

# Coalition of Texans with Disabilities

## 81st Legislature Report (2009)

Dear Friends of CTD,

All bets were off. Nobody could predict what would happen in the 2009 Texas legislative session. The economy tanked and supposedly took the state budget with it, then federal stimulus money revived it. The Senate changed its rules to pave the way for Voter ID changes, but didn't figure the House would kill it. At the last possible moment, little known Rep. Joe Straus was elected the new Speaker of the House, igniting a chain reaction that changed almost all the committee chairmen. The State Schools were hit with federal Dept. of Justice charges for abuse, the notorious Fight Club scandal at the Corpus Christi State School hit national media and the Denton State School was blasted for its failure to properly report the sudden violent death of a resident.

CTD was there for you **before** the session, working with legislators to draft bills. CTD then worked tirelessly through the days and nights, **including an all-nighter until 6 a.m.**, of the 140 days of the 81<sup>st</sup> session to make sure that Texans with disabilities had a seat at the political poker table. With the help of individuals calling and writing their Senators and Representatives, along with the help of our partner advocacy groups, some very significant outcomes were achieved.

CTD efforts included:

- Testimony at **public hearings; including specially invited testimony**
- Direct contacts to **legislative offices**
- Supplying and reviewing **language for legislation**
- Written **position papers distributed** to the Legislature
- Operating Raise Your Voice! (click the link on [www.cotwd.org](http://www.cotwd.org)), a web-based tool to communicate to legislators. CTD members **sent legislators over 2,500 emails.**
- Organization of and/or participation in several legislative **rallies at the Capitol** (photo at left: Rep. Naishat at rally on Capitol steps)
- **Press conferences and media interviews**
- We held our annual **convention** just blocks from the Capitol in April, bringing in folks from around the state



### **Budget Issues and State Schools**

With all the publicity on State Schools, the pressure was on the Legislature. There was a lot advocates wanted that did not get done: consolidation of facilities, development of a real long term plan and waiver reform. But there was a commitment to reduce the State School population, relocate hundreds to the community and substantially reduce the community services wait lists.

Yes, the legislators threw more money at the institutions but they also appropriated the largest funding ever to reduce the community wait lists. They also funded an increase in the wages paid to community direct care workers. Again, not the \$10 per hour we wanted, but the average should now be \$8, an improvement. We were successful in advocating for three new centers for independent living and the elimination of the wait list for Comprehensive Rehab Services for traumatic brain and spinal cord injuries during the critical first year after injury.

## **Diverse Disability Legislation**

**Voter ID legislation** (SB682) did receive a lot of media coverage and CTD had the visible disability lead in the Senate. CTD opposed the bill for two reasons, first there is virtually no record of voter impersonation in Texas, the only type of voter fraud addressed by additional ID requirements; second, of the 17 potential IDs, at least 16 would've have been less likely held or more difficult to obtain for a voter with a disability. (Photo at right: Dennis Borel speaking at press conference with Senators Van de Putte, Ellis, Shapleigh, West, Davis and Whitmire). Once in the House, colleagues at AARP, Advocacy Inc., LULAC, NAACP and ACLU took the forefront. After a long partisan battle, **voter ID died**. We also **strongly opposed and killed numerous bills that would have allowed exemptions to polling place accessibility and accessible voting technology**. The voting rights of people with disabilities were protected.



Filed at CTD request, HB1805 legalized the use of laser sighting devices for **hunters with disabilities**. A reasonable accommodation bill, HB1805 was of high interest to the Texas Chapter of the Paralyzed Veterans of America. *Passed!* CTD was honored to strongly support the successful passage of SB187, very important legislation to working families with kids with disabilities. The bill allows these families with an income above eligibility to **“buy in” to Medicaid for their children**. This was a tough fight, led by the UT Center for Disability Studies. Based on complaints from members who've purchased modified vehicles, CTD strongly backed HB236 that ensured the **proper motor vehicle sales tax exemption** for buyers. *Passed!* We were among the many who supported HCR22 which permits **the Chishty family to sue the State** for the beating of Haseeb Chishty at the Denton State School. *Passed!*

