



Insights into Public Policy in the Lone Star State

# VERITAS

Texas Public Policy Foundation

## Issue 4 ★ December 2007

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The Foundation's Bill Peacock, Vice President of Administration and Director of the Center for Economic Freedom, moderates a panel discussion at the sold-out Policy Primer, *Energy and the Environment: Maintaining Economic Growth in the Face of the Challenges of Clean Air and Global Warming*, held in Houston.

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## Energy, Environment, and Economic Growth in Texas

On November 14th, 2007, the Texas Public Policy Foundation and Competitive Enterprise Institute co-hosted a sold-out Policy Primer, "Energy and the Environment: Maintaining Economic Growth in the Face of the Challenges of Clean Air and Global Warming," in downtown Houston.

Ever-tightening "clean air" regulations continue to impose heavy costs on the Texas economy, despite dramatic improvements in air quality in Texas over the last 30 years. On the horizon, potential regulation of CO2 could have a much greater impact on Texas' economic growth, manufacturing, and

energy production, despite the mounting body of evidence challenging the effectiveness of such regulations.

This event took a close examination of the environmental successes in Texas, upcoming regulatory challenges, and what can be done to avoid imposing heavier regulatory costs on Texas businesses and consumers.

The panel discussion featured an array of experts in the areas of air pollution, the environment, and economic growth, with a luncheon keynote address by State Representative Dennis Bonnen, Chairman of the House Committee on



## 2007 Board of Directors

### Texas Public Policy Foundation *Mission*

The Foundation's mission is to improve Texas by generating academically sound research and data on state issues, and by recommending the findings to opinion leaders, policymakers, the media, and general public.

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- Personal Responsibility
- Private Property Rights
- Free Markets
- Limited Government

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*Veritas* is a quarterly publication of the Texas Public Policy Foundation. *Veritas* focuses on the critical issues facing public policy in Texas. Subscribe to this publication by contacting the Texas Public Policy Foundation at (512) 472-2700 or at our website: [www.TexasPolicy.com](http://www.TexasPolicy.com).

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### Mission Statement

The Texas Public Policy Foundation is a 501(c)3 non-profit, non-partisan research institute guided by the core principles of limited government, free markets, private property rights, individual liberty, and personal responsibility.

The Foundation's mission is to improve Texas by generating academically sound research and data on state issues, and by recommending the findings to opinion leaders, policy makers, the media, and general public. The work of the Foundation is conducted by academics across Texas and the nation and is funded by hundreds of individuals, foundations, and corporations. The Foundation does not accept government funds or take contributions to influence the outcomes of its research.

## The President's Message

It is hard to believe how quickly time passes. As 2007 winds down, the Foundation is already looking forward to 2008 and a new year of activities and projects—all with the aim of looking for new ways to more effectively champion the cause of freedom and liberty. But before we get too far ahead, I hope you will indulge me as we revisit some of our biggest successes this year.

For the first five months of the year our policy team lived the legislative session, testifying 140 times on some of the most critical pieces of legislation as they made their way through the legislative process. Our policy staff was actively involved in promoting important ideas that resulted in the Texas Legislature eliminating the Telecommunications Infrastructure Fund tax to save taxpayers \$600 million; passing a state budget that grew just under the growth of population and inflation, despite a \$14 billion surplus; and emphasizing alternatives to incarceration to avoid building costly new prisons, among other successes.

We hosted the 5th Annual Policy Orientation for the Texas Legislature in February with *ABC* television's John Stossel as our dinner keynote speaker, drawing an impressive group of state officials and event sponsors for every meal and panel discussion during the two-day event. Our Austin Policy Primer series continued to draw a packed house, and we took the show on the road with post-session Primers in Midland, San Antonio, Dallas, and Houston featuring our own policy team.

In 2007, we had a banner year for the Foundation's communications and media efforts. It seems that each month brings a new record for unique visitors to the Foundation's website ([www.texaspolicy.com](http://www.texaspolicy.com)). Chances are that you have read a Foundation commentary in your local paper, or heard us on your local talk radio station, as we set new records for our media coverage in 2007 and saw the impact of our work in some of the nation's top publications, including *Forbes* and the *Wall Street Journal*. And if you haven't listened to our PolicyCast recordings lately, join the approximately 35,000 people who have downloaded our weekly podcast over the last five months.

