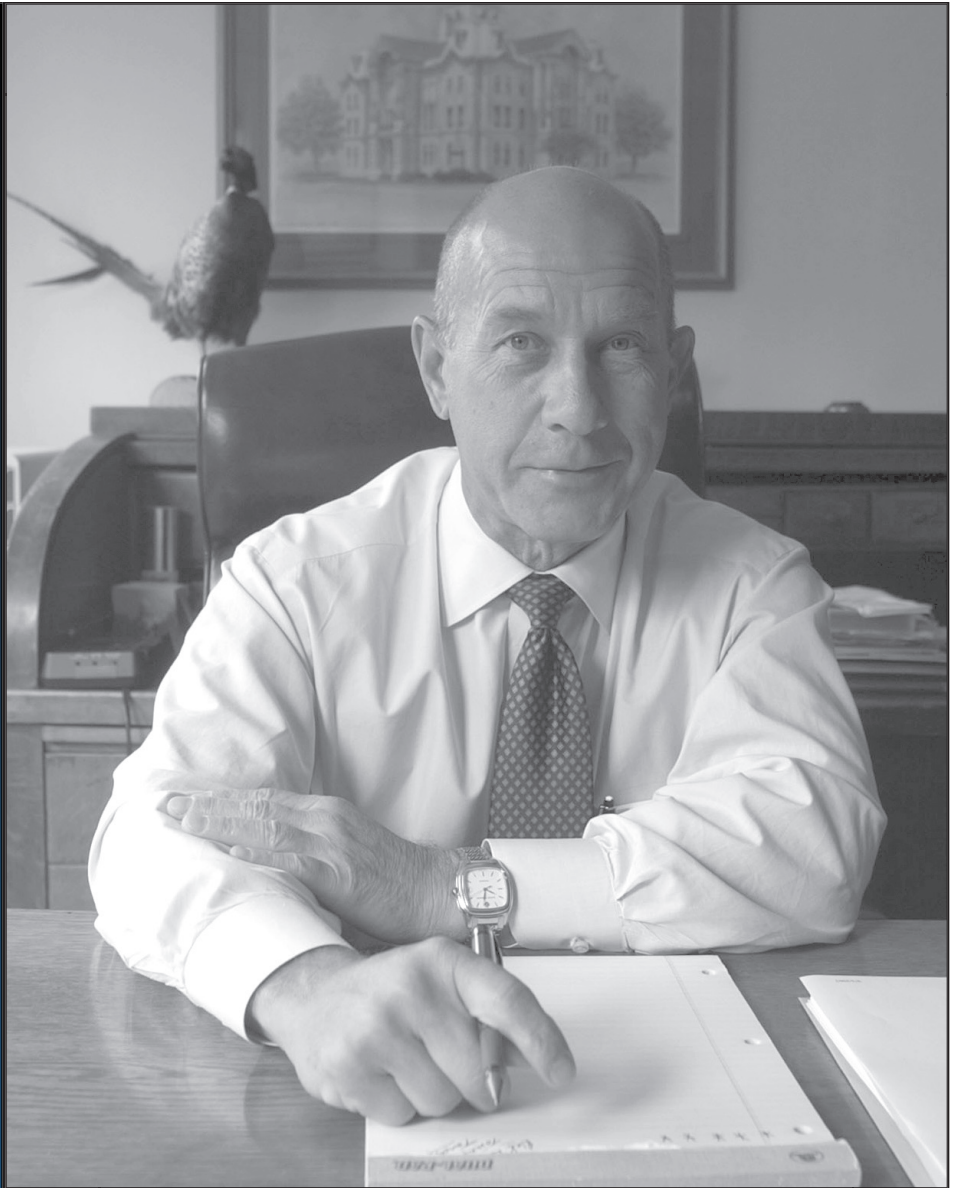




SENATOR JOHN WHITMIRE

Senate District 15 • Fall 2005 Legislative Report



Dear Friends,


The 79th legislative session has been challenging. Throughout one regular session and two special sessions many issues have arisen, a few major issues remain unresolved. Over the course of seven months important changes have been made to workers' compensation, probation, Children's Health Insurance Program, pharmaceutical drug laws, the Safe Clear Program, red light cameras, and eminent domain. We still have work to do to improve public school finance and reduce school property taxes.