Make no mistake; we also took our lumps in this tricky, difficult, exhausting session. Two important bills filed at CTD request were HB849, to **waive the state's sovereign immunity to its ADA violations**, and HB970, to **include business owners with disabilities as historically underutilized business (HUBs)** for purposes of contracting for state work. Though neither bill passed, we did get both out of committee and raised awareness of these issues. CTD continued its involvement in the highly controversial HB3325 bill to change advanced directives practices and who can make end of life decisions. We call this the “Don't Pull the Plug Bill” and it stalled out.

These and other diverse bills took CTD to many different legislative committees. During the 81<sup>st</sup> session, we found ourselves directly working with more committees than ever. Here's our list:

Senate Committees: Administration, Business & Commerce, Criminal Justice, Finance, Health & Human Services, Nominations, State Affairs, Transportation & Homeland Security, Natural Resources

House Committees: Appropriations, Business & Industry, Calendars, Culture, Recreation & Tourism, Elections, Human Services, Judiciary & Civil Jurisprudence, Local & Consent Calendars, State Affairs, Transportation, Federal Stabilization Funds

## **The End Game: CTD's Critical Role in Passing 6 Bills on the Last Day**

Some of our most effective work came in the final weeks of the session when we were notified of seven good disability bills that were stuck in the process. These bills were at high risk with only a short time left. Meanwhile, logjams of bills were clogging the House and Senate. CTD worked directly and sometimes furiously in each case and six of the bills became law.

HB978, known as the **ADA Amendments bill**, would update Texas Labor Code to the new federal ADA standards. Blocked in the House Calendars Committee, we got to the right people, corrected misconceptions, got the bill to the House floor. In the Senate, we pushed for a hearing, coordinated the testimony, got the bill out of committee, only to have HB978 pulled from the Senate calendar. 10 pm strategy calls led to 7 am meetings the next morning to get it back on the calendar. *Passed!*



CTD's Chase Bearden and Gov. Perry shake hands at HB978 bill signing

We called HB1343 the miracle bill. HB1343 strengthened the deterrent to drivers who fail to yield the **right of way to a pedestrian with blindness or mobility impairment** by increasing the penalties. We pushed to get a House committee hearing and it was the latest possible date for the bill to continue moving. We got it to the House floor on the last possible date for it to pass. The Senate committee then

did not schedule HB1343 for its final hearing. Only by trapping the chairman in his office at 7 am was CTD able to convince him to add HB1343 to the agenda. *Passed in a photo finish the final night!*

SB1612 was initiated by VCFS Texas, a new parents group. The bill proposed to provide information on **Velo Cardiofacial Syndrome**, a genetic disorder, to medical professionals and parents when a child exhibits two indicators of VCFS. Early in the session, CTD provided advice and assistance to VCFS Texas and the bill moved through the Senate. When SB1612 slowed in the House, we used contacts with the Human Services Committee to get a hearing. When a contact in the Calendars Committee informed us SB1612 was in danger of being bypassed, CTD hit committee members and notified VCFS Texas to act as well. *Moved to the House floor and passed in a close call!*

SB1804 was controversial legislation left for dead. Initiated by the Greater Texas Rehab Providers Council, SB1804 would require **expertise in fitting prescribed wheelchairs** for Medicaid recipients including kids with disabilities. Opposed by an occupational therapist group, the Human Services Committee Chair granted CTD and the Rehab Providers time to negotiate a compromise bill. *Passed at the last minute!*

HB400 and HB3095 **improved Texas' handicapped parking laws**, allowing a grace period for an expired legitimate placard, simplifying enforcement and increasing fines for violations. Noncontroversial and perceived as "small" bills, HB400 and HB3095 would easily have died in the last weeks. Both needed an advocacy group to get them moving through the final committees and Senate floor. CTD filled that role and both *passed on the final day of the Senate!*

CTD did not bat 1.000 on the end game. HB155 would allow a person with a disability to operate a motor vehicle to approach and **access a river**. Conservation laws protect rivers from motor vehicles but do allow several exemptions. CTD worked hard on this **reasonable accommodation bill**, only to have it die on the Senate's final day.

