Nearly one half of all flood-related deaths occur in vehicles, and most could be prevented if motorists obeyed the barricades placed to stop them from driving into flooded low-water crossings.

Motorists who ignore the barricades endanger their lives, the lives of their passengers, and the lives of rescuers. The bill not only makes driving around a low-water barricade a Class B misdemeanor, punishable by a fine of up to \$2,000 and 180 days in jail, it also allows a judge to order restitution for the cost of any rescue attempts made at the expense of you and me as taxpayers.

The Legislature also passed my bills that will protect those who protect the public. Senate Bill 450 will make confidential the personal information of employees of a criminal district attorney or county attorney whose jurisdiction includes criminal law and child protective services matters.

The release of a photograph of a law officer could endanger the officer's life. Senate Bill 148 clarifies the circumstances under which photographs of all peace officers, including investigators, park police, rangers, constables, sheriffs and their deputies, and others are exempt from Public Information Act disclosure statutes.

Military

As one of only four senators who has seen active duty military service, I understand the sacrifice military men and women make when they are called to active duty. Since the War on Terror began, the Texas National Guard has taken on a greater importance in protecting our homeland. Many reservists whose units are called to active duty leave behind careers that have certain requirements. Current law, for example, states that armed forces reservists must adhere to the Texas Education Code and the Texas Occupations Code rules and regulations concerning license renewal. I authored, and the Legislature passed, Senate Bill 143. This bill makes the deadline for the completion of required continuing professional education hours, as well as educator certification and professional license renewal deadlines, coincide with a reservist's active duty.



Presenting Lt. Col. Joseph Helminiak with a copy of Senate Resolution 32 honoring nurse anesthetists. Col. Helminiak, chief nurse anesthetist at Brooke Army Medical Center, served in Operation Iraqi Freedom as a member of a neurosurgical Fast Team.

Life without parole

Beginning September 1, juries will have the option of sentencing convicted murderers to life without parole instead of life with the possibility of parole after 40 years. The death penalty remains as an option for juries to consider when deciding punishment for defendants convicted of particularly heinous crimes.

The Senate Jurisprudence Committee, which I chair, studied the insanity defense statute during the months between legislative sessions and recommended rewriting the statute. Senate Bill 837 will clarify the standards for experts used in insanity cases and streamline the process. Most importantly, it increases the supervision of defendants after their acquittal and release from a mental-health treatment facility. We believe that stricter supervision of released defendants will make a repeat criminal offense by these sometimes mentally disturbed people much less likely.



Accepting a ceremonial pen from Governor Rick Perry at the signing of Senate Bill 766, which I authored in the Texas Senate. The bill allows lodges or similar benevolent institutions to hold raffles for charity.

LEGISLATIVE REPORT



Addressing the Texas Senate from my desk on the floor of the Senate.

Public school funding

Public school funding has challenged Texas state legislators for more than 100 years, and 2005 was certainly no exception.

During one regular session and two special sessions this year, legislators searched for ways to fund public schools while lowering the property taxes that are their primary source of revenue.

Special sessions on school finance are not without precedent. After the Edgewood Independent School District successfully challenged the state's funding formula in court, the Legislature met in special session in 1984, revamping the state's public education system and how it was funded.

These efforts were futile. The Texas Supreme Court struck down the state's school-funding plan as unconstitutional in 1987, and ruled against plans we developed in 1990 and 1991, plans I voted against as a member of the Texas House of Representatives. In 1993, while serving my first term in the Texas Senate, the Texas Supreme Court directed legislators to find a new funding system or the court would assume control of the schools.

Very few legislators, including me, were happy with that plan, but it kept our public schools open and out from under court control. Once again we are faced with the possibility of the courts dictating the manner in which we fund our public schools.

Last year, a district judge in Travis County ruled the current system of funding public schools unconstitutional and ordered the Legislature to reform it by October 1 or stop spending money on education. The state appealed. In July, the Texas Supreme Court heard arguments and is currently considering its decision. The Texas Supreme Court could affirm the judge's ruling, modify it, overturn it, or give us a new deadline.

Whatever the court's decision, I believe that it is the Legislature's responsibility, not the court's, to devise a school funding plan. I also believe that a school reform bill should require school districts to allocate at least 65 percent of a district's total revenue to fund direct classroom instructional activities to be phased in by school year 2009-2010.