I have been privileged to represent Senate District 15 for 22 years. In 2003, I became the longest current serving member of the Texas Senate, assuming the title of Dean of the Texas Senate. As such, I am responsible for various leadership roles. I preside over the Committee of the Whole Senate and adjourn the session at the end of each day. I am also able to use my seniority to help bring the Senate together during times of debate and negotiation. My seniority certainly benefits all of the residents of our Senate district.

I am intensely dedicated to my role as Chairman of the Criminal Justice Committee. This session, we worked tirelessly to improve probation, change jurisdictional laws, and alleviate prison overcrowding. I am also appointed to several other important committees. I currently serve on the Senate Finance, Administration, and Government Organization Committees. I am also a member of both the Legislative Budget Board and the Sunset Advisory Commission. These committees are crucial to the State and it is my honor to serve on them.

I look forward to continuing to represent you in the community as well as in Austin. I will work diligently to resolve local and state issues. This newsletter will provide you with helpful information and outline changes in new laws passed during the 79th legislative session. It is my honor to serve Senate District 15 and to be your voice in the Texas Senate.

Sincerely,


JOHN WHITMIRE

SAFE CLEAR

From its inception Senator Whitmire questioned, as a matter of public safety, the use of wrecker drivers in the Safe Clear program who had not undergone sufficient criminal background checks. He challenged the city's privatization and profiting off of state roads by leasing sections to tow companies for mandatory tow purposes. Whitmire also reminded the city that the gasoline tax and state general sales tax are used to pay for and maintain our highways. His highest priority was that no citizen lose their car to exorbitant fees simply because they had a flat tire or ran out of gas. With this as his motivation, Senator Whitmire worked hard to make the Houston's Safe Clear program a more driver friendly initiative.

After a two hour meeting with Mayor Bill White, an agreement was made on modifications to Safe Clear. Both had the goal of working towards a better, safer program. To address the Senator's concerns regarding public safety, Senate Bill 1062 was introduced to prohibit convicted felons from becoming Safe Clear tow truck drivers. This was a necessary approach to insure the safety of our stranded motorists, but unfortunately the bill died in the House of Representatives on the last day of session. In regards to the concern that the city was using state highways as a revenue source, both sides concluded that the money raised through towing fees and bids would not go to the city for general purposes but would rather apply to the expansion of the Motorist Assistance Program (M.A.P.) and will fund an incident management program which will be placed under the review of the Texas Department of Transportation.

Partnering the City with Harris County M.A.P., a free program, will provide Houstonians with greater assistance without mandating their vehicles be towed. Safe Clear expanded the number of Metro police officers available to assist motorists whenever a tow is required for their vehicle. These things will ensure that the program is a help to citizens, not a hindrance, while still contributing to Houston's effort to increase mobility and improve traffic management.

As a result of his efforts, positive modifications were made to the Safe Clear program. Senator Whitmire and Mayor White were able to take numerous steps towards the common goal of safer freeways in Houston. With these and continued modifications, Safe Clear is quickly becoming a model for traffic management for not only Texas, but for the entire country. Stranded motorist should call 713-225-5627 for assistance.



Senator Whitmire and staff attend a Multicultural Fest in North Shore.

RED LIGHT CAMERAS

Shortly after Chief Hurtt was appointed to office, he recommended the Houston City Council enact ordinances that would implement the use of video motion cameras to catch red light runners. This controversial ordinance was then passed by Houston City Council on December 21, 2004. By passing this ordinance, the City of Houston is able to charge a civil penalty for red light violators.

The technique used to catch these violators is similar to the cameras used at the toll way to catch EZ-tag runners. A picture is taken of the vehicle's license plate. The ticket is then mailed to the owner of the vehicle, who is identified by state registration records. However, if the vehicle was not being driven by the owner at the time of the violation, the owner must then contest it in writing to the municipal court. The burden of proof is then on the owner to prove that he was not the violator in question.

The city anticipates that the cameras will be implemented in November 2005. If a vehicle is caught speeding by the red light cameras, the fine will be a civil fine up to \$75. However, if the vehicle is caught by a police officer the maximum fine is up to \$215.