Even as we list all of these accomplishments, we recognize that our work is not far from complete. Indeed, there are more opportunities to promote freedom and liberty and Texas should be at the forefront of those efforts. To meet these new and ongoing challenges, the Foundation will continue to deliver timely research and policy recommendations to the Texas Legislature, and look for new ways to communicate these ideas with lawmakers and the public.

Early in 2008, I'll have some exciting news about the Foundation's continued growth as we prepare for the 2009 legislative session. In the mean time, I hope you will make plans to join us for the *6th Annual Policy Orientation for the Texas Legislature* in Austin on January 9 and 10, 2008.

We are blessed to live in a state like Texas and we take seriously our obligation and your trust to be champions for freedom at every turn! ★



Brooke Rollins  
President



Brooke Rollins, President

**Energy and the Environment**, from page 1

Environmental Regulation.

Special guest panelists included:

- **Joel Schwartz**, Visiting Fellow at the American Enterprise Institute;
- **Myron Ebell**, Director of Energy and Global Warming Policy at the Competitive Enterprise Institute; and
- **Kathleen Hartnett-White**, former Chair of the Texas Commission on Environmental Quality.

In his presentation during the panel discussion, Joel Schwartz pointed out that the debate over new power plants in Texas is based on false premises perpetuated by environmentalists and their media allies with the mistaken impression that building new coal-fired power plants necessarily means more air pollution.

Instead, as Schwartz demonstrated,

“Texas’ air quality has vastly improved over the last 30 years, despite media reports to the contrary.”



steady advances in technology are decoupling fossil-fuel energy and air pollution. According to Schwartz, it is because of this new technology that air pollution continues to reach new record lows and power plant emissions continue to drop in Texas and the nation.

“Opponents of inexpensive energy have created a false dichotomy,” said Schwartz. “They would have Texans believe that more fossil-fuel energy, and particularly more coal-based ener-

gy, necessarily means more air pollution. This hasn’t been true in the past, and it will not be true in the future.”

Texas already meets federal health standards for most air pollutants, explained Schwartz. “The entire state meets federal standards for sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), and lead—in all cases with plenty of room to spare. The key remaining air pollution challenge for Dallas-Fort Worth and other Texas metro areas is ozone.”

“In reality, Texans already have air that’s safe to breathe,” concluded Schwartz. “Texas air quality has vastly improved over the last 30 years, despite media reports to the contrary.”

Myron Ebell, Director of Energy and Global Warming Policy at the Competitive Enterprise Institute, discussed some misconceptions and distortions in the global warming debate, particularly outlandish predictions and overstated effects of climate change. He also discussed the major lifestyle changes everyone would have to make in order to have even a small effect on global climate change and contended



Kathleen Hartnett-White, former Chair of the Texas Commission on Environmental Quality speaks from the podium while panelists Joel Schwartz, American Enterprise Institute and Myron Ebell, Competitive Enterprise Institute look on.




Representative Dennis Bonnen, Chairman of the House Committee on Environmental Regulation gives the keynote address at the sold-out Policy Primer in Houston.

the public is—and will continue to be—unwilling to make these changes. Ebell pointed out the direct correlation between emissions and economic growth, the failure of the Kyoto Protocol, and the United States’ success in controlling its emissions better than Kyoto signatories.

Kathleen Hartnett-White, former chair of the Texas Commission on Environmental Quality, explained how Texas continues to be successful in reducing air pollution, but noted how difficult it will be to meet federal CO<sub>2</sub>-reduction mandates, should they be implemented.

White expressed concern about the role politics are playing in discussions about climate change and air pollution, cautioning that, “questionable or inaccurate computer models should not be the main factor in policymaking.” In his luncheon keynote address, Representative Dennis Bonnen (R), of Angleton, stressed the importance of spreading the positive message of the job Texas has

done in the area of clean air. He also spoke of his recent conversation with MIT professor Richard Lindzen, arguably the United States’ most renowned atmospheric scientist and a leading figure in the climate change arena. Lindzen discussed the lack of scientific consensus on global warming and many of the misconceptions and distortions in the climate change debate.