Top 10% Law

Although 13 other senators joined me as primary authors on a bill to repeal the Top 10 Percent Law, it failed to pass. I believe that the current system used to guarantee students in the top 10% of their high school graduating classes automatic admission is fundamentally unfair and no longer necessary.

In 2003, the United States Supreme Court effectively overturned the order that was responsible for the Top 10% Law, which the Texas Legislature passed in 1997. At that time, it seemed to be the most practical way to guarantee a race-neutral admission policy.

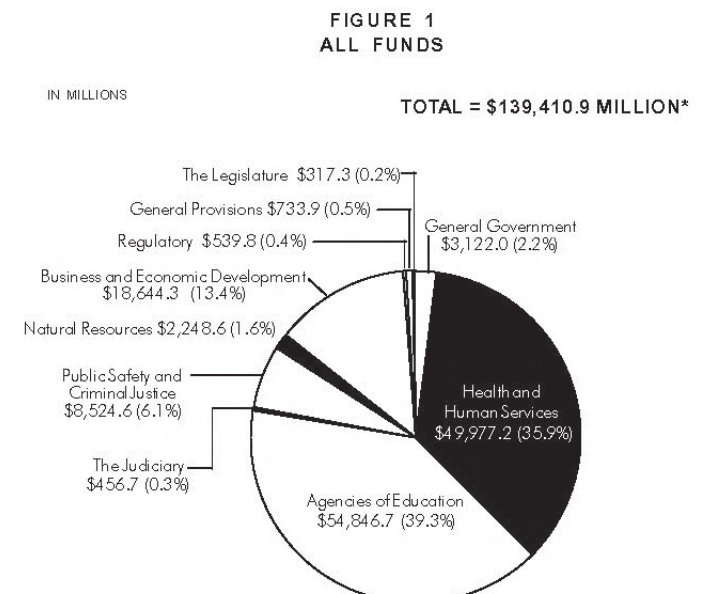
Senate Bill 320 would have required state colleges and universities to consider a variety of factors when making first-time freshman admission decisions, including the applicant's academic record; SAT and ACT scores; extracurricular activities and community service, and not just class standing, as is currently the case.

Budget

In spite of the continued population growth that increases the demand on state services, the Legislature passed a \$139 billion budget for 2006-07 that restores many of the cuts that were made in 2003. At that time, I was one of seven senators, and the only Republican, to vote against a budget that I believed was short-sighted. That budget hurt children, penalized teachers, punished the frail and elderly, and jeopardized our health care system. The 2003 budget not only shortchanged many Texans; it was fiscally irresponsible, as counties, cities, and hospital districts were forced to provide services, often at higher costs to taxpayers, that the state had cut.

This year's budget restores many of the cuts that were made to the Children's Health Insurance Program (CHIP) and to Adult and Child Protective Services. Once again, we passed a balanced budget, which includes a 10.1 percent increase from the 2004-05 biennial level, without raising taxes.

2006-07 Biennial Recommendations





The Senate of The State of Texas

Senator Jeff Wentworth

P.O. Box 12068

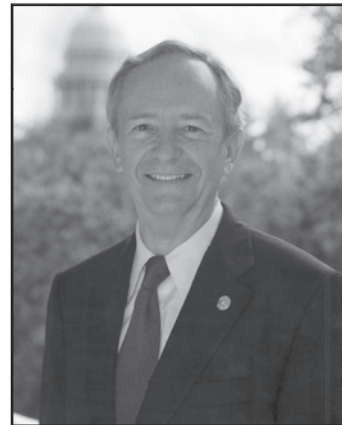
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Legislative Report

State Senator

JEFF WENTWORTH



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

Join the growing list of informed Texans

Texas state government functions best when Texans are informed.

To keep you informed about state issues and about state services that are available to you, I write a weekly column that appears in many, but not all, of the newspapers in Senate District 25. It is also sent via e-mail to constituents who request it.

If you would like to receive my column by e-mail, please e-mail me at jeff.wentworth@senate.state.tx.us and ask to be added to the distribution list.

My columns are not political in nature. They are written to inform, and I believe you will find them both useful and informative.

COUNTIES IN SENATE DISTRICT 25

Bexar (north)
Hays

Comal
Kendall

Guadalupe
Travis (south)