BROOKWOODS ESTATES HOUSING PROJECT

Due to overwhelming concern from constituents in Brookwoods Estates, Senator Whitmire joined with others to oppose the construction of a high density housing project. The Texas Department of Housing and Community Affairs realized the negative impact of the housing project and denied the request. "After hearing from my constituents in Brookwoods Estates, I was pleased to join with the neighborhood and local Civic Club to ensure our concerns were heard," said Senator Whitmire.

PHARMACEUTICAL DRUG LAW

This legislative session, Whitmire authored Senate Bill 410 intended to regulate the function of the State Board of Pharmacy. The bill also contained provisions regulating out-of-state pharmacies such as "Internet Pharmacies".

With the rising cost of healthcare, many Texans, especially seniors, find it more difficult to obtain much needed medication. Senate Bill 410 allows the State Board to publish on their website a list of free and reduced programs offered by various pharmaceutical companies. The bill also made way for the State Board to inspect Canadian pharmacies therefore giving Texans an opportunity to buy less expensive prescription drugs safely.

This bill was signed by Governor Perry and went into effect September 1, 2005.

MARCH OF DIMES

This session Senator Whitmire was pleased to help increase the care for Texas newborns. The senator joined other legislators and the March of Dimes to help fight health risks to newborns and mothers through additional funding for newborn screening.

House Bill 790 expands newborns screening for birth defects in Texas. Previously, Texas law only screened for eight of the 29 disorders in the core uniform panel recommended by the American College of Medical Genetics and the March of Dimes. With the passage of HB 790, Texas will begin screening for an additional 19 disorders, for a total of 27. The expanded screening will be phased in beginning in November of 2006.

PROBATION REFORM

Our state prisons are almost at capacity and the number of inmates only continues to grow in Texas. Building new prison facilities comes with a price tag of millions of state dollars. Incarceration costs state taxpayers approximately \$15,000 annually per inmate. Senator John Whitmire says, "there's a realization that you don't need to send everyone to prison. You need to save prison beds for the most violent, dangerous criminals."

The state probation system appears to be a viable solution to the overcrowded criminal justice system. However, the probation system needs improvement. "Probation is so broken that we literally have some defendants plea bargain to go to prison instead," states Senator Whitmire. The probation system is overflowing from the large volumes of cases and is loaded with pitfalls that land many probationers back in prison. Last year, almost 25,000 probationers went to prison after their probation was revoked. Of those, more than 14,000 were sent back not for committing a new crime but for technicalities like failing to pay fees or appearing late to meet with their probation officer. Such technicalities usually affect the poor more frequently than other types of probationers.

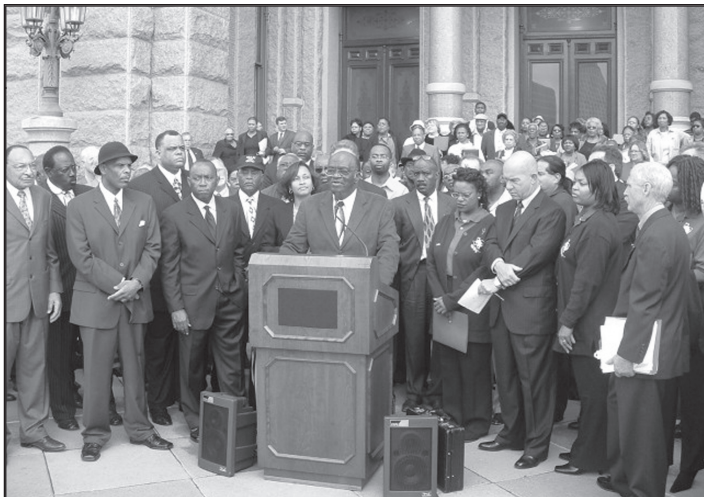
Tougher sentences and a growing Texas population only fuels the need for the state legislature to address the challenge of housing our inmates. Improvements to our probation system is only part of our much needed solution.

"As Chairman of the Senate Criminal Justice Committee, I am committed to making Texas both tough and smart on crime," said Senator John Whitmire.