There were folks who told us these bills were minor, just not that important compared to huge major bills fighting to get through in the end game. For workers with disabilities, blind pedestrians, VCFS parents, wheelchair users and consumers of accessible parking spaces, each of these bills is meaningful.

**Please review the complete 2009 CTD Legislative Report below.**

Thanks to all the CTD members, volunteers, friends, legislators and Capitol staffers who helped us in our mission. Special appreciations to the cross-disability partners at the Capitol every day: ADAPT, UT Center for Disability Studies and Advocacy Inc. Thanks to all the disability and senior advocacy groups who all collaborated on the budget issues.

**2009 Legislative Report for CTD/Coalition of Texans with Disabilities**

<b>BILL &amp; SPONSORS</b>	<b>CTD'S ROLE/PARTNERS</b>	<b>WHAT THIS MEANS FOR YOU</b>
<b>BUDGET</b>		
SB1 (budget bill) Reduce Wait Lists/Expansion of Community-based Services	CTD testimonies, letter writing, direct visits with legislative offices, Capitol days  Partners: all disability advocacy organizations.	<b>PASSED</b> All funds totaling \$433 M. Expands the funding for community based services by 14,632 new slots.
SB1(budget bill) Increase in community attendant wages	CTD testimonies, letter writing, direct visits with legislative offices, Capitol days  Partners: ADAPT, PACT, TX Ctr for Disability Studies, TAHC	<b>PASSED</b> \$300 M total funds to increase wages to an average of \$8 per hour. Will raise lowest wages more.
SB1(budget bill) Eliminate wait list for Comprehensive Rehab Services	CTD testimonies, letter writing, fiscal analyses, direct visits with legislative offices, Capitol days  Partners: Brain Injury Association of TX, Brain Injury Alliance of TX	<b>PASSED</b> \$4.3M for rehab for traumatic brain and spinal cord injuries during critical first year after injury
SB1 (budget bill) Centers for Independent Living	CTD testimonies, fiscal analysis, office visits, Capitol days  Partners: SILC, Advocacy Inc., TX Assn of CILs	<b>PASSED</b> \$1.5M to establish 3 new centers for independent living
<b>STATE SCHOOLS REFORM</b>		
SB 643 (Nelson/Rose)	CTD began working before the session with bill authors to draft major reform legislation and was among the lead advocates that offered testimony/direct visits with legislative offices, state wide media and Capitol rallies. SB643 did address emergency protections.  Partners: TX Ctr for Disability Studies, ADAPT, Advocacy Inc., ARC, Community Now, TCDD	<b>PASSED</b> State school emergency legislation to ensure safety of residents with training requirements for center employees, and investigation procedures for reports of abuse, neglect and exploitation; background checks of center employees and volunteers, video surveillance and an independent mortality review system.