In 2008, the Texas Public Policy Foundation will launch its Center for Natural Resources in our continued effort to focus Texas policymakers on creating smart environmental policies that will benefit the environment, while also benefiting Texas’ robust economy. 

**All of the Foundation’s commentaries and publications on energy and environmental issues can be found on our website at:**  
**[www.TexasPolicy.com](http://www.TexasPolicy.com).**



Bill Peacock, Vice President of Administration and Director of the Center for Economic Freedom with Foundation board member and former Texas Secretary of State, George W. Strake, Jr., of Houston.

## Math & Science Reform Agenda

*Foundation examines the math and science skills deficit in Texas public schools*



Dr. Ray Glynn, Associate Commissioner of Educator Quality and Standards at the Texas Education Agency answers a question at the Policy Primer, Solving the Math and Science Teacher Crisis. Other panelists Don Van Slyke, a retired IBM manager; Sandi Jacobs, Vice President of Policy at the National Council for Teacher Quality; and Dr. Ed Fuller, Senior Research Associate at the University of Texas look on.

**S**tagnant SAT and ACT scores, low math and science performance in international comparisons, and embarrassingly high numbers of high school graduates needing remedial help in college plague public schools in Texas and in states across the country. Such rankings and records are usually accompanied by increases in education funding, yet these increases have not been accompanied by commensurate increases in performance.

For two years, researchers at the Texas Public Policy Foundation have examined the math and science skills deficit in Texas public schools and published a series of papers and commentaries on that topic. Our research has identified the shortfalls in math and science education, pointed to solutions such

as an improved curriculum and more streamlined paths to the teaching field, and culminated in a major research paper examining the best practices of schools with high student achievement in math and science.

The following recommendations are the complete results of our research.

### Reform Teacher Certification

- Create a true alternative certification program for qualified professionals with college degrees and significant industry experience.
- Give principals the flexibility to waive certain state certification requirements without penalty, especially in shortage areas like math and science.

### Make Teacher Pay More Competitive

- State lawmakers should abolish the rigid statewide minimum salary schedule.
- School officials should pay teachers using a market-based system rather than an inflexible pay scale.
- To attract and retain teachers in the shortage areas of math and science, school district administrators should compensate these teachers with hiring bonuses and yearly shortage stipends.

### Evaluate and Reward Teacher Excellence

- School districts should measure the quality of math and science teachers every year with an annual evaluation.
- To keep excellent teachers in the classroom, school districts should reward them accordingly.

### Ensure Rigorous Math and Science Courses, Exams, and Graduation Requirements

- Encourage math, science, and career and technology education teachers to work together to integrate academics into revised TEKS, add rigor to career and technology courses and develop new advanced CTE courses.
- Encourage students to take math and science courses every year in high school.

- Ensure all math and science exams are rigorous and well-designed to test the mastery of skills, not just content.
- Ensure that a high school diploma equals post-secondary readiness in math and science.

### Increase Student Access to a Variety of Non-Traditional Math and Science Programs

- Encourage and provide incentives for schools to offer a variety of rigorous math and science courses and electives or to start a math or science magnet program.
- Increase school choice by removing regulations on charter schools.

### Replicate Best Practices of High Performing Schools


- Consider raising class sizes in order to increase teacher salaries and decrease teacher shortages in math and science.

- Minimize TAKS infringement on classroom time by focusing TAKS preparation on low-performing students and holding remediation outside of the regular classroom.
- Consider offering incentives for successful participation in Ad-

vanced Placement (AP) and International Baccalaureate (IB) tests.

- Focus financial resources on instruction.
- Utilize student data.
- Engage parents with frequent communication from teachers.

While overall math and science performance in Texas is lackluster, students in several high schools are achieving great success in math and science. As policymakers aim to improve math and science performance throughout the state, these schools should serve as a model for best practices in math and science education.

These best practices can be implemented by school leadership immediately without any legislation required. Of course, these results also highlight a path to improving math and science education in Texas for policymakers interested in using best practices to guide public policy decisions. 