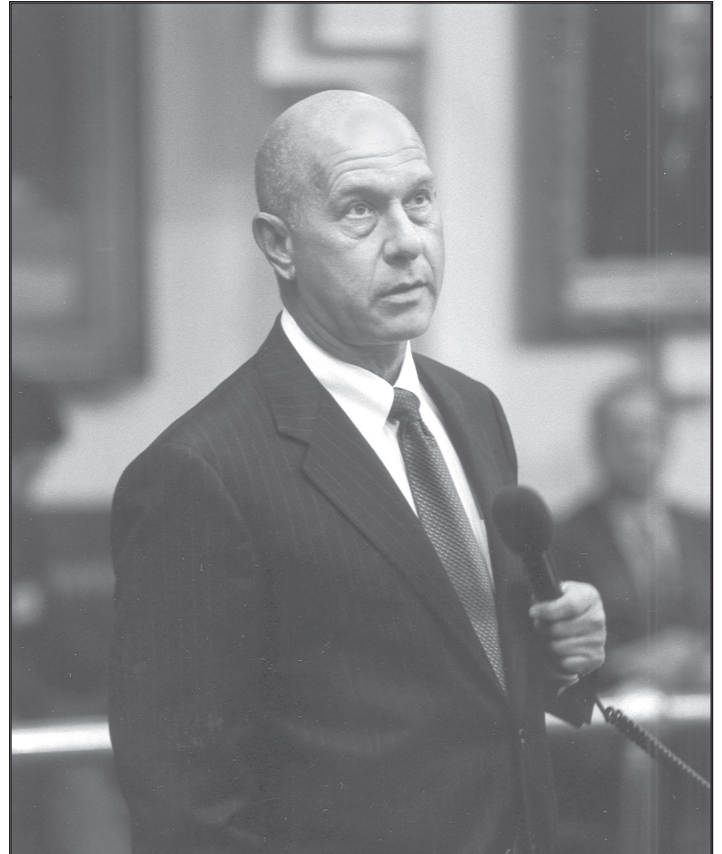
FORENSIC SCIENCE COMMISSION

During the regular 79th legislative session, Senator Whitmire authored Senate Bill 1263 which later passed out of the legislature and was signed by the Governor as House Bill 1068. This bill creates a forensic science commission. Over the last several years, based on observed problems in crime labs, most notably the Houston Police Crime Lab, a public demand for such oversight is provided in this bill. This commission will have the authority to investigate allegations of problems with forensic science labs and oversee the accreditation process of these labs.

On September 1, 2005, House Bill 1068 went into effect and will begin the process of identifying the patterns associated with forensic science testing errors as well as finding solutions. "Public safety is still the number one responsibility of state government. However, for the public to have confidence in our criminal justice system, the system must be fair and just. And above all, accurate and correct," said Whitmire.



Senator Whitmire and Representative Turner join Ministers Against Crime during their visit to the State Capitol.



Senator Whitmire discusses new criminal justice laws on the Senate floor.

LIFE WITHOUT PAROLE

Under prior law, Texas juries did not have the option of sentencing an individual convicted of a capital offense to life without parole. Instead, juries must either choose a life sentence in which the offender can become eligible of parole after 40 years or sentence the defendant to death.

Senate Bill 60 gives Texas jurors the option of sentencing an individual of a capital offense to life without parole. Without the option of life without parole, juries can only sentence these individuals to life which allows the defendant to later become parole eligible.

Senate Bill 60 was heard in the Senate Criminal Justice Committee, chaired by Senator John Whitmire. The bill became law on September 1, 2005.

DWI PREVENTION

Senator Whitmire proposed and secured additional funding in the state budget to increase positions within the Texas Alcohol Beverage Commission targeted at DWI prevention. Their task is to concentrate on the prevention of drunk driving and the reduction in alcohol-related accidents and fatalities in Texas.

An additional 119 new enforcement agents and compliance auditors will target high risk areas for DWIs. Houston, Galveston, Conroe and Beaumont will receive several agents and compliance auditors. Actions will be established to prevent individuals from being over-served in the first place and stop intoxicated individuals from driving. The goal is to decrease the number of drunk drivers by stopping them before they leave the bars.

"Increased manpower is a smart way to deal with this situation and a tough stance to remove DWI offenders from our streets," says Senator Whitmire.

SCHOOL FINANCE REFORM

Certainly, the most important and heated debate during the regular session and two special sessions raged over how to fund our public schools. The future of this great state is directly linked to the future of our children. If our children are to have the chance to become productive adults, we must provide each of them an equal and excellent education.