<p>HB 1317 (Rose)  SB 2860 (Ellis)  SB 2407 (Zaffirini)  SB 639 (Lucio)  SB 1407 (Shapleigh)  and more</p>	<p>The partnering disability organizations collaborated on these bills.</p>	<p><b>NOT PASSED</b>  Comprehensive reform bills: create state long term plan including consolidation and closure, waiver reform etc.</p>
<p><b>VOTING LEGISLATION</b></p>		
<p>SB 362 (Fraser), HB 125 (Betty Brown)</p>	<p>CTD, Advocacy Inc., AARP, LULAC, ACLU as lead advocates in opposition  Testimony/direct visits with legislative offices/press conferences</p>	<p><b>NOT PASSED</b> Kept all onerous “voter ID” bills from passing. These laws would have effectively suppressed voting by the elderly and people with disabilities.</p>
<p>HB 355 (Aycok), HB 419 (Betty Brown), HB 381 (Callegari) and more</p>	<p>CTD, Advocacy Inc. and AARP as lead advocates in opposition  Testimony/direct visits with legislative offices.</p>	<p><b>NOT PASSED</b>  Voting bills designed to change Texas Election Code to exempt political subdivisions from having accessible voting machines and meet the same accessibility requirements used in federal elections.</p>
<p>HB 3335 (Callegari)</p>	<p>CTD had direct meetings with Rep. Callegari’s office to create an amendment to protect voting rights.</p>	<p><b>NOT PASSED</b>  Amended to keep provisions for accessible voting machines in small water districts elections of less than 250 people and rules they must follow if seeking an exemption to not supply an accessible voting machine.</p>
<p><b>Diverse Disability Legislation</b></p>		
<p>HB 849 (Strama), SB 1150 (Hinojosa)</p>	<p>CTD initiated bill, offered testimonies, letter writing, direct visits with legislative offices, Capitol days of advocacy, statewide media campaign</p>	<p><b>NOT PASSED</b>  This bill would waive the state’s sovereign immunity to ADA complaints, ending Texas’ offensive practice of claiming immunity for its acts of disability discrimination. Was blocked in the House Calendars Committee.</p>
<p>HB 1805 (Kuempel/Estes)</p>	<p>CTD initiated bill; testimonies, letter writing, direct visits with legislative offices.    Partner: TX Chapter of the Paralyzed Veterans of America</p>	<p><b>PASSED</b>  A reasonable accommodation bill. Legalized the use of laser sighting devices by hunters who are physically disabled.</p>

<p>HB 970 (Lucio III)</p>	<p>CTD initiated bill, testimonies, letter writing, direct visits with legislative offices</p> <p>Partners: TX Chapter of the Paralyzed Veterans of America, Rehabilitation Council of Texas, Goodwill</p>	<p><b>NOT PASSED</b></p> <p>Would allow people with disabilities to gain a (HUB) Historically Underutilized Business status for the purpose of doing business under that certification with the State.</p>
<p>SB 187 (Deuell, Lucio III)</p>	<p>CTD in strong support of lead advocate TX Ctr for Disability Studies with office visits, Capitol days, testimonies</p> <p>Partners: ADAPT, Down By The Border, Advocacy Inc., TCDD</p>	<p><b>PASSED</b></p> <p>Allows working families whose income is above eligibility standards and with kids with disabilities to buy in to Medicaid. \$20M included in the state budget.</p>
<p>HB 978 (Burnam, Watson)</p>	<p>CTD was instrumental in getting this bill unstuck in the House and moved through the Senate. Testimonies, letter writing, direct visits and meetings with legislative offices.</p> <p>Partners: Texas Employment Lawyers Assn, Advocacy Inc, Epilepsy Foundation of Central and South Texas, Tracey Michol</p>	<p><b>PASSED</b></p> <p>The United States Congress amended the original ADA in the ADA Amendments Act of 2008 to clarify the meaning of "disability." This bill brings Texas labor code into alignment with the ADA Amendments Act of 2008 and more fully protects employees from discrimination based on disability.</p>
<p>HB 1343 (Menendez/Van de Putte)</p>	<p>CTD and the Alamo Council of the Blind-Texas were primary advocates; offered testimonies, letter writing, direct visits and meetings with legislative offices.</p>	<p><b>PASSED</b></p> <p>Will create a stronger deterrent to drivers who fail to yield the right-of-way to a disabled or visually impaired pedestrian, causing injury or death. The fine was increased to \$500 and 30 hours of community service.</p>
<p>HB 236 (Rodriguez/Watson)</p>	<p>CTD, Advocacy Inc and SILC were primary advocates; offered testimonies, letter writing, direct visits and meetings with legislative offices, Capitol days</p>	<p><b>PASSED</b></p> <p>Amends current law relating to the procedures to obtain an exemption from the motor vehicle sales tax for motor vehicles driven by persons who have orthopedic handicaps. This will streamline the process making it easier for everyone involved.</p>