Brooke Dollens Terry discusses math/science issues with legislative staff at a briefing held at the Foundation's office in October.



Edna Butts, staff of State Senator Kirk Watson (D), Beau Tyler, research assistant with the Foundation, and Ryan Franklin, staff on the Senate Education Committee listen to the discussion over the math and science reform agenda policy recommendations at a briefing held at the Foundation office.

## Board Spotlight

### Meet the Chairman, Dr. Wendy Lee Gramm



Dr. Wendy Lee Gramm, Chairman of the Board of the Texas Public Policy Foundation.

History has a way of repeating itself. This was never more evident than on October 30th at the Texas Public Policy Foundation's board meeting when Dr. Wendy Lee Gramm was elected, once again, to the position of board chairman.

Dr. Gramm previously chaired the Foundation's volunteer board of directors from 1999 until 2004. She succeeds Houston businessman William McMinn, who served as chairman for the last three years.

Dr. Gramm served as chairman of the U.S. Commodity Futures Trading Commission from 1988-1993. She was Administrator for Information and Regulatory Affairs at the Office of Management and Budget from 1985-1988, the executive director of the Presidential Task Force on Regulatory Relief, and director of the Federal Trade Commission's Bureau of Economics. Dr. Gramm was on the research staff of the Institute for Defense Analysis.

Dr. Gramm recently concluded a six-year term on the Board of Regents of the Texas A&M University System, where she chaired the Committee on Academic and Student Affairs. She started her economics career at Texas A&M University, where she taught economics for more than 8 years.

We recently visited with Dr. Gramm, a distinguished economist and advocate for the free market system. This is an excerpt from that discussion.



**Obviously, the Foundation is a powerful voice for free markets—a fundamental principle for which you have been a strong advocate during your career as an economist and as a policymaker. How do you explain why free markets are important and their superiority over other competing ideas?**

The free enterprise system is important because it recognizes something very important: people are different. People have different tastes, values, and life situations and they are ultimately the best judge of what decisions are best for them and their families.

The system of voluntary exchange is about freedom. Along with freedom is personal responsibility. People are free to

choose what is best for them—they are personally responsible for those choices—and it is that freedom to choose that ultimately gives people the power to succeed.

**We know you feel strongly about the states acting as incubators for innovation and as leaders in public policy. Tell us a little bit about why you think this is important.**

Most importantly, I believe that local—or state—control in public policy was the vision of our Founding Fathers. Our founders formed state governments that would be close and accountable to their citizens, and allowed people to choose with their feet about the type of government they desired.

In addition, just as individuals differ in their needs and situations, so do the states. State and local agencies are best suited to meet the needs of their citizens. With greater flexibility and control at the local level, states are free to serve as the “laboratories of experimentation” the Founding Fathers envisioned.

**What role do you think the Foundation plays in shaping policy at a state level?**

TPPF is so important in shaping public policy at the state level because many people believe in free market ideas—and the liberty and freedom that is central to this type of system—but many do not know how to put these ideas into action. The Foundation helps to gather, research, and disseminate free market ideas to the policymakers so they have the necessary tools at hand to implement state policies that best meets the needs of all Texans. We provide state-

specific analysis using high-quality, academic research to move ideas into actions that help make Texas a better place to work and live.


**You had the privilege of working in Washington DC as part of the Reagan and Bush administrations. Those were important economic times for the country and for the world. What are the important lessons we learned in those years that people should keep in mind today?**

The most important lesson from that era is that free market systems work! Milton Friedman was absolutely right when he argued for the benefits of free markets and individual liberty. The fall of communism during that time was a perfect example of the failure of central planning and a new hope for freedom.

Personally, I learned that power corrupts. Power can cloud the vision of lawmakers, and they lose sight of the sound conservative principles this country was founded on.

Centralized government decision-making produces waste and inefficiency—causing harm to the economy and affecting the lives of people.