In order to guarantee an equal and excellent education for all of Texas' school children, no matter where they live, we must tackle several crucial issues.

For too long our public school teachers have been over-worked, underappreciated, and grossly underpaid. Until we increase salaries for Texas teachers to at least the national average, we will continue to fail our teachers and our children.

Currently in Texas, children in wealthy school districts have access to substantially more educational dollars than children in poor districts. The fact that one child has an advantage over another simply because of where they happen to live is not only bad public policy, it is just plain unfair. Each child is held to the same state accountability standards and is required to take the same academic assessment tests. It's only fair that we provide each child with the same level of funding and resources so they can meet those standards and pass those tests.

Through the regular session and two special sessions, there was not agreement on how to adequately address these important issues. With the support of teachers, parents, and school leaders across the state, Senator Whitmire stood up for what is right and filibustered the school finance bill in the final hours of the first called special session. As Senator Whitmire told people who tried to convince him otherwise, "I am representing the needs and concerns of my district."

Given that the Legislature was called in for yet another thirty day special session and again did not pass school finance reforms, it is clear the various proposed solutions did not have the support of a majority of Texans and were not in the best interest of our educators or children.

The daunting tasks of changing a school finance system that does not provide an adequate education for our children and replacing a tax system that is outdated and relies too heavily on property taxes remain. "The new school year is underway and legislators are back home in their districts, but we all know there is still work to be done in Austin," said Senator Whitmire. "I am committed to working with my colleagues and education leaders to pass a school finance plan that raises teachers salaries, gives our school children the tools necessary to become productive adults, and guarantees all children an equal and excellent education."



Representative Senfronia Thompson shows her support for Senator Whitmire during his filibuster on school finance reform.



Senator and Dr. Saavedra, Superintendent of HISD, participate in block walk to recruit student dropouts back to the classroom.

Superintendents Joined with Senator Whitmire to Support Meaningful Reforms and Protect Local Control of Schools

"While Sen. Whitmire advocated for meaningful funding solutions for school districts, he also fought for improved compensation for teachers and other public education employees. For those efforts, we, in the Houston Independent School District, offer our thanks to Senator Whitmire for being an advocate for public education and the children of Houston and Texas." *by Dr. Abelardo Saavedra, Superintendent, Houston I.S.D.*

"Senator Whitmire proved to be a champion of public education, even though that was not one of his assigned committees. He recognizes the importance of providing adequate funding and support for the school children of Texas. Ignoring special interest issues and party-line politics, Senator Whitmire worked with Republicans and Democrats alike in an effort to construct and pass legislation that focused on the needs of public education." *by Dr. David Anthony, Superintendent, Cypress-Fairbanks I.S.D.*

"Senator John Whitmire is truly an advocate for Texas schoolchildren and teachers. During the last legislative session, he sought input from school superintendents concerning education issues and then acted on this input, really listening to our comments and following up with us individually for clarification on specific points. His voting record and actions are clear indicators of his strong support for Texas public schools." *by Dr. Barbara A. Sultis, Superintendent, Goose Creek I.S.D.*

NEW TRAFFIC LAWS AFFECTING YOU

During the past legislative session, a series of new traffic laws were passed that impact Texans. Several of these laws directly affect a person's drivers license. Below is a brief description of the new laws now being enforced in Texas.

HB 183 states that all children younger than 5 years of age (old law was younger than 4) and less than 36 inches tall are required to be in a child safety seat system. It also classifies seat belt and safety seat infractions as a moving violation, with a citation now counting as points in the Responsible Drivers Sanctioning System.

HB 1257 prohibits use of wireless communications devices (cell phones included) for the first six months after a teenager obtains their driver licenses. This bill also prohibits passenger bus drivers transporting minors from using wireless communication devices, except in emergencies or when the bus is stopped.

HB 1357 creates a six-month driver license suspension for a person convicted of providing alcohol to a minor (one year for a second offense and increase the drivers license suspension to one year for minors who are convicted of a second alcohol offense.

HB 1481 creates a Class B misdemeanor if a person drives around a barricade where a warning sign or barricade has been placed because water is over any portion of a road, street or highway. It also specifically creates a traffic violation for driving around a barricade put in the roadway because of dangerous conditions.