<p>SB 1612 (Lucio/Rodriguez)</p>	<p>CTD strongly backed the initiator VCFS Texas, a new parents group. Technical assistance to VCFS Texas, testimonies, letter writing, direct visits and meetings with legislative offices.</p>	<p><b>PASSED</b> An awareness campaign on Velo Cardiofacial Syndrome (VCFS), a little known genetic disorder that is the second most common after Down Syndrome; information on VCFS would be sent to medical professionals and families when a child exhibits at least two indicators of VCFS.</p>
<p>SB 1804 (Zaffirini/Hughes)</p>	<p>CTD strongly backed the initiator, The Greater Texas Rehab Providers' Council. CTD negotiations, letter writing, direct visits and meetings with legislative offices.</p>	<p><b>PASSED</b> Requires professional expertise in fitting prescribed wheelchair mobility systems that is currently lacking for Medicaid recipients, including kids with disabilities.</p>
<p>HB 400 (Herrero/Hinojosa)</p>	<p>CTD and the City of Corpus Christi ADA Office were primary advocates. Testimonies, letter writing, direct visits and meetings with legislative offices.  Partner: Advocacy Inc.</p>	<p><b>PASSED</b> Allows a grace period for a person cited for illegally parking a vehicle with an expired disabled parking placard by obtaining a valid placard within 20 working days or before your first court date to have the citation dismissed.</p>
<p>HB 3095 (Harless/Watson)</p>	<p>CTD and Advocacy Inc were primary advocates and offered testimonies, letter writing, direct visits and meetings with legislative offices.</p>	<p><b>PASSED</b> Simplifies enforcement and increases the fines for illegally parking in handicapped parking spaces from \$250 min - \$500 max to a min of \$500 &amp; a max of \$750. With each offense the fines increase and community service is added.</p>
<p>HB 155 (Gutierrez/Zaffirini)</p>	<p>CTD was primary advocate; testimonies, letter writing, direct visits and meetings with legislative offices. CTD was instrumental in getting this recreation bill unstuck in the House and through most of the Senate before dying on the last day.</p>	<p><b>NOT PASSED</b> Would exempt a person who has a permanent physical disability from the prohibition against operating a motor vehicle in or on a protected freshwater area. This would allow them to access rivers for recreation more easily.</p>
<p>HCR 22 (Burnam/Carona)</p>	<p>CTD one of many groups and individuals supporting the Chishty family.  Main partner: Community NOW!</p>	<p><b>PASSED</b> Permits the Chishty family to sue the State of Texas for serious injury inflicted to Haseeb Chishty while residing in Denton State School, limits amount of possible award.</p>



<p>HB 3325 (Hughes)</p>	<p>CTD testified in strong support of highly controversial issue.</p> <p>Partners: TX Ctr for Disability Studies, Advocacy Inc., Right to Life</p>	<p><b>NOT PASSED</b></p> <p>“Don’t pull the plug bill” on advanced directives and who can make end of life decisions.</p>
<p>HB4402, SB204 (Martinez Fischer/Van de Putte)</p>	<p>CTD in support.</p> <p>Partners: Natl. MS Society, Epilepsy Foundation of Central and South Texas</p>	<p><b>PASSED</b></p> <p>Study on the impact of unauthorized drug switching and generic substitution which can be dangerous for persons with epilepsy, mental illness, MS and other disabilities requiring precise prescriptions.</p>
<p>SB 1395 (Zaffirini)</p>	<p>CTD in strong support of initiators</p> <p>Down Syndrome Society, ARC, Texas Advocates and Advocacy Inc</p>	<p><b>NOT PASSED</b></p> <p>Respectful language bill would ban the “R” word in statute and official use.</p>