**The Foundation has been a champion for reining in state spending and fighting calls to raise taxes so the state can spend more money on various programs and services. Why do you think limiting the growth and scope of government is so important, and what are the consequences of taking a different route—one with more spending and higher taxes?**

Limiting the scope and growth of government is critical to the health of the American economy and the happiness of its people. Low taxes and limited government are the keys to economic freedom and prosperity. When government makes decisions for the people—stripping away individual freedom, liberty, and personal responsibility—the economy is made weaker and individual prosperity suffers. 

## Become a Supporter... of the Texas Public Policy Foundation

**YES!** I want to help Texas policy leaders by funding the development of comprehensive, critical research that addresses the state's most pressing issues. I am joining at the following annual level:

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| <input type="checkbox"/> Liberty Circle: \$500-\$999          | <input type="checkbox"/> Founder's Circle: \$25,000 and above |
| <input type="checkbox"/> Leadership Council:* \$1,000-\$2,499 |   |

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In the News... Foundation's Drew Thornley in the Houston Chronicle

# HOUSTON★CHRONICLE

## Tort reform the right cure for Texas' doctor shortage 2003 law has made state an attractive place for M.D.s

By DREW THORNLEY  
Copyright 2007 Houston Chronicle

Basic economics teaches that imposing higher costs and burdensome regulations on businesses leads to fewer businesses and higher costs for consumers.

The opposite is also true: Lower costs and fewer restrictions in a marketplace will lead to more market participants, greater supply, and lower prices for consumers. Texas' medical malpractice insurance industry provides a clear example of this principle.

In the spring of 2003, the Texas Legislature passed medical liability reforms, subsequently approved by Texans via constitutional amendment.

Prior to the reforms, Texas presented a hostile climate for medical practitioners. Frequent lawsuits against physicians and hospitals and escalating jury awards to plaintiffs drove doctors and insurers from the state, leading to physician shortages and higher costs for both doctors and patients.

Frivolous medical malpractice lawsuits were rampant. Even though 85 percent of these suits failed, doctors paid tens of thousands of dollars to defend against them.

This, of course, was bad for patients, as increased litigation means less time and money on actual patient care.

Between 1996 and 2000, one of four Texas doctors was sued. In the 10 years following 1989, the average medical malpractice verdict skyrocketed from \$472,982 to \$2,048,541. The percentage of such awards attributable to noneconomic damages, which are intangible injuries like pain and suffering, increased from 35.7 percent to 65.6 percent. Between 2000 and 2003, 13 of the state's 17 medical insurance carriers pulled out of Texas.

Fortunately for doctors and patients, the reforms passed by the Legislature and approved by the voters capped medical malpractice noneconomic jury awards at \$250,000. For death-related cases, economic damages were capped at \$1.6 million. The reforms also created stricter requirements for expert testimony and a tougher negligence standard for emergency medical cases.

Over the past four years, doctors and insurers have returned in droves, premiums are falling, and health care is more available and affordable.

The Pacific Research Institute's "U.S. Tort Liability In-

dex: 2006 Report," an analysis of the tort systems of all 50 states, found that Texas has the best overall tort climate, ranking highest in categories measuring financial losses linked to frivolous lawsuits. Though the study gave the lowest possible marks to Texas in several categories, including the number of counties characterized as "judicial hellholes," the overall tort climate in Texas is increasingly favorable to physicians, insurers and patients.

Pre-reform, medical malpractice rates were rising 15 percent to 20 percent per year; post-reform, rates have fallen almost 40 percent. Texas Medical Liability Trust, the state's largest medical malpractice insurance carrier, has reduced rates the last five years, with a cumulative 31 percent rate reduction and about \$200 million in premium savings.

In May 2003, there were 35,723 in-state medical doctors. Today, there are 6,000 more. The number of doctors is up 52 percent in San Antonio, 51 percent in El Paso and 46 percent in Houston. The backlog of applications at the Texas Board of Medical Examiners exceeds 2,500. Doctors view Texas as an attractive place to practice.

Moreover, at the time of the reforms, much of the state did not have certain specialists. For example, more than 150 counties lacked obstetricians. However, since the passage of Proposition 12, Texas added 195 ob/gyns, 169 orthopedic surgeons, 554 anesthesiologists, 497 emergency medicine physicians, 110 neurologists and 36 neurosurgeons.