SB 1005 provides that if a driver younger than 25 years of age commits a traffic offense classified as a moving violation, the judge must require the driver to complete a driving safety course and if the driver holds a provisional driver license (under age of 18), submit to a Department of Public Safety road test.

HB 1484 specifies that a person commits a traffic offense (Class C misdemeanor) if they are involved in a crash on the main lane, ramp, shoulder, median or adjacent area of a freeway and do not move their vehicle to an area that minimizes interference with freeway traffic, assuming that the vehicle is drivable.

HB 51 requires that upon a conviction for a DWI in which the blood alcohol level was determined to be .15 or above, an ignition interlock device must be installed in the person vehicle for the person to drive.

HB 1596 clarifies the definition of neighborhood electric vehicles and motor assisted scooters and allows municipalities to regulate the use of motor assisted scooters on roadways and sidewalks.

SB 1257 disqualifies a person from operating a commercial motor vehicle if the person's driving is determined to constitute an imminent hazard.

HB 754 allows fines up to \$500.00 for violating the laws for transporting, loose material in commercial vehicles.

SB 1258 specifies that an original commercial driver license or commercial driver learner's permit expires in five years instead of six years.

HB 87 allows cities to lower residential speed limits from 30 miles per hour to 25 miles per hour in certain instances.

SB 1670 requires the Texas Department of Transportation and the Texas Department of Insurance to establish a verification program for vehicle insurance in order to try and reduce the number of uninsured drivers.

HB 120 creates an organ donor education and registry program that will eventually allow Texans to indicate their wish to become an organ donor when they are issued or renew their driver license or state ID card.

HB 699 increases the penalty for using someone else's driver license or identification card to a Class A misdemeanor. It also clarifies that use of a false ID by someone under 21 years of age for the purchase of alcohol is a Class C misdemeanor.

AWARDS AND ACCOLADES

Top Ten Best Legislators by the Texas Monthly Magazine in 2005
2005 Legislative Star by the Texas Classroom Teachers Association
Texas Heroes by the Harris County Democratic Party
Top Ten Key Players in Special Session by the Capitol Inside
Appointed to the Governor's Criminal Justice Advisory Council

TEXAS: WHERE WE RANK

1st in Uninsured children
1st in Toxic and Cancerous Manufacturing Emissions
1st in Clean Water Permit violations
1st in Number of Civil Rights Complaints
1st in Number of Executions
2nd in Rate of Incarceration
2nd in Number of Hazardous Waste Spills
2nd in Teen Birthrate
2nd in Sales Tax Dependency
7th in Poverty Rate
9th in Unemployment Rate
32nd in Education

32nd in Average Teacher Salary
37th in Women Receiving Prenatal Care
40th in Number of Physicians Per Capita
43rd in Households with Checking Accounts
45th in Home Ownership Rate
46th in Average Hourly Earnings
47th in Welfare & Food Stamp Benefits Paid
47th in Percentage of Eligible Voters that go to the Polls
48th in Spending on Child Protection
50th in High School Graduation Rate
50th in Average Consumer Credit Score



Senator John Whitmire

District 15

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HELPFUL TOLL FREE NUMBERS

| | | | |
|---|--------------|--|--------------|
| Abuse Hotline (children, elderly, disabled) | 800-252-5400 | Injured Workers | 800-252-7031 |
| Children's Health Insurance (CHIP) | 800-647-6558 | Insurance Information and Assistance | 800-252-3439 |
| Child Support Enforcement | 800-252-8014 | Legal Referral | 800-252-9690 |
| Consumer Protection (Attorney General) | 800-621-0508 | Medical Hotline | 800-252-8263 |
| Consumer Credit Helpline | 800-538-1579 | Runaway Hotline | 888-580-4357 |
| Crime Victims Compensation | 800-983-9933 | Student Financial Aid | 877-782-7322 |
| Crime Stoppers | 800-252-8477 | Taxpayer Information | 800-252-5555 |
| Emergency Roadside Assistance | 800-525-5555 | Voter Registration/Elections | 800-252-8683 |
| Governor's Citizen Assistance Hotline | 800-843-5789 | Youth Hotline | 800-210-2278 |