

Homeland security bill passes senate

The Senate April 18 finally passed CSSB 11, which author Sen. **John Carona** (R-Dallas) characterizes as a "homeland security omnibus bill."

The bill looks to improve emergency response and disaster relief by enhancing interregional communications and the providing for the sharing of funds and resources in response to disasters.

The bill would also update law enforcement procedures for modern technology. Carona observed that criminal organizations regularly use disposable cell phones in conducting their business.

When the state wiretapping statute was enacted, the only type of phone that existed was a hardwired landline.

The bill requires customer information be retained at the point of activation of a disposable phone and limits to five the number of disposable phones that may be purchased at one time.

Wiretap orders under CSSB 11 would follow persons rather than specific instruments or facilities, in emergency circumstances or situations in which the suspect seems likely to circumvent the order by repeatedly changing communication devices.

The bill would also create a database of temporary cardboard tags placed on newly sold vehicles that would allow law enforcement to trace them to the individuals. Currently they cannot be traced and thus are often used by criminal organizations, Carona said.

CSSB 11 also deals with school security, private emergency organizations and the state's emergency alert system.

Senate amends, passes Nelson's health care bill

CSSB 10 by Sen. Jane Nelson (R-Lewisville) passed the Senate after receiving a few new wrinkles.

To cite a few of its many provisions, the bill offers incentives for Medicaid patients to complete smoking cessation, weight loss and other preventive programs.

It encourages Medicaid managed care plans to enroll patients in value-added preventive health services.

It expands efforts to stop fraud and abuse. It standardizes the way hospitals report uncompensated care, a move calculated to eliminate some of the guesswork involved in cost projections.

It creates a committee to recommend in-



centives for more employers to offer health and long-term care insurance.

"These reforms will help stabilize our costs," Nelson said during the floor session just prior to passage. "It will increase access to healthcare, and most importantly I believe, it will encourage patients to live longer, healthier lives."

Eight amendments were attached to the bill before its passage. The first, from Sen. **Judith Zaffirini** (D-Laredo), specifies that participation in and withdrawal from the program both are voluntary.

The second amendment, by Sen. **Carlos Uresti** (D-San Antonio), specifies that adult benefits will not be reduced under the legislation.

The third, by Sen. **Eddie Lucio** (D-Brownsville) and Sen. **Juan "Chuy" Hinojosa** (D-McAllen), clarifies the point that the option to opt out of Medicaid is voluntary and ensures that Medicaid beneficiaries who choose to opt out are informed and may choose to return to traditional Medicaid upon request. The amendment would also ensure that Medicaid beneficiaries or the parents of them are fully aware of all the implications of opting out.

The fourth, by Lucio, establishes legislative oversight of changes resulting from the legislation.

The fifth, by Uresti, provides for a feasibility study of health passports for teenagers and younger children on Medicaid. The study would also examine the cost-effectiveness and feasibility of a passport program.

Three amendments from Sen. **Bob Deuell** (R-Greenville) were adopted. The first looks to ensure that federally qualified health clinics (FQHCs) and rural health clinics services and reimbursements are protected under any Medicaid reform initiatives the state might pursue.

The amendment mirrors the language of the Federal Deficit Reduction Act of 2005. FQHCs provide healthcare to low income "working poor" individuals and families on a sliding scale. Deuell clarified that the amendment does not require that all Medicaid recipients have access to FQHCs.

Deuell's second amendment allows the Texas Medicaid program to comply with third party liability collection requirements of the Deficit Reduction Act.

The eighth amendment, by Deuell, requires certain recipients of medical assistance to designate a primary care physician with whom the recipient will have a continuous, ongoing professional relationship, and who will manage and coordinate all aspects of recipients' health care.

Probation bill passed in Senate

Senate Bill 1909 from Sen. **Rodney Ellis** (D-Houston) passed the Senate 20-10 on April 17. It provides for the probation and treatment, rather than the jailing, of non-violent offenders whose only previous offenses are drug-related.

A judge could override that provision were the prisoner unfit for treatment or dangerous to the community.

The Texas Public Policy Foundation (TPPF) issued a statement praising the vote.

Said **Marc Levin**, director of TPPF's Center for Effective Justice: "This legislation will save taxpayers \$493 million by diverting low-level, non-violent drug users from prison into probation and community-based treatment programs. This is better not only for the taxpayers but also the drug offender. Arizona implemented this approach more than a decade ago with a 77 percent success rate."

Sen. **Steve Ogden** (R-Bryan) and others expressed concern that the legislation does not give judges the option of sending first-time drug offenders to jail. Ellis maintained that the bill does in fact afford judges the option.

AG: Electronic pull-tab bingo legalization not constitutional

Attorney General **Greg Abbott** issued an opinion April 19 holding that the Legislature does not have the constitutional authority to authorize electronic pull-tab bingo.

"The constitutional authorization for charitable bingo does not include "electronic pull-tab bingo," Abbott wrote.

During the 2005 legislative session, the gambling lobby attempted to legalize electronic pull tab bingo by amending several different pieces of legislation.

Tower Institute: Voters support taxpayer protections

A new poll says lopsided majorities want to slap away government hands that get too

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