Though there is much room for improvement, Texas is showing the rest of the country what happens when doctors are freer to practice their trade and less encumbered by frivolous lawsuits and runaway juries.

Credit the Texas Legislature and Texas voters for making the necessary malpractice changes that have expanded health care and lowered prices.

Unless Texas turns its back on the successes of its reforms, the tort system, and thus the people of Texas, will continue to be healthier by the day.

*Thornley is an economic freedom policy analyst at the Texas Public Policy Foundation, a nonprofit, free-market research institute based in Austin. He can be e-mailed at [dthornley@texaspolicy.com](mailto:dthornley@texaspolicy.com)*

# 6th Annual Policy Orientation for the Texas Legislature

January 9 & 10, 2008 at the Sheraton Austin Hotel

## Wednesday, January 9, 2008

1:30 Kickoff Keynote Address

### 2:00-3:15 PANEL SESSION I

- Regulations on Private Health Insurance
- Tort Reform: Judicial Restructuring

### 3:30-4:45 PANEL SESSION II

- Competition in Health Care Delivery
- Energy and the Environment

### 5:00-6:15 PANEL SESSION III

- Evaluating Cost and Quality in Higher Education
- Modernizing the Texas Insurance Market

6:15 Dinner and Keynote Address by Gov. Mark Sanford, South Carolina

## Thursday, January 10, 2008

8:30 VIP Breakfast with Special Guest Dr. Arthur Laffer  
Exclusive to legislators, sponsors, and their guests

### 9:30-11:00 PANEL SESSION IV

- Immigration & Citizenship
- Budget and Spending Transparency

11:15-12:00 Plenary Session with Michael Ramirez,  
*Investor's Business Daily*

12:15 Lunch Buffet and Keynote  
Address by Dr. Arthur Laffer

### 2:00-3:15 PANEL SESSION V

- Do Public Schools Need Reform?
- Eminent Domain: Finishing What We Started

### 3:30-4:45 PANEL SESSION VI

- Bilingual Education
- Privatization
- Empowering and Restoring  
Crime Victims and Communities

### 5:00-6:15 PANEL SESSION VII

- Tax Reform and the New Business Tax
- A Mid-Term Report on 80th Session Juvenile and Adult  
Criminal Justice Reforms

6:15 VIP Reception

Exclusive to legislators, sponsors, and their guests

7:00 Closing Dinner and Keynote Address by  
Gov. Rick Perry



Register today at  
[www.TexasPolicy.com](http://www.TexasPolicy.com)

## Foundation Profile

*Greg Sindelar, Director of Operations*

**G**reg Sindelar is the Director of Operations of the Texas Public Policy Foundation. He joined the Foundation in August of 2007.


Prior to joining the Foundation, he worked for GEICO Insurance in Washington, DC as an Internet Business Analyst. While there he assisted in the development and implementation of various applications on their internal and external internet sites. He also obtained Lean Six Sigma Green Belt training.

Prior to moving to Washington, Greg worked in GEICO's Dallas office where he started upon his graduation from Texas A&M University with a BBA in Finance.

While in college, Greg interned for the FDIC in Washington. He worked in their Financial Information Processing Control Unit where he worked on reconciling many of their financial applications and assisted in the development of another.



Greg Sindelar

Greg grew up in the Dallas-Fort Worth area and attended Colleyville Heritage High School. He lives in Austin and is enjoying all of the activities the city has to offer. 



## 6th Annual Policy Orientation for the Texas Legislature

January 9 & 10, 2008  
Sheraton Austin Hotel  
Austin, Texas

Mark your calendars today! You won't want to miss the premier policy event of the year taking place this January 9 & 10, 2008. The *6th Annual Policy Orientation for the Texas Legislature* is a must-attend policy symposium bringing together legislators, policy experts, and the public to address the most critical issues facing the 81st Legislature.

Join the many experts and policymakers who will frame the debate on the issues impacting the future of the Lone Star State. See the two-day agenda on page 11 of this issue.

Register today at [www.TexasPolicy.com](http://www.TexasPolicy.com).

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